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# Women's Reserved Seats in Bangladesh: A Systemic Analysis of Meaningful Representation



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## List of Acronyms

<b>AL</b>	Awami League
<b>BDT</b>	Bangladesh Taka
<b>BESA</b>	Bangladesh Election Support Activity
<b>BNP</b>	Bangladesh Nationalist Party
<b>CEC</b>	Chief Election Commissioner
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEPPS</b>	Consortium for Elections and Political Processes Strengthening
<b>CSO</b>	Civil Society Organization
<b>DI</b>	Democracy International
<b>ECB</b>	Election Commission of Bangladesh
<b>FPTP</b>	First-past-the-post (electoral system)
<b>MMP</b>	Mixed member proportional (electoral system)
<b>MP</b>	Member of Parliament
<b>NGO</b>	Non-Governmental Organization
<b>PR</b>	Proportional representation (electoral system)
<b>RPO</b>	Representation of the People Order (election law)
<b>SHUJAN</b>	Shushashoner Jonno Nagorik (Citizens for Good Governance, local NGO)
<b>STV</b>	Single transferable vote (electoral system)
<b>TSM</b>	Temporary special measure
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UP</b>	Union Parishad (council)
<b>UZ</b>	Upazila (sub-district)
<b>VR</b>	Voter Registration



## Acknowledgments

This paper is the result of conversations with many electoral stakeholders. I would like to acknowledge the contributions and support of Sarah Bibler, Mohammed Shahedunnabi Chowdhury, Prof. Jørgen Elklit, Jessica Huber, Alistair Legge, Prof. Badiul Alam Majumdar, Vasu Mohan, Dr. Andrew Reynolds, Megan Ritchie, and Juliette Schmidt. The reviews provided an invaluable check on the quality of the work from both a Bangladeshi and international perspective.

## Introduction

There are currently four separate and different reserved seat systems for women at three levels of government in Bangladesh, and they produce different gender equality outcomes. This paper examines these systems in detail, provides an overview of gender-based challenges women elected representatives face in both general and reserved seats, and provides a summary of suggested improvements to the current systems as well as options for alternative systems.

The key issues detailed below are based on a desk review of domestic and international literature and relevant legislation, a close examination of the current reserved seat systems, as well as discussions with electoral stakeholders. It is hoped that this work will lead to further research (especially in the field), positively contribute to debate surrounding reserved seats and meaningful representation, and help legislators and practitioners design and adopt effective measures to ensure greater gender equality outcomes in elected government.

## Limitations of the Study

The focus of this paper is on the actual reserved seat *systems* in Bangladesh and issues stemming directly from these systems. There is less emphasis on broader political, socio-cultural and religious factors that may be inhibiting women's meaningful participation, or the positive effects of reserved seats on women's numerical representation (aside from brief mentions in the "advantages" sections of the reform options), as these topics have been covered in other literature on women's participation and representation in Bangladesh.<sup>1</sup>

The scope of this paper ranges from local government to the national level; as such, it would greatly benefit from additional research and interviews with both women and men at all levels of elected government.

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<sup>1</sup> See, for example, DemocracyWatch (2009). A Survey on Representation and Violence against Women in Politics in Bangladesh and DemocracyWatch (2003). Women Representation at the Jatiya Sangsad: An Opinion Survey. Khan, Md. Mostafizur Rahman and Ara, Fardaus (2006). Women, Participation And Empowerment In Local Government: Bangladesh Union Parishad Perspective, Asian Affairs, Vol. 29, No. 1 :73-00, January-March, 2006, p. 86.

## Background

In Bangladesh, there is broad consensus that women's political participation is necessary for both the democratic development of the country as well as women's empowerment.<sup>2</sup> Indeed, Bangladesh has demonstrated some success in increasing the number of elected female representatives over the years. To encourage women's political representation, Bangladesh has instituted temporary special measures (TSMs) that reserve a certain number of seats for women at all levels of government<sup>3</sup> – national and sub-national.<sup>4</sup>

This practice is in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Bangladesh in 1984, which specifies that “these types of measures shall not be considered discrimination as defined in the present Convention.” CEDAW and other international agreements have institutionalized and elevated TSMs out of the now widely-held belief that increasing the number of women representatives can have far-reaching, positive effects for gender equality and society as a whole. These benefits include that women legislators may be more likely to champion priorities that are traditionally shared by different women across groups, and that the presence of women in high-profile positions may have a role-modeling effect for other women, girls, men and boys, as women's representation shifts from the exception to the norm. The TSMs are not intended to be permanent; they are in place until such time that women's representation can be deemed adequate<sup>5</sup> without the assistance of special measures.

Bangladesh first introduced a quota for women in the 1972 constitution for a period of 10 years, with 15 seats reserved for women in addition to the 300 general seats. In 1979, a constitutional amendment increased the number of women's reserved seats to 30 for a total period of 15 years. This amendment expired in 1987, and as a result, there were no reserved seats in the subsequent election. The 10th amendment to the constitution in 1990 included a new provision of 30 seats for 10 years, which ended in 2000. In the eighth parliament elected in 2001 there was no quota for women, but it passed the 14th amendment to the constitution, which guaranteed 45 seats for women for a period of 10 years. This was increased to 50 seats with the 15th amendment in 2011. The period of 10 years expires prior to the next scheduled general election in 2019.<sup>6</sup>

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<sup>2</sup> Khondker, Rokhsana et al. (2013). Empowering Women Through Reserved Seats in Parliament: Fight or Flight Response? Khan Foundation, p.59.

<sup>3</sup> The variation in the size of the quotas for reserved seats for different tiers of government may be due to the lack of specificity in the constitution or any other mother law governing all tiers of government regarding women's reserved seats (except for parliamentary seats, which is set at 50).

<sup>4</sup> District (Zila) Council elections have never been held to date.

<sup>5</sup> Adequate representation in terms of “critical mass” see Dahlerup, Drude. (1988). [From a Small to a Large Minority Women in Scandinavian Politics](#). *Scandinavian Political Studies*, 11 (4), p. 275,

<sup>6</sup> Government of Bangladesh (1972). The Constitution of the People's Republic of Bangladesh (and subsequent amendments). [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367)

Similarly, there are legal provisions for reserved seats in local government. For example, at the Union Council level, they have been in place since 1976, with direct election to reserved seats introduced in 1997.

In addition to numerical representation mostly guaranteed by reserved seats, there are also some prominent women – both now and in the past – who occupy the highest offices in the country. The current Prime Minister, the Leader of the Opposition, the Speaker of the House, and the Chairperson of the second largest party are all women.

#### **Critical Mass: Quota Measures in Rwanda**

By applying different gender measures to its various governing bodies, Rwanda has achieved the highest proportion of women in Parliament worldwide.

At the national level, Rwanda's bicameral Parliament consists of a 26-member Senate and 80-member House of Deputies. In the Senate, 12 of the members are selected through provincial and sectoral councils, eight appointed by the President, and the remaining six by national universities and other bodies. Since the constitution mandates that women make up 30 percent of the Senate seats, the presidential appointments can help bridge the gap to reach the 30 percent requirement. Rwanda's Chamber of Deputies is selected through a combination of directly elected proportional representation system (53 seats) and reserved seats (27 seats). Of the 27 reserved seats, 24 are contested in women-only elections in each of the provinces.

Although Rwanda's constitution and electoral laws mandate (only) a 30 percent quota for women in all governing bodies, its multiple TSM systems – in which women can be directly elected through a closed-list PR system in addition to the reserved seats through appointment and women-only ballots – has resulted in a 64 percent rate of representation at the national level. Taken together, quota provisions applied to different electoral systems outlined above have contributed to Rwanda's unparalleled rate of women's representation.

Source: Powley, Elizabeth. (2005). [Rwanda: Women Hold Up Half the Parliament](#). *International IDEA*.

However, aside from these few prominent women leaders – many of whom gained their positions after their male relatives were no longer available for office – the number of female representatives elected to general seats in Bangladesh remains persistently low, due to the many obstacles they face in securing nominations and getting elected to general seats. In addition, this paper argues that the current reserved seats systems may have contributed to tokenism of women representatives and further marginalization due to, among other factors, overlapping mandates and lack of constituencies for women elected through TSMs. This reality underscores that more *meaningful*,<sup>7</sup> as opposed to mere *numerical* representation for women, is a necessary goal. Meaningful representation entails not only an increase in the number of women representatives, but full equality as decision-makers and greater gender equality outcomes in legislation.<sup>8</sup> The third major issue raised in this paper is that the current parliamentary reserved seats system contributes to the

<sup>7</sup> This is also sometimes referred to as “substantive” or “qualitative” representation.

<sup>8</sup> Based on international experience, some scholars argue that numerical representation is a stepping stone towards meaningful representation. See Hopp, Katharina J. (2015). [How Effective are Gender Quotas in Achieving Meaningful Change for Women? A Case Study of Argentina](#). *Interstate - Journal of International Affairs*, 1.

disproportionality of an already disproportional electoral system, due to the fact that the seats are allocated based on first-past-the-post (FPTP) results.

It is therefore necessary to examine the various reserved seats systems and the challenges faced by women candidates and initiate a discussion on women's meaningful representation. To begin with, the current four parallel systems of reserved seats will be examined to explore options for improving the system and to inform advocacy for more meaningful representation for women. Next, there is an analysis of the current state of affairs as it pertains to women candidates and representatives contesting and occupying both general and reserved seats. The last section of the paper focuses on options for reforming the current reserved seat systems to address some of the issues stemming from these systems.

## Current Systems of Reserved Seats

In Bangladesh, women may contest a general seat either by representing a political party if they are awarded a party ticket or as an independent candidate. However, most women run for reserved seats as these are easier for women to contest than general seats.

This section provides an examination of the four different ways that women's reserved seats in Bangladesh are currently filled: one system at the national level, two at the sub-district level, and one at the local level. It is noteworthy that reserved seats are not just applied to each level of government, but that each level actually has a different *system* for filling seats. The descriptions below seek to illustrate the variety of systems through which women's representation has been addressed in Bangladesh, and the many lessons that can be learned about the effectiveness of reserved seats from the parallel existence of these very different systems. Bangladesh can also serve as a case study for other countries, especially those with plurality-majority electoral systems that are contemplating instituting or redesigning reserved seats.

A summary of the four types of reserved seat systems can be found in [Table 2: Comparison of Reserved Seat Systems in Bangladesh](#).

### Parliament

Bangladesh has a FPTP system for general seats in Parliament, and a single transferable vote (STV) system for women's reserved seats based on the number of seats secured by a political party.<sup>9</sup>

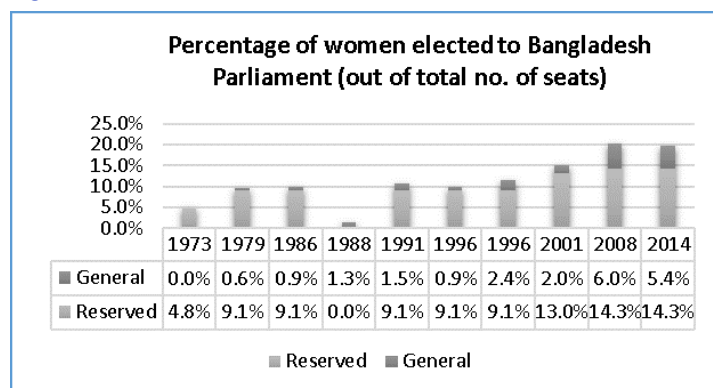
The reservation for women Members of Parliament (MPs) at the national level is 50 seats out of a total of 350 seats, as per the 15th amendment to the Constitution of Bangladesh. The percentage of women's

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<sup>9</sup> First-past-the-post (FPTP) is a plurality-majority electoral system. In FPTP, the winning candidate is the person who wins most votes in a single-member district. STV is a proportional system; in proportional systems, seats are allocated in proportion to the votes secured by each party. For more information about plurality-majority and proportional systems, refer to ACE Project on [Electoral Systems](#).

reserved seats is therefore roughly 14 percent. Some women are elected through general seats as well, bringing the total percentage of women representatives in the 2014 parliament to 20 percent.<sup>10</sup>

**Figure 1: Women in Parliament**



As opposed to the general seats, for which the country is divided into 300 constituencies, the entire country serves as one large multi-member district<sup>11</sup> for reserved seats, with the general seat MPs acting as the electorate. The Election Commission of Bangladesh (ECB) allocates the number of seats to each party in proportion to the general seats won and prepares a voter list for each party

consisting of the general seat MPs for that party. The party presents a list of candidates, with each candidate requiring a proposer and seconder from the same party. If the number of candidates and seats are the same, there is no election and the reserved seats are filled as per the list prepared by party leaders. If there are more candidates than seats for the party, the general seat MPs vote by ranking the candidates in their own party using the aforementioned STV system. If the party nominates fewer candidates than they have seats, the remaining seats can be contested by all parties.

The system is unusual and innovative on paper; however, in practice, the STV system has never been used. The reserved seats in Parliament have never been voted on in Bangladesh because party leaders have nominated only as many candidates as there are available seats for each party. Even if an election for reserved seats were held, it can be argued that the STV used is not a true proportional system, because each voter (MP) votes for candidates within his/her party only, and thus it becomes more of a “personal vote” system.

### Mixed Electoral Systems and Disproportionality – Bangladesh Parliament

In Bangladesh, using FPTP for general seats and a separate tier for reserved seats elected based on a proportional system results in a mixed electoral system of sorts. In some countries, mixed electoral systems have been introduced to try to counteract the effects of disproportionality that may result from a plurality-majority system. One type of mixed system is a mixed-member proportional system (MMP). In this system, a segment of the elected body (roughly half in the cases of Germany, Bolivia, and

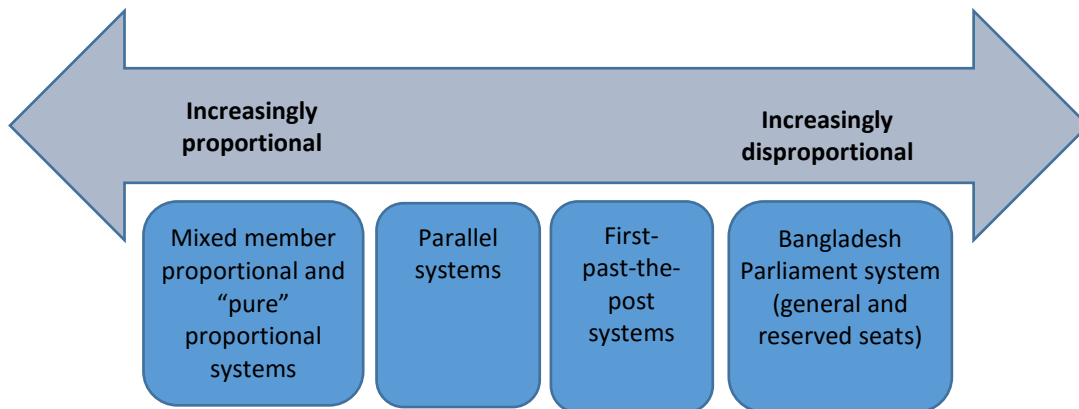
<sup>10</sup> On Election Day (5 January, 2014), 19 women were elected to general seats. Due to the death of one male MP, a by-election was held and a woman (the MP’s widow) was elected to his seat, resulting in 20 women in general seats.

<sup>11</sup> The term “district” is used to denote what is commonly referred to as an “electoral area” or “constituency” in Bangladesh. This should not be confused with the administrative District (Zila) as a sub-national level of government in Bangladesh.

Venezuela) is elected by plurality-majority methods, usually from single-member districts, while the remainder is constituted through a proportional system, where the distribution of proportional seats *compensates for any disproportionality* produced by the plurality-majority seat results. This system should not be confused with the parallel system, in which the same combination of systems is used, but the proportional seat distribution is completely separate from the plurality-majority seat distribution, and thus *does not compensate for the disproportionality* of the plurality/majority results.<sup>12</sup>

Although the reserved seats in Bangladesh are technically allocated using a proportional (STV) system, the tier of reserved seats actually *exaggerates the disproportionality* of results. This is because the reserved seats are allocated in proportion to the percentage of general seats (as opposed to in proportion to the percentage of votes) won by each party in the parliamentary election in a FPTP system. This is different from both MMP, where the proportional tier is used to even out the disproportionality of the plurality-majority tier, and the parallel system, where the proportional tier bears no relation to the plurality-majority tier. Instead, in Bangladesh, the proportional tier of reserved seats is based on the allocation of general seats, which already suffers from disproportionality. This increasing level of disproportionality is illustrated in Figure 2 below.

Figure 2: Electoral systems and proportionality of results



In Bangladesh, elections can be unusually disproportional due to the FPTP system.<sup>13</sup> For example, the 2008 election (the last election contested by both major parties) had a disproportionality index of 29,

<sup>12</sup> ACE project, [Electoral Systems](#).

<sup>13</sup> Although in Bangladesh, FPTP has produced highly disproportionate results, according to [ACE Project](#), “under some circumstances, non-proportional electoral systems (such as FPTP) can accidentally give rise to relatively proportional overall results.”

meaning that the parties whose seat shares exceed their vote shares collectively held 29 percent more seats in Parliament than they would if their share of seats was in exact proportion to their votes received. This disproportionality index of 29 is considered very high.<sup>14</sup> The added over-representation caused by the reserved seats was approximately 7 percent for the Awami League (AL) alliance in the 2008 election, and the under-representation of the Bangladesh Nationalist Party (BNP) alliance was approximately 4 percent.<sup>15</sup> In Pakistan, where a similar system is in place, it is estimated that the reserved seats accounted for approximately 9 percent of the disproportionality of the results of the 2013 election.<sup>16</sup>

The disproportionality of election results – and the resulting “winner takes all” nature of politics – is one of the key drivers of political deadlock in Bangladesh. Women’s reserved seats, which exaggerate this phenomenon, can therefore be used to ensure one party’s complete dominance in Parliament. As such, the problems associated with the current method of assigning reserved seats in response to the FPTP system for general seats in Parliament warrants examination not only from a gender equity point of view, but from a broader political and societal perspective as well.

## Sub-District Councils

The elected leadership of sub-districts (*Upazilas*) in Bangladesh is chosen in two separate ways. In the first instance, a direct FPTP election is held for the Sub-District Council positions of one general seat Chair, one general seat Vice-Chair, and one women’s reserved Vice-Chair seat. All three positions are contested in the same district with the same electorate, but with separate ballots for all three. The percentage of seats reserved for women is one-third, or 33 percent. However, the three positions are not equal, as the Chair has higher status than the two Vice-Chairs. In the 2014 elections, only three women were elected to the general seat Chair position and only one woman to the general seat Vice-Chair position.

In addition to the selection of the Chair and two Vice-Chairs for each sub-district, another method is used to fill general seats on the Sub-District Council. The general seats on the Sub-District Council are filled indirectly by people elected at the lowest level of government – Union Council Chairpersons and Municipality Mayors – who represent their union/municipality in the higher-level Sub-District Council as

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<sup>14</sup> For example, analyzing the 19 most recent general elections in the United Kingdom, the highest disproportionality calculated was 24.1 using the Loosemore-Hanby index, and this was considered very high (see Renwick, A. (June 29, 2015). [Was the 2015 election the most disproportional ever? It depends how you measure it.](#) Retrieved from The Constitution Unit). The disproportionality index of 29 for the Bangladesh 2008 parliamentary election was also calculated using the Loosemore-Hanby index. Similar cases can be found in Tanzania (see Christensen, S. & Bardall, G. (2014). [Gender Quotas in Single Member District Electoral Systems](#), EUI Working Paper no. 2014/104); and Kenya (see Oloo, A. (2010). [Elections, Representation and the New Constitution](#), SID Constitution Working Paper no. 7), where the allocation of reserved seats based on seats won through the FPTP system further privileges larger parties at the expense of minority groups.

<sup>15</sup> Calculated using the Loosemore-Handby index.

<sup>16</sup> Also calculated using the Loosemore-Hanby index of disproportionality, Christensen & Bardall (2014).

*ex officio* members. One seat for every three general seats, or 25 percent of the total number of seats on each council, is reserved for a woman. However, there are too many reserved seat holders at the union/municipality level, and so a mechanism is needed to choose the representatives for the women's reserved seats at the sub-district level.

Reserved seat members are elected indirectly with women members and Councilors from the local government councils (approximately 13,500 people in the 2015 election) serving as the electorate. A multiple, concurrent plurality voting system is used, with the same electorate (all women's union/municipality reserved seat holders in the sub-district) but with separate ballots and districts for each reserved seat. The sub-district is divided into districts with approximately three unions and/or municipalities (*pourashavas*) forming the district for each reserved seat in the Sub-District Council. All reserved seat council members from unions and municipalities in the sub-district can nominate themselves as candidates. The exact number of reserved seats in each Sub-District Council depends on the number of unions and municipalities in the sub-district, with, as noted above, 25 percent of the total number of seats on each council reserved for women.

The electoral system for this election is unusual in that the voter is able to vote in multiple districts – even in ones where they are not from. There are certain weaknesses in the process, for example, the ballot design for this election is confusing to the voters because it uses the same set of symbols for each seat (and there are multiple seats), which resulted in a high number of invalid votes<sup>17</sup> in the inaugural 2015 Sub-District Council reserved seat election. It is also possible that there was an even higher number of mistaken voting (voting for the wrong candidate by accident), which would not necessarily be visible in the results. Furthermore, due to the small number of voters compared to the number of seats, many elections resulted in a tie between the two highest-polling candidates, and the election had to be re-run in 32 sub-districts.

## Local Councils

Elections for the Union, Municipality, and City Corporation Reserved Seat Council Members at the local level are organized using a FPTP system with so-called “super-districts.” This means that three general seat wards are usually combined into one larger district (a super-district) for one women's reserved seat.<sup>18</sup> Each voter casts a ballot for both a general and a women's council seat. The percentage of reserved seats is roughly one-fourth or 25 percent of all council seats. There are currently no reservations in place for Union Council Chair or Municipality/City Corporation Mayor positions, and

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<sup>17</sup> The overall percentage of invalid votes has not been published by the ECB. Calls to the Upazila Election Officers in two upazilas (sub-districts) yielded the following results: 27 percent (12 invalid votes out of a total of 45 votes) in Alamdanga upazila of Chuadanga district and 21 percent (eight invalid votes out of a total of 39 votes) in Baufal upazila of Potukhali district. In Bangladesh, invalid votes for parliamentary elections range between 0.6 percent and 3.3 percent. See International IDEA (2014.) *Voter Turnout Database: Bangladesh*. Accessed at <http://www.idea.int/vt/countryview.cfm?id=20>.

<sup>18</sup> For municipalities and cities, the number of wards per reserved seat may vary slightly.



there are very few general seat female Mayors, union and sub-district Chairwomen, and also very few general seat (as opposed to reserved seat) Councilwomen on the various councils. The numbers of women general seat holders are displayed in Table 1 in the section on [Challenges for General Seat Holders and Contestants](#).

## Quota for Women in Political Parties

The absence of women in decision-making positions is a problem that is not limited to women in elected positions; this is a major issue within the political parties themselves. In order to ensure greater participation of women in political parties and to guarantee their representation in formal political party structures, the electoral law (Representation of People Order [RPO]) requires that 33 percent of all positions in party committees, including the central committees, are reserved for women by 2020.<sup>19</sup> Currently, it is estimated that only 2-4 percent of main party committee posts are occupied by women.<sup>20</sup>

The ECB is required to ensure the implementation of the quota, but no mechanism currently exists to monitor or encourage progress toward the 33 percent goal. Hence, political parties have been very slow to start implementation of this law; not only is it doubtful that the goal will be achieved by 2020, but persistent non-compliance by the ruling party could lead to legislative change at the last minute. It is also possible that, similar to the reserved seat systems, the quota will be filled numerically but without meaningful representation for women. Despite the fact that the law requires the ECB to withhold registration for non-compliant parties, the ECB has not clearly outlined the process for assessing compliance in 2020.

## Women's Representation – General and Reserved Seats

After the 2014 parliamentary election in Bangladesh,<sup>21</sup> there are 50 reserved seats and 20 general seats that are filled by women, resulting in 70 women out of 350 members of Parliament (20%). Based on these numbers, Bangladesh ranks 73rd for proportion of female representation in Parliament worldwide, and fourth among the eight South Asian countries.<sup>22</sup>

This level of representation is not insignificant, and as [Table 2: Comparison of Reserved Seat Systems in Bangladesh](#) shows, the numerical representation of women is mostly due to the very effective reserved seat systems in Bangladesh. The resultant role-modeling effect and normalization of the idea of women

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<sup>19</sup> The Representation of the People (Amendment) Order Act 2009, “any political party desiring to be registered with the Commission shall have the following specific provisions in its constitution, namely: (ii) to fix the goal of reserving at least 33 per cent of all committee positions for women including the central committee and successively achieving this goal by the year 2020.” (Chapter VIA, 90B [b]).

<sup>20</sup> No statistics are available, but this is the estimate of Democracy International (DI). DI's Democratic Participation and Reform program supports political parties in achieving the goal of 33 percent women in committees in Bangladesh.

<sup>21</sup> This election was boycotted by the BNP-led 20-Party Alliance.

<sup>22</sup> International Parliamentary Union (September 2015). “[Women in National Parliaments](#).”

in political life has been well received by the general public in Bangladesh,<sup>23</sup> which is very encouraging. However, despite the systems being effective in increasing numerical representation, many challenges remain for women, both due to the reserved seats systems and the current electoral system as whole.

The experiences of women candidates and the challenges they face differ to an extent depending on whether they contest a general seat or are included in a reserved seat. The social, economic, and cultural barriers that can contribute to women's persistent underrepresentation in politics have been widely documented in other studies and assessments. In Bangladesh, as in other countries, women's relative lack of financial resources; higher rates of time poverty due to caregiving responsibilities; absence of legal documentation; physical restrictions on movement; lower rates of literacy and education; and gender-specific safety concerns, among others, all impact political participation.

The analysis below focuses on the specific challenges women face in contesting and occupying general seats and reserved seats due to issues related to these systems. For reserved seats, because the systems vary between the different levels of government, the experiences of women candidates and representatives also vary based on the reserved seat system used. It is worth noting that although elections below the national level have not technically been political party elections (until late 2015, when party-based local government elections were introduced in advance of the 2015 municipality election), for all practical purposes, political parties are involved in backing candidates at lower levels of government almost to the same extent as with national elections.

## Challenges for General Seat Holders and Contestants

Many of the challenges identified by women attempting to contest general seats stem from the patriarchal culture of Bangladesh, which affects women at home, in political parties and in society at large. It is worth noting that of the women that do succeed in winning general seats – such as Sheikh Hasina and Khaleda Zia – many were prominent figures in Bangladesh even before running for office. Due to class and position, they are sometimes exempt from the challenges identified below. However, it is clear that the number of women in general seats is very low (see Table 1 below), due to the obstacles encountered by women candidates, potential candidates, and elected representatives that are discussed in further detail in this section.

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<sup>23</sup> See Khondker et al. (2013) p. 59 and DemocracyWatch (2003) p. 11.

**Table 1: Number of women general seat holders at all levels of government<sup>24</sup>**

General Seat Position	No. of women in general seats	Total no. of general seats	Percentage of women in general seats
Member of Parliament	20	300	6.7%
Sub-District Chair	3	483	0.6%
Sub-District Vice-Chair	1	483	0.2%
City Corporation Mayor	1	9	11.1%
City Corporation Councilor <sup>25</sup>	0	134	0.0%
Municipality Mayor	3	234	1.3%
Municipality Councilor	7	2,202	0.3%
Union Council Chair	27	4,534	0.6%
Union Councilor	45	40,806	0.1%

### Lack of Financial Resources

In a broad sense, candidates at every level of government come overwhelmingly from a specific pool of individuals: wealthy business people, senior professionals and civil society leaders, among others. In this pool, women are not present in high enough numbers, and as such, they are rarely able to become credible candidates.

Campaigning in Bangladesh can be expensive due to the importance of physically mobilizing and motivating large numbers of supporters, especially at the parliamentary level where constituencies contain on average approximately 300,000 voters. Women in general do not have the same financial resources as men. Even if they do have the economic means, women are often not in control of their own or their family's finances and are therefore restricted in their spending, making it more difficult for them to even contemplate running for office.

Since money is essential to advancing within a party, securing party tickets, and running an election campaign on the scale necessary to win an elected position, the lack of economic resources or control over those resources often prevents women from entering into mainstream politics. This is very pronounced in single-member constituencies, which require large campaigns by individual candidates.

Women's lack of access to financial resources is also a factor with political parties demanding financial contributions from aspiring candidates. In fact, AL insiders admit that most of AL's revenue comes from selling nomination papers for general and reserved seats, which amounted to almost BDT 65 million in 2013.<sup>26</sup> The situation is no better for independent candidates who, despite not having to account for the

<sup>24</sup> Table of women general seat contestants and holders, provided by the ECB Secretariat to IFES on October 23, 2015.

<sup>25</sup> Statistics available for the 2015 Dhaka North and South and Chittagong City Corporation elections only.

<sup>26</sup> [AL spent Only Half Its Income Last Year](#) (2014, August 31). *The Daily Star*.

role that money plays in internal political party dynamics, also require significant resources to run a campaign in the absence of any financial support from a political party.

### Existence of Separate Tier of Women's Reserved Seats

As noted above in the analysis of the four reserved seat systems, women's numerical representation in Bangladesh is average for the South-Asian sub-continent and the world in general, due largely to the various TSMs adopted at all levels of Bangladesh's government. However, the reserved seat systems may have the unintended consequence of discouraging women from seeking *general* seats as men – and sometimes women themselves – think women are “covered” by the reserved seat systems. In Bangladesh, the comparatively higher number of women contesting and winning general seats in Parliament may therefore be partially attributed to the smaller quota size than in sub-national government (14% in Parliament as opposed to 25 or 33% at sub-national levels). A similar phenomenon has been observed in Kenya,<sup>27</sup> where there is a separate women-only tier in Parliament.

### Systemic and Entrenched Violence in Politics

Violence in elections and politics is ingrained in Bangladesh.<sup>28</sup> The plurality-majority FPTP electoral system has resulted in very high stakes in each election, with the winner winning everything and the loser losing everything (“winner-takes-all”). Although mass casualties are fortunately rare, there is a persistent violent undertone that permeates the political culture. Women voters, election officials, candidates and representatives all report that they have suffered from intimidation, harassment, and sometimes physical violence due to their political views or electoral behavior.<sup>29</sup> In some extreme instances, as in the case of an Upazila Parishad Vice-Chairwoman who recounted how her sister was murdered by her parents-in-law after voting against their wishes, the violence can escalate to life-threatening levels.<sup>30</sup>

However, even violence by men against men can have an adverse impact on women's representation. In Bangladesh, it is necessary to be able to mobilize both money (as noted above) and “muscle” in order to advance in a political party and gain party backing for candidacy – and as “muscle” consists mostly of young men, women have less access to this segment of the population. Women are also more vulnerable to violence than men, and hence they are reluctant to involve themselves in – let alone build an entire career on – a situation that may attract violent behavior.

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<sup>27</sup> Blyth, Fiona. (2013, March 29). [New Constitution Helps Kenyan Women Gain Traction in Politics](#), *IPI Global Observatory*.

<sup>28</sup> For a detailed review of political violence in Bangladesh since 1991, see Suykens, B. and Islam, A. (2015). *The Distribution of Political Violence in Bangladesh (2002-2013)*. *Ghent University: Conflict Research Group*.

<sup>29</sup> IFES Bangladesh (Forthcoming Spring). *Study on the Effect of Violence on Women's Electoral and Political Participation*.

<sup>30</sup> In-person interview, IFES Bangladesh (Forthcoming Spring 2016).

A final point is that the same violent political culture essentially promotes only one type of political leadership (violent, uncompromising, and hyper-masculine) to emerge in a country. This is due to a vicious cycle where these types of leaders resort to more violence, and violence-prone leadership is needed to counteract the violence from the other side. In such harmful cycles, entrenched and systemic violence serves to “increase support for those elites who provoked the violence while favoring the continuation or escalation of violence.”<sup>31</sup> This entrenchment of one type of leadership not only discourages potential women leaders from elections and politics, but also hampers the emergence of constructive, democratic, inclusive and other alternative types of leadership from both genders.

### First-Past-the-Post Electoral System

Based on international comparisons of electoral systems, it is generally accepted that one of the drawbacks of the FPTP system is that “under FPTP, parties put up the most broadly acceptable candidate in a particular district so as to avoid alienating the majority of electors. [Women] are less likely to be selected as candidates by male-dominated party structures.”<sup>32</sup> Evidence across the world suggests that women are less likely to be elected to Parliament under plurality-majority systems than under PR ones.<sup>33</sup>

Much of the difficulty with getting women elected to general seats in Bangladesh stems from the challenge that female aspirants and candidates must compete directly against all men in the district, including the incumbent, because there is only one seat per district. When the number of seats per district increases, the chance that a party will win several seats in the area increases, and parties are more likely to try to appeal to a broader electoral base by fielding candidates with complementary profiles.

### Relegation of Women to “Unwinnable” Seats

Due to the great advantage of incumbency for any seat, political parties are often reluctant to take the risk of running a woman in a district where there already is a male incumbent in place. These districts become de facto off limits for new candidates, especially women. This is particularly true in a FPTP system, where there is one specific incumbent for every seat.

Furthermore, political parties may fear that due to patriarchal attitudes on the part of voters, women will not be able to secure enough votes to win general seats, so they are hesitant to give them party tickets. If a party refuses to back a woman candidate, she can opt to contest elections as an independent candidate, but she loses the advantage of name-recognition, funds, and access to supporters associated with political party sponsorship.

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<sup>31</sup> Fearon, J. and David L. (2000). [Violence and the Social Construction of Ethnic Identity](#). *International Organization* 54:4. Pg 2.

<sup>32</sup> See ACE Project, [Electoral Systems: First Past the Post – Disadvantages](#).

<sup>33</sup> Matland, R (2005). [Enhancing Women’s Political Participation: Legislative Recruitment and Electoral Systems](#), In *Women in Parliament: Beyond Numbers*. International IDEA, p.100.

## Dependence on Male Family Members

Even when women are able to secure party tickets, they are often dependent on their male family members' support, without which they risk being stigmatized or attacked by their own family or society at large.<sup>34</sup> Given the conservative nature of Bangladeshi society, it is almost impossible for women to travel on their own while campaigning, especially to events with large audiences such as campaign rallies and gatherings. Male family members must often accompany them. Women are also dependent on the male members of the family to cover and manage election expenses since, as mentioned above, men generally control the family's economic resources. The FPTP system with its single-member constituencies requires extensive campaigning by individual candidates, which exacerbates this general problem.

## Misunderstanding of the Roles and Responsibilities of Parliamentarians

There is a general misunderstanding among voters of the roles and responsibilities of Parliamentarians. Voters often have the misperception that Parliamentarians and other elected representatives, not the local government administration, are the ones responsible for development in the constituency or electoral district, including the construction of roads, establishment of healthcare facilities, and settlement of community or personal disputes. To some extent, this confusion about the roles of the legislative and executive branches of government is exacerbated by the existence of constituency development funds at the parliamentary and (in different but comparable ways) the sub-national levels.

Voters' overestimation of the responsibilities of elected representatives, the personalization of politics in single-member constituencies, and the simultaneous belief that a woman would not be equipped to help them settle personal matters at police stations or in the courts, all affect voters' willingness to elect women representatives.

## Challenges for Reserved Seats Holders and Contestants

Since the electoral systems and processes are very different for reserved seats and general seats, women who are nominated for or elected to reserved seats encounter challenges that are significantly different from those faced by their peers in general seats. For reserved seats, the challenges to getting elected are less cultural and societal – given that women's representation is guaranteed regardless of cultural or societal hesitation – and more systemic, stemming instead from the reserved seats systems in place for each level of government. However, women in these elected positions are nevertheless subjected to much of the same cultural and societal prejudice women in general seats face. The discussion regarding challenges to representation as it pertains to reserved seats is therefore even more of an issue of *meaningful* representation, rather than *numerical* representation.

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<sup>34</sup> IFES Bangladesh (Forthcoming Spring 2016).

Intuitively, people in Bangladesh seem to understand that numerical representation does not necessarily translate to influence or empowerment. In a 2013 survey by the Khan Foundation, 65 percent of respondents indicated that it is necessary for women to contest general seats in order to achieve “political empowerment.” This is in contrast to the only 25 percent of respondents who indicated that a greater number of reserved seats would achieve the same goal. Also, only 54 percent of respondents were of the opinion that reserved seat members in Parliament have “played some role” in politics. The people that responded in the negative gave the following reasons: political parties not taking reserved seat holders seriously (50%) and “absence of proper allocation of work area” (42%).<sup>35</sup>

It is important to note that although many criticisms can be made about the various reserved seats systems (see further detail below), some women prefer to contest a reserved seat rather than a general one because of less serious competition and many more available positions, thereby resulting in a lower threshold for women candidates. Some women have also indicated that they believe they have more resources at their disposal as reserved seat members than general seat members.<sup>36</sup> While acknowledging these arguments, it is essential to consider the key challenges that women face in both obtaining and legislating from reserved seats.

### Non-transparent Nomination Process

At the national level in Parliament, parties prepare the lists of women candidates for reserved seats before the election in order of priority, so the first woman on the list will be the first one assigned to a reserved seat if her party earns enough general seats. However, the ECB or the parties do not widely circulate the lists for reserved seats before or after the election, so some candidates and the general public do not have a clear idea of who is on the list, why they are on the list, and in what order.

Since the reserved seats in Parliament are not elected and are instead *de facto* selected (general seat MPs technically comprise the electorate, but the reserved seats have never actually gone to vote),<sup>37</sup> the issues listed below are more pronounced at the national level. They apply to a lesser extent to elections at the lower levels of government where voters have the ultimate say.

### *Disregard for Merit*

Besides standard eligibility requirements for all MPs, there are no criteria by which political parties must abide when nominating women for reserved seats. Party leadership has the sole discretion to decide who should be placed on the list and in what order. The selection process is not necessarily merit-based, resulting in potentially under-qualified and unprepared representatives, which further erode the public’s trust in their female representatives. The issue is not so much the lack of qualifications in terms of

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<sup>35</sup> Khondker et al. (2013). p.69-73.

<sup>36</sup> McDermott, Meg, Participation of Elected Women Representatives in Local Government Institutions of Bangladesh: A Political Economy Analysis (2015), forthcoming.

<sup>37</sup> Confirmed verbally by a senior officer at the Election Commission of Bangladesh, August, 26 2015.

education or professional experience; rather, reserved seat holders often lack political credentials and gravitas.<sup>38</sup>

#### *Undue Influence*

The process is also susceptible to corruption and other undue influence by politically connected family members. Women who have been party workers for a long time are often ignored, and women who have no record of accomplishment with a party, but do have kinship or other relationship ties with party leaders, may be placed at the top of the list.<sup>39</sup> This type of favoritism is demoralizing for both potential candidates and the general public.

#### *Lack of Geographical and Socio-Economic Balance*

Since there are no set criteria for nominating women for reserved seats on the national level, parties can nominate candidates without considering geographical representation. Parties can – and often do – nominate elite women from predominantly urban areas; thus, there are very few female representatives from rural areas and/or diverse socio-economic backgrounds.

#### *Size and Absence of District*

The size of a district (often called “district magnitude”) is significant, as it pertains to the geographical scope and size of constituencies for general and reserved seats, or the lack of a district in the case of the reserved seats in Parliament.

#### *Lack of Constituency*

The benefit of the directly elected general seats in Bangladesh is that a candidate has a clear constituency that supports their election and that can hold the representative accountable if they perform poorly, or reward them if they are responsive and perform well. Unlike general seats, reserved seats in Parliament do not have a specific constituency that the members represent. Instead, the entire country becomes one large district. Nominees for reserved seats are selected by political parties based on how many seats a party secures.

Therefore, women who are put on the party lists for reserved seats do not contest in general elections and do not have citizen constituencies to whom they are accountable. In addition, the reserved seats representatives lack the power base that comes from winning a popular vote. The women in reserved seats are, as a result, beholden to the party leaders instead. A similar type of alienation from constituents has been observed for female and male MPs in South Africa, where the African National

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<sup>38</sup> Khondker et al. (2013). p.47.

<sup>39</sup> Civil society organization Sushasoner Jonno Nagorik (SHUJAN) estimates that one-fourth of candidates for women's reserved seats in 2014 were nominated based on nepotism. See 2014, March 18. [One Fourth Candidates Nominated by Nepotism](#), *Rising BD*.



Congress (ANC) allowed their MPs to self-select an area to “represent” in order to counteract this issue. Unfortunately, the systemic challenges of alienation persist.<sup>40</sup>

One additional consideration is that since they lack a constituency, women in reserved seats are also not allocated the constituency development funds that their general seat counterparts receive, which further weakens their authority and renders them “second-class” MPs. The amount of constituency funds for members of Parliament increased in July 2015 from BDT 30 million per year to BDT 40 million per year, or BDT 200 million (approximately USD \$2.5 million) during the five-year term of an MP.<sup>41</sup>

#### **Overlapping Mandates in Uganda**

In an attempt to increase women’s parliamentary representation, Uganda mandates that 112 out of the 375 constituency representative seats are reserved for women. Under this system, 112 women (one from each district) are elected through a special, women-only ballot, separate from and parallel to the other constituency representatives. As such, multiple representatives represent the same district, with the directly elected seats generally won by men. In the 2011 election, women won only 14 of these 131 directly elected seats.

Some argue that despite increasing women’s numerical representation, this system of parallel, separate, and overlapping representation actually undermines women’s participation. In particular, studies show that few women have been able to successfully run for directly elected constituency seats after holding reserved seats, and many women are sidelined from meaningful decision making as a result of a system that “relegates women to separate spaces.”

Source: Refki, D. et. al. (2014). [Mapping the Substantive Representation of Women in the Ugandan Parliament](#). State University of New York & Nkumba University.

The lack of a constituency is only relevant for reserved seat members in Parliament; all other reserved seat systems in Bangladesh have direct ties to specific geographical areas.

#### *Large District*

For women elected to reserved seats in lower levels of government, the issue is not a lack of a direct connection to a district, but rather the large size of the district. Bangladesh is a country with a large population, a challenging climate, and very little road infrastructure, leading to mobility issues for all citizens. This is particularly pronounced for women for whom movement outside the immediate vicinity of their house can be culturally difficult, and for whom overnight or late night travel is challenging.

Women reserved seat candidates and representatives for local government elections (city, municipality, and union) have districts three times the size of their general seat counterparts. There is no direct comparison at the Sub-District Council level for reserved seat holders versus general seat holders, since there is no election for general seats (Union Council Chairs and Municipality Mayors become *ex officio* members of

the councils). However, the district size for sub-district reserved seats is relatively large, because each seat usually comprises three entire unions or municipalities.

<sup>40</sup> Sibalukhulu, N. (2012, April 20). [SA's electoral system fails the people](#), *Mail and Guardian*.

<sup>41</sup> Announced by the government’s highest policymaking body, the executive committee of the national economic council (Ecne). See (2015, July 7). [Each MP to get Tk20cr for local infrastructures](#). *Prothom Alo*.

A larger district also requires more financial resources to effectively campaign, and women candidates and representatives are already financially disadvantaged in relation to their male peers, as noted above in the General Seats section. It is noteworthy that the ECB has fixed the spending limit of Union Council reserved seat contestants at the same level as general seats – despite the fact that the reserved seat district magnitude is three times larger than a general seat. On the one hand, this may make it more difficult for women to raise the kind of funds needed to effectively campaign in a larger district; on the other hand, reserved seat contestants run a much greater risk of exceeding the legal spending limits.

However, it is also important to note that some women representatives have expressed that they prefer the larger district size, as it extends their influence beyond their home district.<sup>42</sup>

### Overlapping Mandates

All four reserved seat systems in Bangladesh are designed in such a way that there is a separate women-only tier, which results in overlapping mandates for reserved and general seat holders: districts have both a general (almost always male) representative and an additional (female) representative.<sup>43</sup> The danger with this is that the general system could easily function independent of the additional women's reserved seat system, and in practice it often does. In other words, voters, policymakers, and government officials can build relationships, work with, and consult with the (almost always male) general seat representatives and sideline the (female) reserved seat representatives – resulting in de facto “first-class” and “second-class” representatives. Similar cases can be found in other countries, such as Uganda (see “Overlapping Mandates in Uganda” [page 18]).

The role of reserved seats representatives is not clear in the law; the assumption is that they have the same functions as the general seat holders, but in practice this is rarely the case.<sup>44</sup> Voters and other stakeholders may also not fully understand or value the function of the “additional” reserved seat members.

### Tokenism and Discrimination

Women in reserved seats are often perceived to be less legitimate than those elected to general seats, and they may face discrimination from their male, and sometimes female colleagues in general seats. A concrete manifestation of this bias against reserved seat holders is the election of the female party leaders of the two largest parties through general seats rather than reserved seats, because holding a

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<sup>42</sup> McDermott (2015).

<sup>43</sup> In Bangladesh, this has been highlighted by Prof. Badiul Alam Majumdar of SHUJAN. See Majumdar, Badiul A. (2010). Women's participation in parliament: An alternative proposal in *Local Governance and Political Reform*. Agamee Prakashani. p.446.

<sup>44</sup> Interview with Upazila (Sub-District) Election Officer, Gazipur, June 15, 2015.

reserved seat is intrinsically less prestigious than being elected by popular vote to a general seat. Women from reserved seats also rarely hold ministerial positions.<sup>45</sup>

In Parliament, political parties often do not allow reserved seat holders to speak on the floor of the assembly, and their resolutions, questions and suggestions are often ignored. The public also generally views reserved seat holders as “back benchers” who are not very effective in their roles<sup>46</sup> – this is reinforced by the seating arrangements in Parliament, where reserved seat members are relegated to the very back of the assembly hall.

### Indirect Election and Selection

In Bangladesh, women’s reserved seats members are elected directly to Sub-District Vice-Chair positions and Union/Municipality/City Councils. The lack of direct elections for reserved seats to Parliament and Sub-District Councils compromises the democratic mandate of women in elected positions and further distances them from voters. They may also have more difficulty accessing political party activities and structures and building a power base within their party, due to the lack of a voter base.

However, the indirect aspect of elections to reserved seats at the national level is even more pronounced because reserved seat MPs are de facto not elected at all; instead, they are appointed by party leaders to party lists. If the number of candidates and seats are the same, there is no election and the reserved seats are filled as per the list prepared by party leaders. To date, this has always been the case in Bangladesh.

As noted above in the analysis of the Sub-District Council reserved seats system, the indirect election to these councils is challenging because of weaknesses in the process and the lack of clarity of the role of reserved seat Councilwomen. The inaugural election was held very recently (June 15, 2015), so it is difficult to assess the effectiveness of reserved seat Sub-District Councilwomen until more time has passed.

In a survey by Democracywatch in 2003, 78 percent of respondents were in favor of direct election of women’s reserved seats in Parliament through the creation of “special constituencies.”<sup>47</sup>

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<sup>45</sup> Begum Tarana Halim, the first reserved seat member of the current cabinet, was appointed state minister in the July 2015 cabinet reshuffle. Aside from the Prime Minister, the current cabinet has only one full female minister (out of 33) and three lower-ranked female state and deputy ministers (out of 20).

<sup>46</sup> Khondker et al. (2013), p.78.

<sup>47</sup> Democracywatch (2003), p.11

## Ways to Ensure More Meaningful Women's Representation

### **Enforcement of Quotas in the Republic of Serbia**

The adoption of temporary special measures, such as quotas, may not in themselves guarantee women's improved representation. To enforce implementation, Serbia has coupled quota adoption for its proportional representation system with legal and financial penalties for non-compliance.

Following the 2014 election in Serbia, women's representation in the National Assembly stood at 34 percent. Both legislated candidate quotas and enforcement provision contributed to women's electoral gains. Article 40a of the Law on the Election of Members of Parliament, amended in 2011, requires that "for every three candidates on the electoral list there shall be at least one candidate of the under-represented sex on the list." If these conditions are not met, the Republic Electoral Commission has the authority to first demand a revision and, if not addressed, reject the party's list, making parties ineligible either to run in the election or receive state funding.

Source: Mrsevi Z. (2004). Implementing Quotas: Legal Reform and Enforcement in Serbia and Montenegro in *Implementing Quotas: Legal Reform and Enforcement*. International IDEA, Belgrade.

The current systems of reserved seats at different levels of elected government and a political party committee quota are instrumental to having an acceptable level of elected female representatives in Bangladesh. However, the systems that are currently in place often ignore the need to ensure that women's representation is meaningful and effective, and that broader gender equality outcomes are achieved. This is not an easy task, and despite a combination of efforts, it may take decades to reach this goal, given the significant cultural, socio-economic and religious barriers to women's electoral participation and representation.

This paper focuses primarily on systemic issues related to women's representation, and hence the discussion below is broken down into a few general recommendations related to the nature of politics in Bangladesh, and options for systemic changes to the way reserved seats are currently filled.

## General Recommendations

### Improving Women's Representation and Status within Political Parties

Because politics is seen as a male domain, political parties in Bangladesh currently have fewer women members than men. While parties have created women's wings, women are still regularly sidelined from central party functions and decision-making. To mainstream women into politics, it is imperative to strengthen their positions within their own political parties.

The ECB should create a mechanism to request updates from parties and monitor and enforce the implementation of the RPO amendment to include 33 percent women in party committees by 2020 (see

“Enforcement of Quotas in the Republic of Serbia” [page 21]). In order to make party membership more appealing to women, parties should also devise gender-sensitive policies. Political parties could also be required to provide adequate financial resources to the women’s wings to run social and political mobilization campaigns. Parties could build the capacity of their female members by conducting training programs to improve their leadership skills, and female party workers could be given regular orientation sessions and refreshers by their parties so that they are prepared to work as polling agents, election agents and election observers.

Furthermore, enhanced intra-party democracy would allow for greater transparency in politics and increase citizens’ trust in political parties and the democratic system. The RPO amendment from 2009 requires parties “to elect the members of the committees at all levels, including members of the central committee.”<sup>48</sup> This is essentially a requirement for political parties to hold regular internal elections, and the same practice should be extended to the women’s wings. Intra-party democracy could allow people from outside existing patronage networks, including women, to assume a greater role in party politics.

### Financial Support to Women Candidates and Representatives

Since women are often not in a financial position to fund an effective campaign, political parties could be required to contribute financially to female candidates’ election campaigns for general seats, or a public funding option for women could be enacted. In Bangladesh, there is no provision for public funding, but legislation could be passed to tie public funding for political parties to the number of female candidates they are running. Other options to lessen the financial burden on women candidates are reduced nomination fees, or free or increased air time on TV and radio channels.<sup>49</sup> In countries where public funding is given to political parties, some provide public funding to political parties specifically for gender equality purposes.<sup>50</sup>

Since women’s reserved seat members in Parliament currently do not receive constituency funds, they are automatically seen as less powerful by the general public. For example, allocating an equivalent fund for reserved seat MPs (with clearly defined parameters on how the money should be spent) could help to mitigate this issue, although the abolishment of constituency funds altogether would be preferable to maintain a separation of branches of government.

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<sup>48</sup> Government of Bangladesh (1972). The Representation of the People Order.  
[http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=424](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=424).

<sup>49</sup> IFES. (2013). Political Finance in Bangladesh: Assessment and Recommendations for Reform.

<sup>50</sup> E.g., Bosnia-Herzegovina, Colombia, Croatia, Ethiopia, Georgia, France, Italy, Kenya, South Korea, Portugal and Romania.

## Options for Systemic Changes to Reserved Seats

Bangladesh has four types of temporary special measures that supplement the FPTP systems for general seats. Based on international comparative examples of TSMs, various other approaches to enhance the representation and meaningful participation of elected women in the political process can be explored. The intention is not to determine which alternative system, or improvement to a system, is the best option for Bangladesh, but rather to provide an overview of the weaknesses and strengths of each option, so that policymakers, advocates and legislators in Bangladesh can make informed decisions regarding elected representation in democratic governance.

It is worth noting that there was a concerted effort to reform the parliamentary reserved seats system in 2008. The caretaker government in power at the time had proposed a 33 percent quota for women in Parliament via a direct election and a separate quota for cabinet members. However, due to strong and vocal opposition by senior Islamic scholars and clerics, the proposal was abandoned.<sup>51</sup>

The options presented below are divided into those that can be implemented a) using the current structure of a separate tier for women's reserved seats combined with the FPTP system for general seats and b) alternative systems requiring electoral system reform for both general and reserved seats. Most of the options presented below would require amendments to the Constitution of Bangladesh, the Representation of the People Order, and other relevant legislation.

Options discussed below are summarized in terms of "advantages and disadvantages" for easier discussion among political and electoral stakeholders. For the sake of brevity and clarity, the advantages and disadvantages are presented in simplified – and in certain cases exaggerated – terms. They are also presented in relation to the status quo (i.e., if the system remains unchanged).

Unless the benefit or drawback presented below applies to all levels of government, the level is denoted in brackets. There are comparatively fewer systemic issues with the election of Sub-District Vice-Chairs and Union, Municipality, and City reserved seat Councilmembers than for parliamentary seats, so there is less focus on reforming these systems. Many of these options could technically be applied to the Sub-District Council level, but because the current general seat holders are not directly elected to the Council (they are *ex officio* members who were elected Union Chairpersons and Municipality Mayors), it would be strange to have direct elections for women's reserved seats unless the system for filling the general seats was changed as well.

### Existing Structure of Separate Tier for Reserved Seats

Below are some options for increasing and improving women's representation. However, the options in this section only address the issues related to the four women's reserved seats systems, not any deficit

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<sup>51</sup> Mantoo, Shahnawaz Ahmad (2014). Religion and Politics in South Asia. *Peace and Security Review*, Vol. 6, No. 13, Third Quarter, 2014.

in women's representation stemming from the general seat system (FPTP). As a result, many challenges would persist. To achieve greater gender equality results, some of the reform options could be implemented together – for example, both increasing the quota size *and* introducing one of the direct election options – and would likely result in a much greater change than either option implemented alone.

First, women would be equally unlikely to be elected in general seats, leading to potential further entrenchment of tokenism. Second, overlapping representation would continue to be an issue, making it easy for the electorate and stakeholders to essentially ignore women representatives, as they can almost always rely on there being a male option.

The third issue is that the current reserved seats allocation in Parliament exaggerates the disproportionality of election results, which in and of itself should be a consideration for electoral reform in Bangladesh. However, this is not a gender issue per se, and hence it will not be discussed further in the below options.

#### *Increasing the Quota*

Many women in academia, political parties, and civil society organizations demand 30-40 percent representation of women in Parliament, which would constitute a move away from tokenism by enabling the election of a “critical mass” with real influence.<sup>52</sup> As such, Bangladesh could increase the percentage of women in the assemblies by increasing the proportion of reserved seats from the current 14-33 percent level to 30-40 percent (see “Critical Mass: Quota Measures in Rwanda” [page 4] for an example of a critical mass being achieved through TSMs). Indeed, 64 percent of the respondents to a survey in 2003 indicated that the quota for women in Parliament should be increased.<sup>53</sup> However, it is important to note that some systemic issues will persist at the national level, even if the number of reserved seats increases, if the nomination process is not improved as well. Reserved seat members would still not have constituencies; they would not be answerable to the electorate and would not be treated as equal members by their colleagues.

Despite national-level systemic considerations, this option could be applied to all levels of government. The quota for Sub-District Vice-Chair positions differs in that there are only three positions, of which one (Chair) is more powerful than the other two (general and reserved seat Vice-Chairs). The quota could be increased by having a separate reserved seat for the position of Chair as well as Vice-Chair, ensuring 50 percent representation of women.<sup>54</sup>

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<sup>52</sup> Dahlerup (1988). Pg.275; see also [The Quota Project](#).

<sup>53</sup> Democracywatch (2003), p.11.

<sup>54</sup> This would be similar in some ways to the French local government “binomial” system, where there is a pair of one woman and one man on each party ticket. They are elected together and both represent the district equally. In Bangladesh, however, current Vice-Chairs are elected on separate tickets.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Critical mass achieved; possibility of real influence</li> <li>• Public sensitized to the concept of women as political leaders</li> <li>• Greater representation of women aligns more closely with actual population</li> <li>• Offset gender barriers to women’s representation as political leaders</li> </ul>	<ul style="list-style-type: none"> <li>• Numerical representation does not guarantee meaningful representation</li> <li>• No constituencies (Parliament)</li> <li>• No power base through popular vote (Parliament, Sub-District Council)</li> <li>• General seats still contested through FPTP, which is difficult for “alternative” representation</li> <li>• Further exaggeration of the disproportionality of results due to increased quota size (Parliament)</li> </ul>

### *Reforming the Nomination Process for Reserved Seats*

Reserved seats for women in Parliament are currently filled based on lists compiled by party leaders. Other than the general candidacy requirements, there are no defined criteria that political parties must follow when nominating women for reserved seats, which has led to a system based on favoritism, cronyism and a disregard for individual merit. To address this issue, political parties could develop criteria that the ECB would ensure is followed. The criteria should be drafted in consultation with stakeholders and include requirements to mandate the nomination of women from all geographic areas to ensure representation of women from various segments of society.

This option mainly applies to Parliament, as this is the only level of government where reserved seats are not elected positions and hence are fully dependent on party nomination processes. As a side note, increased transparency in the nomination processes for both general and reserved seats at all levels would help to ensure merit-based selection of candidates.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• More qualified representatives (Parliament)</li> <li>• Increased transparency and less favoritism, nepotism, corruption (Parliament)</li> <li>• Integration of women into parties (Parliament)</li> </ul>	<ul style="list-style-type: none"> <li>• No specific constituencies (Parliament)</li> <li>• No power base through popular vote (Parliament, Sub-District Council)</li> <li>• General seats still contested through FPTP, which is difficult for “alternative” representation</li> <li>• Quota still small (Parliament: 14%)</li> </ul>

### *Super-Districts for Women’s Seats*

The reserved seats at the national level could be filled by creating separate “super-districts” for women only using FPTP, instead of filling the existing reserved seats using lists created by the political parties. The idea is to essentially replicate the system that is already in place for local government elections to the Union, Municipality, and City Councils.

The number of super-districts would be the same as the number of reserved seats (currently 50), and each super-district would consist of multiple districts (assuming the current quota size), specifically six general districts for each super-district. This would allow for better geographical ties for women representatives, while also ensuring that the reserved seats are elected positions instead of individuals



selected by party leaders. Implementation of this model in Kenya has demonstrated that these women-only elections in super-districts can be fiercely competitive under the right circumstances.<sup>55</sup>

However, the much greater district magnitude in Bangladesh (on average, each super-district would have 1.8 million voters, unless the quota size was increased) requires more resources for constituency-building and may become very onerous, especially at the campaign stage, unless additional state or party resources are allocated to compensate for this issue. This model also presents a governance challenge in that the woman’s district becomes six times larger than the general one. Despite the benefit of creating a geographical link to women’s seats, the link is weaker due to its size and the number of constituents. An additional issue is the need for candidates to travel more often during the electoral period and for the elected representative after the election, which, as noted above, can be a challenge for women in Bangladesh because of cultural reasons. The systems also requires a separate list and ballot for the super-district election.

This model is already in use at the lowest level of government, and this precedent could make it easier to implement at the national level. It could also technically be applied to the Sub-District Council level, but since the general seats are filled by *ex officio* Union/Municipality Council members rather than an election, it may not be the most natural option.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Power base through popular vote (Parliament)</li> <li>• Geographical link (Parliament)</li> <li>• Increased transparency and less favoritism, nepotism, corruption (Parliament)</li> <li>• Already in use in Bangladesh, easy for voters and candidates to understand</li> <li>• Super-district extends women’s influence beyond their home district</li> </ul>	<ul style="list-style-type: none"> <li>• Super-district requires more resources and more travel for campaigning and governance (Parliament)</li> <li>• General seats still contested through FPTP, which is difficult for “alternative” representation</li> <li>• Quota still small (Parliament: 14%)</li> </ul>

### *Alternate Threshold System*

The alternate threshold (sometimes called “best loser”) system is similar to the super-district system described above. In this system, however, the reservation would be allocated to women contesting elections for general seats (see “Alternate Thresholds in Jordan” [page 27] for an example). The benefit of this approach is that from a voter’s perspective, there is only one election for both men and women and no additional ballots or lists are required.

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<sup>55</sup> (2012, November 4). [Why record number of women aspirants has not rattled men](#). *Daily Nation*.

**Alternate Thresholds in Jordan**

For a subset of women candidates, Jordan uses an alternate threshold that has helped increase women's representation. Under its parallel electoral system, Jordan elects 150 representatives: 108 through FPTP or single-non-transferable votes; 27 through proportional representation; and 15 through the alternate threshold for the "best losing" female candidates. The 15 best losing female candidates are those who have obtained the highest percentage of FPTP or single-non-transferable votes, which the election commission calculates by dividing the number of votes received by the total number of votes in a candidate's constituency.

Despite some benefits, one drawback of the system is that these women are elected to one of 15 nationwide seats – 12 governance regions and three Bedouin districts – and do not necessarily represent their own district. Some argue that the lack of geographical connection can undermine the representative's perceived legitimacy and connection to her constituents.

Source: Christensen and Bardall (2014).

In this model, as an example, the 50 current reserved seats for women in Parliament would be given to the women who secured the highest percentage of votes in their home district compared to women candidates in other nearby districts (constituting a de facto women's super-district) while contesting elections for general seats (without winning the general seat itself). Party affiliation will not matter in this case; the seats could be occupied even by female independent candidates. A seat falling vacant due to any reason could be allocated to the female candidate who obtained the second-highest percentage of votes in her home district. Seats filled through an alternate threshold mechanism would entail creating super-districts, because the women candidates actually compete in two elections: one for the general seat in their home district and another against all other women candidates for the reserved seat in a super-district. However, the system is simple for the voter, as the dual election is not reflected in the ballot design and each voter casts only one vote.

The super-district is also essential in order to ensure that one district does not have more representatives than another. This would result in the post-election de facto assigning of female representatives to districts where they never appeared on the ballot, which could confuse voters. It would also entail having to cultivate a stronger link between the reserved seat holder and all voters in the super-district, which would require the female representative to receive more financial support after the election.

The impact on political parties may also be quite extreme, as parties would need to change campaign strategies quite considerably in order to position themselves for the women's seat. However, it does potentially ensure better political party support for women candidates.

This system could replace the current reserved seat systems at all levels of government (except for the Sub-District Council, which, as noted above, is not appointed through a direct election).

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Power base through popular vote (Parliament)</li> <li>• Geographical link (Parliament)</li> <li>• Increased transparency and less favoritism, nepotism, corruption (Parliament)</li> <li>• District size (when campaigning) and ballot is same as for general seats</li> <li>• Simple system for voters</li> </ul>	<ul style="list-style-type: none"> <li>• Super-district (post-election) requires more resources for campaigning and governance (Parliament)</li> <li>• General seats still contested through FPTP, which is difficult for “alternative” representation</li> <li>• Quota still small (Parliament 14%)</li> <li>• Reserved seat holder unfamiliar to voters in districts where she did not run</li> <li>• May have substantial impact on political parties</li> </ul>

### *Rotation System*

The additional tier of women’s seats in Bangladesh could be abolished and replaced by a rotation system for existing districts that would use the FPTP system. Using a quota of 33 percent as an example, roughly one-third of seats would be reserved for women, which means that one-third of the districts in the country can field only women candidates. In the following election, a different third of seats is reserved, and in the third election the remaining third of seats is reserved.<sup>56</sup>

This system would provide women representatives with the benefit of incumbency after only one election, and place them in a stronger position for the next election to a general seat when the reservation moves to the next district. Another benefit is that the system is simple and there is no need to create additional seats or ballots. One significant problem, however, is that this system would threaten the current (male) seat holders and their interests in the women-only districts. It would also create de facto term limits for men as they are not allowed to run in women-only districts.

This system could technically be applied to all levels of government (except potentially the Sub-District Council as noted above), although such a move would constitute a significant change, as it affects not only the separate tier for women’s reserved seats but also the general seats. Depending on the total number of seats in each elected body and how the districts are re-drawn, up to one-third of general seats would essentially disappear using this model. As a result, some male incumbents would not be able to contest the election because of the reservation.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Power base through popular vote (Parliament)</li> <li>• Geographical link (Parliament)</li> <li>• Increased transparency and less favoritism, nepotism, corruption (Parliament)</li> <li>• Women gain incumbency benefits</li> <li>• District size and ballot same as for general seats</li> <li>• Simple system for voters</li> </ul>	<ul style="list-style-type: none"> <li>• General seats still contested through FPTP, which is difficult for “alternative” representation</li> <li>• Radical change to current systems</li> <li>• Current incumbents would be sidelined in up to 1/3 of districts</li> <li>• De facto term limit for men</li> </ul>

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<sup>56</sup> This system is currently in place in Indian local government (“panchayat”) elections.

*Legislative Candidate Quotas*

At present, there is no compulsion on political parties to give a particular number of tickets for general seats to women candidates. Therefore, another option is to abolish the reserved seats systems altogether in favor of a legislated candidate quota, for example at the “critical mass” level of 30-40 percent.<sup>57</sup> When considering the option of replacing reserved seats with candidate quotas, the benefits would be that it would simplify the method for the voter of electing women representatives because it would not require a separate list or ballot; rather, it would ensure women have districts the same size and type as men and strengthen the integration of women into political parties.

A significant drawback, however, is that the percentage of women candidates elected to the assemblies could be even lower than the current percentage, because without the parties’ full cooperation, women might be relegated to running for so-called “unwinnable” seats – seats in constituencies where the party has very little chance of winning.

Even though this option is appealing at first glance, there is also a strong probability that not all women who are allocated party tickets will make it to the assemblies, due to the parties’ desire to respect incumbency (given that incumbents in FPTP systems have a significant advantage). Women candidates who may be relegated to “unwinnable” seats may also become demoralized. However, the impact of these concerns may wane over time, as has been observed in France, and it is therefore possible that even in the short term, if every party allocates 33 percent of its tickets to women, some more women will be elected.

Since there is no public funding for political parties in Bangladesh, financial sanctions would be required in significant amounts to ensure compliance. Another option for enforcement is to bar a party from contesting an election if it has not given at least (for example) 33 percent of its tickets to women.

This system could be applied to all levels of government (except for Sub-District Councils as noted above).

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Power base through popular vote (Parliament)</li> <li>• Geographical link (Parliament)</li> <li>• District size and ballot same as for general seats</li> <li>• Increased transparency and less favoritism, nepotism, corruption (Parliament)</li> <li>• Simple system</li> <li>• Integration of women into parties (Parliament)</li> </ul>	<ul style="list-style-type: none"> <li>• Radical change to current systems</li> <li>• Women relegated to “unwinnable” seats</li> <li>• No guarantee of outcome, women’s representation could decrease significantly</li> <li>• Men have incumbency benefits</li> <li>• Requires strong enforcement</li> </ul>

<sup>57</sup> Technically, a smaller candidate quota could also be introduced to supplement the existing reserved seats system.

## Reforming the Electoral System

Many of the issues related to women's representation and political deadlock in Bangladesh arise from the current FPTP plurality-majority electoral system. Even with reforms to the existing reserved seats systems, gender equality goals may not be achieved as long as the FPTP system remains intact. Proportional electoral systems and those with larger district magnitudes often produce better gender outcomes,<sup>58</sup> and therefore a change in electoral systems could be pursued as a way to naturally induce more representative assemblies. Civil society, academia, and some political parties in Bangladesh have discussed the possibility of changing the entire electoral system to either a combined system or proportional representation, sometimes specifically due to concerns about gender equality in elected representation.<sup>59</sup>

A more in-depth analysis of the gender impact of different electoral systems or quota systems to be used in conjunction with combined and proportional systems in Bangladesh is, however, beyond the scope of this paper. Furthermore, a complete overhaul of electoral systems requires careful consideration of the history of the country and the potentially wide-reaching impact of such a change on politics and society.

It should be mentioned that more proportional electoral systems are likely to have some benefits for women's representation,<sup>60</sup> but that outcome is far from guaranteed. In Niger, where a proportional system is used (list PR), there are only 13 percent women in Parliament – and this is after a 10 percent quota was adopted.<sup>61</sup> The lesson from many countries is that even when changing the electoral system from a plurality-majority system to a more proportional one, careful attention needs to be paid to ensure gender equality outcomes are also met. In closed list PR systems, for example, this could mean adopting a “zipper” quota, where every other candidate on the list is a woman.

## Conclusions

Women's meaningful representation in Bangladesh continues to lag behind that of men, due to deeply ingrained cultural, socio-economic, and religious reasons. In addition to these issues, which are present to varying degrees in almost every country in the world, there are unique challenges associated with the way the vast majority of women are elected into office in Bangladesh. Although Bangladesh's adoption of various TSMs is a positive first step toward improving women's political representation, its reserved seats systems require reform in order to address key issues that systematically undermine women's effective political leadership.

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<sup>58</sup> International IDEA. (2007). [Designing for Equality: Best-fit, medium-fit and non-favorable combinations of electoral systems and gender quotas.](#)

<sup>59</sup> DemocracyWatch (2009).

<sup>60</sup> ACE Electoral Knowledge Network (2015). [Electoral Systems: Representation of Women.](#)

<sup>61</sup> Figure from 2011 election. Quota Project (2011). Global Database of Quotas for Women: [Niger page.](#)

Bangladesh's unique system introduces four types of reserved seat systems into three levels of government to complement a single-member, plurality-majority electoral system – FPTP – for the election of general seats. Although there is little doubt that separate systems for women have resulted in higher numbers of women representatives, there is little evidence that women's reserved seat representatives can transition into contesting general seats in subsequent elections. Furthermore, these systems do not automatically lead to women's meaningful representation when measured in equal status with male colleagues and legislative outcomes.

All current systems suffer from significant challenges stemming from the fact that they are separate structures from the ones used for general seats, resulting in overlapping mandates and greater disconnect with the general public and voters, which in turn leads to greater tokenism and reduces the effective participation of women in their elected roles. Out of the four current systems for women's reserved seats in Bangladesh, the system for parliamentary seats is in most need of reform, as these seats are not filled through any sort of election. The other system that requires more attention is the Sub-District Council reserved seat system, where the seats are indirectly elected and the electoral process is confusing to the point where the accuracy of results can be questioned.<sup>62</sup>

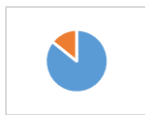



Finally, options to reform the entire electoral system to address not only women's meaningful representation but also broader political issues could be considered. Most notably, the current reserved seat system for Parliament actually exaggerates the disproportionality of an electoral system that in the Bangladesh context already produces highly disproportional outcomes. This is an issue which has not attracted much attention in Bangladesh, and requires further examination and broader debate before steps can be taken toward comprehensive reform.

Reforming the current reserved seat systems, especially at the parliamentary level where women's representation has proved the most problematic, is a difficult but necessary task. There is currently a window of opportunity for reform, as the constitutional provision for reserved seats expires before the 2019 general election. Various country case studies provide a window into possible options that could be tailored to fit Bangladesh's unique context, thus contributing to greater gender equality in elected government and more representative government in Bangladesh.

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<sup>62</sup> This system has only been used once in Bangladesh to date, so some of the process-related issues could be corrected in the future.

Table 2: Comparison of Reserved Seat Systems in Bangladesh

Type of reserved seat	Formula	No. of ballots	District magnitude	Method	Electorate	Quota size <sup>63</sup>	Female general seat holders calculated based on total no. of seats (general + reserved) <sup>64</sup>	Total women's representation
Members of Parliament	Proportional (single transferable vote); de facto personal vote	Single ballot, one for each party; separate ballot (and election) for general seats	Multi-member, entire country	Indirect (de facto selection)	General Seat MPs for each party	 14.3%	5.7% (20 <sup>65</sup> MPs out of 350)	20.0%
Sub-District (Vice-)Chairs	Simple plurality (first-past-the-post)	Single ballot; ; separate ballot for general Vice-Chair and Chair seats	Single-member, entire sub-district	Direct	Sub-district residents	 33.3%	0.3% (3 Chairs and 1 Vice-Chair out of 1,449 positions) <sup>66</sup>	33.6%
Sub-District Council Members	Simple plurality (variation of first-past-the-post)	Multiple ballots, one for each seat; separate ballot (and election) for general seats	Single-member, sub-district divided into electoral areas according to no. of seats	Indirect	Union/Municipality Council Reserved Seat Members/ Councilors	 25.0%	0.5% (27 Union Chairs out of 4,534 seats, 3 Municipality Mayors <sup>67</sup> out of 234 seats)	25.5%
Union/Municipality/City Corporation Members/ Councilors	Simple plurality (first-past-the-post)	Single ballot; separate ballot for general seats	Single-member "super-district," one reserved seat area comprises approx. 3 wards	Direct	Union/Municipality/City Corporation residents	 25.0%	0.1% (45 Union Council members out of 54,408 seats, 7 Municipal Council members out of 2,202 seats) <sup>68</sup>	25.1%

<sup>63</sup> Quota percentages are calculate based on the number of total seats filled as of August 2015.

<sup>64</sup> Note that the percentages of women's representation calculated here are based on the **total** number of seats (general and reserved combined), as opposed to based on the number of **general** seats as shown in Table 1.

<sup>65</sup> After a by-election following the death of a male MP.

<sup>66</sup> For the purposes of the quota size calculated for Sub-District Chairs and Vice-Chairs, the three positions (one Chair and two Vice-Chairs, of which one is a reserved seat) are considered equal.

<sup>67</sup> There is also one female CC Mayor (out of 11 total CC Mayoral seats), but CC Mayors do not serve on the Sub-District Council and are thus excluded from this table.

<sup>68</sup> City Corporation Council figures are only available for Dhaka North and South and Chittagong, and the number of women general seat holders is zero.