



Understanding Constraints and Challenges to Increase the Number of Women Mediators in Community and Special Mediation Boards in Sri Lanka

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Abbreviations

ADR	Alternative Dispute Resolution
CBO	Community Based Organization
CMB	Community Mediation Board
DO	Development Officer (Mediation)
DS	Divisional Secretary
DSD	Divisional Secretariat Division
FGD	Focus Group Discussion
GN	Grama Niladhari
GND	Grama Niladhari Division
GoSL	Government of Sri Lanka
JP	Justice of the Peace
KII	Key Informant Interview
MBC	Mediation Board Commission
MoJ	Ministry of Justice
MTO	Mediator Training officer
NGO	Non-Governmental Organization
SDG	Sustainable Development Goals
SLMB	Special Mediation Board (Land)
TAF	The Asia Foundation

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Executive Summary

Community Mediation Boards are an alternative dispute resolution mechanism, established in Sri Lanka in its modern form in 1988. Mediators are nominated from the community, and serve for a period of three years. At their inception, women mediators made up less than 2% of community mediation boards. Over 3 decades later and despite multiple efforts to improve the gender balance among mediators, women mediators still make up less than 30% of the total. This study set out to understand the reasons for the comparatively low participation of women mediators in Community and Special Mediation Boards in Sri Lanka and to explore measures to respond to these reasons and encourage an increase in the number of women mediators.

Given time constraints, the study focused on processes - of nomination, training, selection and appointment of community mediators - to understand the constraints and challenges embedded in these processes which may be working to discourage more women from being appointed as mediators. Primary data was collected from a sample of community and special mediation boards, which was purposively selected to cover the mainly Sinhala speaking South, Tamil speaking North, Tamil and Muslim communities in the East, and communities with a high proportion of Malayaha people. Key person interviews and focus group discussions were conducted with a variety of stakeholders, including female and male mediators and government officials involved in the process, such as District and Divisional Secretaries, Development Officers and Grama Niladaris. To supplement this data, a few interviews were also conducted with representatives of non-governmental organizations (NGOs) and religious leaders. The data was analyzed using a feminist perspective and generated the following main findings:

There is a felt need for women in mediation: Across the diverse array of mediators and officials who participated in the study, there is a strongly felt need for women mediators. The reasons are expressed in terms of instrumental factors; mainly that women mediators are needed to make women disputants, who make up half or more of the disputants at Community Mediation Boards (CMBs) and Special Mediation Boards (Land) feel comfortable and heard. Some stakeholders noted that women are more patient, more empathetic to the victim and bring a different perspective, which helps to balance the mediation process. However, among female and male mediators and officials, there is a small proportion who are not convinced that mediation boards need more women. They feel that women mediators cannot handle aggressive disputants, are too sympathetic to the woman disputant - especially when they become emotional, and in very conservative societies, there is active opposition to having women mediators. Stemming from the instrumental way of looking at this issue, some respondents spoke of a proportion of women, usually between 25 -30%, as being 'enough'.

There is an issue about women coming forward: In Sri Lankan society, and irrespective of location, ethnicity or religion, women still bear the primary responsibility for the home and care of family members. Women are increasingly having to balance their responsibilities at home, at work and their volunteer activities. Some women find this too much and choose not to come forward to offer their time as community mediators, citing inability to balance their responsibilities at home. In the more conservative communities, women are actively discouraged from working or volunteering outside of the home, because their family responsibilities are seen as their primary and most important responsibility, to the exclusion of everything else.

In some more disadvantaged areas, there is an intense focus on income generation activities and a lack of interest in unpaid volunteer work, which is common to both men and women. In other communities, especially in rural and Malayaha communities, there is a set of active women who are mobilized and come forward for all the community activities. Because they are active in community work, they are also the first to be tapped by political parties too, which makes them ineligible to be nominated for mediation boards.

Women are also not coming forward to be nominated as mediators because there are several misconceptions about what community mediation involves; some think it is an argument or a fight, that there could be physical violence, that disputants will come to the mediators' home and disrupt their family life, and that it is not suitable work for women. Some women mediators said that when they were first appointed, they were afraid, thinking can I do this work? There are also misconceptions about who is eligible to become a mediator, with some women thinking that one has to be a Justice of the Peace, a government servant or a man, to be eligible to become a mediator.

Support of the family, and in some cases the permission of the spouse, is critical to enable women to become mediators as well as carry out mediation work. Women with fewer home responsibilities, either because they are single or widowed or whose children have grown, find it easier to come forward, as do women who have some family connection to mediation such as having a father or husband who was a mediator. As expected, women who are from Malayaha communities, low class or low caste find it harder to be considered suitable by those nominating mediators.

Despite all these reasons, the fact remains that women with all these responsibilities and constraints are still coming forward to be nominated to mediation boards. Some, especially those currently in government service, approach this as an extension of their job, which helps with obtaining the support of the family. Most women mediators, however, explained that they are doing this work because of their interest in serving the community. What they valued is the respect and appreciation of the community and the self-satisfaction they get when a dispute is resolved. Mediators enjoy some status in the community, and women mediators noted that their status within the family has also increased after they were appointed as mediators.

Multiple issues in the selection process: Multiple issues, in particular at the stage between the issuance of the gazette calling for nominations to a particular board and the submission of nominations, affect the inclusion of women in the mediator selection process. The gazette has no set date and comes as and when issued by the Mediation Boards Commission (MBC), who send it to the relevant District / Divisional Secretary and the chairperson of the relevant board. The Divisional Secretary (DS) informs the Development Officer (DO) who issues a letter to all the Grama Niladari (GNs) in the Division or informs them verbally at the weekly GN meeting at the Secretariat. In some locations, the GNs disseminate to their community, either by making announcements or placing notices in places where the community gathers. But in most cases, the GNs are speaking with only those that they feel are 'suitable', which can be understood as retired male government servants. In addition, DOs also disseminate the call for nominations but overall, there appears to be insufficient awareness of the issuance of the gazette and, more importantly, what is in the gazette - such as who can nominate and how to nominate.

Nominations are mainly being submitted by the DS, on the recommendation of the GNs as well as directly, and by the chair of the board. There are some instances of nomination by the head of a government agency, especially in Special Mediation Boards (Land); religious leaders such as Buddhist priests; but few or none by community and social organizations. It appears that NGOs, including leading women's organizations in the area, are often unaware of their ability to nominate persons to mediation boards in their area. Since the dissemination of the call for nominations is largely within public sector circles, the nominations are mainly submitted by government or retired government servants who also nominate largely current and retired government servants.

While men need to clear a fairly low bar of extremely negative traits such as not being an alcoholic or loiterer, women generally have to meet a higher bar in terms of their behavior, including in the private sphere of the family. Captured in the Sinhala word '*çharithawath*', this effectively excludes divorced or separated women, women who are having problems in their homes, and sometimes, women activists or women who 'roam about', who are too forward, who talk too much or who challenge men.

All nominees face an interview conducted by the relevant DS, Mediator Training Officer (MTO) and MBC representative. While the interview is ostensibly to check whether the nominees have the documentation to prove the basic eligibility criteria such as age, educational qualification, residence in the area, and absence of political affiliations, the lack of transparency in the process means that there is room for biases and prejudices of the interview board to affect the selection. During these stages of the selection process, the DS, DO, GN and MTO can act as potential gate-keepers or possible champions to include more women in the selection process. Whether they are one or the other depends on their socialization and experiences as well as exposure to gender sensitivity training.

All those who pass the interview go on to undergo a 5-6 day non residential training, at the end of which they must face a written exam and obtain at least 40/100 to pass, and be eligible to be appointed as a mediator. Chair and Vice Chair of the mediation boards are also appointed based on the exam result. Basing selection of mediators and chairpersons on exam scores has largely benefited women, who are as likely as men to obtain the required marks.

The experience of being women on mediation boards: The change in the frequency of meetings from 4 to 2 per month has helped women mediators to better balance mediation work with their home responsibilities. However, in all the mediation boards, this has resulted in a longer day which can impact women by increasing the inconvenience and safety issues relating to the travel home from the mediation board session. Women are mostly reliant on public transport, but there are women mediators who use motor bikes for short distances. In Special Mediation Boards in particular, as well as in CMBs, the cost and safety of transport can discourage women from coming forward to be nominated as well as dropping out once appointed.

Both male and female mediators are concerned about ensuring the respect, dignity and authority of the mediation boards. This is manifested in their choice of dress; in the South, women mediators wear a white saree and in the North, they have chosen a colored saree, but they all wear the saree to the mediation sessions. There is some dissatisfaction with the lack of a permanent location with adequate facilities to hold

the mediation sessions, which can also pose practical difficulties for women mediators who may choose not to use the toilet facilities the whole day.

Suggested solutions: To increase the number of women mediators, the stakeholders interviewed suggested increasing awareness of the mediation boards and their value, as well as how to become a mediator. MTOs pointed out that in places where the numbers were increased, it was mainly done through well-planned and intensive awareness programs, initially by the MTO which were special events of a longer duration, and by the DO as short inputs in other meetings at the DS office and in the community. The bottleneck posed by the call for nominations coming through the gazette, which is often not widely disseminated, was identified by officials involved in the process, but mediators were largely not in favor of replacing or supplementing the gazette with advertisements in the mass media as they felt it could dilute the value of being nominated and appointed as a mediator.

There is support for a quota for women mediators at the nomination stage, less so at appointment stage. Stakeholders felt that a quota at nomination stage will compel the GNs to look for women ‘hidden’ in the community. Even at the nomination stage, the maximum acceptable quota suggested was 30% with many officials and mediators suggesting that a higher percentage will lead to a reduction in standards and increased drop outs.

Conclusions and Recommendations

Applying feminist analysis helps to uncover who may oppose any attempts to increase the number of women. The challenge is to address patriarchal thinking that results in rigidly assigned gender roles and pervasive ideas of gender stereotypes, which sees women’s participation in an instrumental way (for example to help women disputants feel comfortable). In the long term, thinking patterns of officials and mediators need to be realigned, possibly through extensive gender sensitivity training and advocacy programs, to see equal participation of men and women as an end in itself.

In the short to medium term, practical strategies should address barriers to more nomination of women to the mediation boards, for example by introducing 50% target at the nomination stage, providing clear instructions to the GN on eligibility, focusing on gatekeepers (eg: DS / DO, Chairperson and MTO) with a targeted message to bust the myths about women mediators with actual data, and begin a conversation about the value of having women mediators and the downside of having mainly male mediators. It is also important to provide a supportive environment for women mediators, for example by offering continuous skill development opportunities to build confidence and expertise. Finally, it is necessary to create awareness to encourage more women to come forward to become mediators, for example by encouraging women mediators to share their experiences with other women in their circles and by encouraging them to come forward, designing an advocacy campaign using mass media and social media, focusing on the community service and community appreciation aspects of being a mediator which targets potential women. Men also need to understand the value of having women on the boards and need to encourage their wives, mothers, family members and colleagues to come forward. Finally, the monitoring, supervision and functioning of the MBC need to be strengthened by providing greater clarity on eligibility criteria as well as greater transparency on disqualification criteria, especially during the interview stage, and by updating the database of mediators and analyzing the data over time.

1. Introduction

Community Mediation is one of The Asia Foundation's long-term flagship programs in Sri Lanka, supporting the Ministry of Justice (MoJ) and the Mediation Boards Commission (MBC) since 1988, when community mediation boards were first designed and established. As of today, there are 329 community mediation boards (CMBs) and 16 Special Mediation Boards (Land) (SLMBs¹). There are about 8,700 volunteer mediators in active service, of whom only about 27% (approximately 2,400²) are women, and only a fraction of mediation boards are led by female Chairpersons³.

The Asia Foundation (TAF) is looking to strengthen the participation of women in community mediation. Over the past decade, various efforts have resulted in an increase in the number of women mediators, but there is a continuing need to ensure an equitable increase. While the selection criteria for community mediators states that the process is gender neutral and that selections are based on 'aptitude and suitability', TAF is of the view that there is a need to go beyond neutrality, where more nominations can lead to the selection of a higher number of women. To initiate a discourse to promote more women being appointed as mediators, TAF commissioned bPotential (Pvt) Ltd ("the Consultant Team") to conduct a research study with the following objectives:

- To identify reasons for the comparatively low participation of women mediators in Community and Special Mediation Boards in Sri Lanka
- To explore measures to respond to these reasons and encourage an increase in the numbers of women mediators
- To provide practical recommendations for increasing the number of women mediators including the exploration of a quota system

Given time constraints, TAF and the Consultant team agreed to focus the study on the process - of nomination, training, selection and appointment of community mediators, to understand the constraints and challenges embedded in this process, which may be working to discourage more women being appointed as mediators.

This reports sets out the findings of the research study and is organized into 7 parts: Part 1 provides the introduction to the study and the report; Part 2 sets out the methodology followed; Part 3 discusses the main issues identified in the literature; Part 4 is the main section of the report and sets out the findings of the research study; Part 5 provides a discussion of the findings in the context of feminist critiques; Part 6 summarizes the recommendations; and Part 7 concludes.

¹ Following the Ministry of Justice, this report refers to Special Mediation Boards (Land) using the acronym SLMB or Special Land Mediation Boards.

https://www.moj.gov.lk/index.php?option=com_content%27&view=article&id=30&Itemid=178&lang=en

² As per the database shared by TAF, there are 329 community mediation boards with 8,632 mediators, of whom 27% are women. There are 16 special land mediation boards with 489 mediators, of whom 29% are women.

³ As per the database shared by TAF, 44 community mediation boards out of 329 and 2 special land mediation boards out of 16, are led by female chairpersons.

2. Methodology

The overall theoretical framework of the study is grounded in feminist research approaches. As such, the objective of the research is to explore and illuminate the diversity of the experiences of women, rather than to draw generalisable conclusions about groups of women and men.

Drawing from feminist standpoint epistemology, the study is premised on the understanding that there is no single reality and the aim is to see the world through the eyes of the research participants and understand how their positions shape their experiences within the social world. In addition, the study tried to build in reflexivity, to encourage reflection among the research participants as well as the Consultant Team, to understand how our own attributes and social location may impact on the interpretation of the data.

Taking into account the objectives of the research, tasks identified in the TOR as well as subsequent discussions with the TAF team, the following research questions were identified to guide this research:

RQ 1: How does **the process** of nomination, training, selection and appointment of mediators constrain or promote the selection of women mediators to community and special mediation boards?

RQ 2: What are **the characteristics** valued by those nominating, training, selecting and appointing mediators, and how do they constrain or promote the selection of women mediators to community and special mediation boards?

RQ 3: How does the **management and functioning** of the community and special mediation boards affect women mediators and encourage or discourage their interest in community mediation and continued participation in CMBs and SLMBs?

Sampling strategy

Data collection was done using the CMB / SLMB as the unit of sample. The criteria used to select the sample CMBs and SLMBs was based on hypotheses identified during discussions with TAF and the desk-based review, and are set out below:

Firstly, based on discussions with TAF, 4 types of communities, with specific economic, social and cultural characteristics which can influence the issues being studied, were identified. They are:

- Sinhala communities in the ‘South’ of the country (for example Galle, Matara, Hambantota, Moneragala, Ampara, Anuradhapura, Polonnaruwa, Kurunegala, Kandy, Colombo, Gampaha, Kalutara districts)
- Tamil communities in the ‘North’ of the country (for example Jaffna, Mullaitivu, Mannar, Kilinochchi, Vavuniya districts)
- Muslim communities in the ‘East’ of the country (for example Ampara, Batticaloa, Trincomalee districts)
- ‘Malayaha’ Tamil communities (for example Badulla, Nuwara Eliya, Matale, Kandy districts)

Secondly, in each of these areas, 2 CMBs – one with the highest and one with the lowest proportions of women mediators were selected as per the Mediator Database shared by TAF. Other criteria used to select the sample include whether the chairperson is female and date of establishment of the CMB. In addition, two SLMBs with high and low proportion of women were also identified. Based on the above criteria, the CMB and SLMB selected for the sample are shown in Annex 1.

Data collection instruments

To address the research questions identified above, the Consultant team used the following research tools:

1. Desk Based Review
2. Expert Interviews
3. Key Informant Interviews
4. Focus Group Discussions
5. Observation of CMB and SMB in action

Desk Based Review

In addition to feminist theory of gender parity, the desk-based review looked at the legislation and regulation pertaining to community and special mediation boards, and available literature on community mediation in Sri Lanka. The desk review also looked at comparable experiences in other countries where community mediation has been established.

Expert Interviews

In addition to the Desk Review, the Consultant team carried out a small number of Expert Interviews with experts in the field of community and special mediation as well as gender and feminist research to help develop the theoretical frame for the study.

Key Informant interviews

In all 34 Key Informant Interviews (KII) were conducted with the following government officials and community leaders involved in the nomination, training and appointment of Mediators

- Mediator Training Officers (09)
- District and Divisional Secretaries or their representatives (19)
- Grama Niladari (04)
- Members of the community including women's organizations and religious leaders (05)

In addition, 05 KIIs were conducted with individual mediators and a former member who had resigned.

Annex 2 provides a full list of KIIs. These interviews were conducted using interview guides which were translated into local languages (Sinhala and Tamil) and customized to suit the type of key informant.

Focus Group Discussions

FGDs were held with male and female mediators in CMBs and SLMBs to understand their experiences, perception and attitudes as well as to discuss potential solutions to promote equitable representation of women mediators in community and special mediation boards. Each FGD consisted of between 02-08 participants, who were selected to provide diversity in terms of ethnicity / religion, age, employment history and education levels. Every effort was made to ensure that the gender of the facilitators match the gender of the participants, but this could not always be done due to practical considerations. In all 22 FGDs were held; 10 with female mediators, 10 with male mediators, and 2 with a mix of both female and male mediators.

Annex 3 provides a full list of FGDs held. FGDs were conducted using a discussion guide, which was also translated into local languages (Sinhala and Tamil) and customized where necessary to suit the type of FGD.

Observation of CMB and SMB in action

The team was able to observe the CMB in Haputale in action. Other planned observation visits could not be scheduled due to budget and time considerations.

Data collection and analysis

The data collection was carried out by three teams of two persons each, who were fluent in the local languages, and were tasked with covering the sample in the South, North, East and Malayaha Tamil areas. Notes were taken by the designated Note-taker and where the participants did not object, the interviews were also recorded. The notes were translated and documented in English.

Data collection activities were affected and delayed by officials being unavailable prior to the general election on November 14 and by floods in the East of the country at the end of November 2024.

The analysis was carried out using Excel and the research team met several times to triangulate the analysis within the team. Given the mix of ethnicities and genders within the research team, this was a useful exercise to understand our own biases affecting the analysis. The preliminary analysis and findings were shared with TAF, as a final step in the triangulation.

Study limitations

One main limitation of the study is that due to time constraints, the study could not explore each community's religious and cultural norms about gender and gender roles in depth. By drawing a sample from the main socio-cultural groupings in the country, the study attempted to identify possible socio-cultural issues and biases that are affecting the process of selecting mediators, but this was not the focus of the study. Religious and cultural norms were explored only to the extent that they affected the process of nominating, training, selecting and appointing mediators.

The study was designed as a qualitative research mainly because the issues underpinning gender are difficult to elicit using a survey instrument, especially if it is administered remotely. Additionally, the time constraint also meant that qualitative research would yield more useful results than a survey where some of the activities to ensure research quality may need to be omitted in the interest of time. As a result, however, the findings are illuminating rather than generalisable.

Another limitation is due to the shortcoming of the Mediator Database that was used to draw the sample. Some of the sampled locations did not, in actuality, show the characteristics on the basis of which they were selected. In a few instances this was corrected by replacing the location, while in other cases there was insufficient time to select a replacement location⁴. As a result, locations which may have been better suited to be studied may have been missed.

⁴ See Annex 1: Note on Sample

Finally, while we are mindful that gender is not a binary concept, in this study we use the men/women distinction. This is primarily because the nature of the data collected does not lend itself to an analysis of gender diversity among mediators because the respondents distinctly identified themselves as women or men. In some instances where attempts were made to probe this distinction, through questions that sought to understand whether other formulations of gender could also exist or be accepted, these questions were met with either incomprehension or dismissal as not relevant to the local context. (See Section 5 below)

3. Literature review

Women's full and equal participation in all facets of society is a fundamental human right. Yet, around the world, from politics to the workplace, women and girls are largely under-represented, particularly in positions of leadership and responsibility. According to the UN Office of the High Commissioner for Human Rights, as recently as in 2022, 107 countries had never had a woman Head of State, women held only 27 percent of seats in national parliaments, women made up just 16 percent of peace negotiators, women occupied only 28.2 per cent of management positions in the labour market, and the percentage of public tenders awarded to women-owned businesses is a mere 1%⁵. Introduced in 2015, Sustainable Development Goal (SGD) 5 called for gender equality and the empowerment of all women and girls, but it has fallen far short on most targets including ending discrimination against women by establishing legal frameworks to enforce gender equality in all countries⁶. In many ways, the adoption of CEDAW General Recommendation 40 is a paradigm shift in working towards ensuring gender parity. It clearly identifies patriarchal structures as impeding the equal and inclusive representation of women and calls for a transformative approach to addressing patriarchy to ensure gender parity⁷.

Much of the research on gender and the workplace highlights the structural barriers to entry and advancement by women⁸. In the legal profession in Sri Lanka, for example, women and girls make up almost half of the student body, half of those who pass out as lawyers and are often at the top of the pass lists at graduation, yet are strangely absent from the higher positions in the legal profession. In her study of the legal profession in Sri Lanka, Samararatna⁹ suggests that gender-based dynamics within the legal complex, including gender-stereotyped perceptions about women lawyers within the profession and gender segmentation within its different spheres, means that women in the legal profession do not enjoy substantive equality within it.

In her study of political representation and gender equality, Celis¹⁰ describes the struggle for equal representation as a struggle to achieve two kinds of power; (i) positional power related to holding positions

⁵ Volker Türk (2024) “*Gender parity: we must have the highest ambitions.*” Speech delivered by the United Nations High Commissioner for Human Rights at the launch of CEDAW General Recommendation No. 40, October 25, 2024, Geneva

⁶ Achieve gender equality and empower all women and girls - Our World in Data
<https://ourworldindata.org/sdgs/gender-equality> accessed on January 20, 2025

⁷ General recommendation No 40. on the equal and inclusive representation of women in decision-making systems,
<https://www.ohchr.org/en/> accessed on January 20, 2025

⁸ Broadbent, K., Strachan, G., & Healy, G. (Eds.). (2017). *Gender and the Professions: International and Contemporary Perspectives* (1st ed.). Routledge.

⁹ Samararatne, D. (2020), *Gendering the Legal Complex: Women in Sri Lanka's Legal Profession*. J. Law Soc., 47: 666-693.

¹⁰ Celis, Karen & Lovenduski, Joni. (2018). Power struggles: gender equality in political representation. European

and seats which come with material, strategic or symbolic institutional power resources; and (ii) active power which is about the ability to act, both relational and about the self. She uses a typology to identify specific measures used by feminists such as (i) increasing women's *inclusion*, for example by adopting gender quotas; (ii) institutional *layering*, for example by establishing women's policy agencies; and (iii) *conversion*, for example through gender mainstreaming. Yet despite these measures, men still dominate representative institutions and the women who are included tend to be drawn from a narrow strand of the population, sharing with elected men membership of an economically better-off, highly educated, heterosexual elite. She suggests that gender inequality should be understood as the product of resistance to gender equality. 'We should question who resists these strategies, how they do it and for what reasons?' Another key question relates to why the current status quo that sustains men's numerical over-representation is so powerfully protected. She identifies resistance to feminist strategies as (i) overt *refusal* which is direct and highly visible. This could be refusal to change rules, regulations and practices that disadvantage women's positional and active power; and (ii) indirect *neutralisation* which is less tangible and visible. This could be neutralising feminist strategies by keeping informal rules intact or bad implementation.

Community Mediation is a form of Alternative Dispute Resolution (ADR) which has a long history in Sri Lanka. It has been recorded as early as 425BC when village councils known as *Gam Sabha* met to hear complaints and do justice among neighbours.¹¹ The Council consisted of village elders, almost always men, who met at some public place often in the open air to hear disputes about petty theft, boundary disputes and other minor offences. While the *Gam Sabha* endured for several centuries, it disappeared during the British colonial period. Attempts were made to revive the concept in various forms, always still consisting of male members, but they failed for a variety of reasons until the community mediation boards were established in its modern form in 1988. An evaluation carried out in 2011 found that more than 2 million individual cases had been mediated by the community mediation boards in 20 years since 1991, and 60% of them had been resolved¹². Other findings pointed to the need for improved oversight and strategic planning, especially in relation to the lack of capacity to manage and use the information gathered through the monitoring systems, and the need for more training for the mediators. The need for greater diversity among the mediators and mediator trainers, especially in relation to Tamil speakers, and among those nominating mediators, especially to include representatives of Community Based Organizations (CBOs) and NGOs, were also highlighted in the evaluation.

In 2003, an Act was passed to set up mediation boards for special categories such as land, migrant disputes and financial disputes. However, there have been delays in establishing these special categories of mediation boards; only those relating to lands have been established in 16 districts so far. There is limited literature available regarding their performance¹³, likely because they are too new to be adequately studied.

Women have been represented in mediation boards in Sri Lanka from their inception in 1988. However, this representation is anything but equal; initially less than 2% of mediators were women, more than 25

Journal of Politics and Gender. 1. 149-166.

¹¹ Gunawardana, M. (2011) *A just alternative: Providing access to justice through two decades of Community Mediation Boards in Sri Lanka*. The Asia Foundation, Colombo

¹² Siriwardhana, C. (2011) *Evaluation of the Community Mediation Boards Program in Sri Lanka*, Ministry of Justice, Colombo

¹³ Report - Progress of Special Land Mediation Board in Kilinochchi

years later it had reached just 20%¹⁴ and by 2024 the number of women mediators had inched towards 30%. A survey of all women mediators in 2015 suggests that the poor participation of woman mediators is connected to the lack of general awareness of mediation within the community, together with a lack of awareness about the importance of women's roles in mediation¹⁵. Additionally, the study recognizes the “dual responsibility” issue of balancing productive and reproductive functions which acts as a barrier for women to take on another activity as a community mediator.

Mediators are selected through a system of community nomination which has been identified as a barrier to increasing the number of women mediators. Those nominating mediators perceive women as stereotypes of primarily caregivers, and tend to lean towards older males, who are more likely to hold important and public positions in the community. In contrast to Sri Lanka, Nepal which has a similar community mediation practice and a relatively similar process of training mediators, has achieved much better results in terms of gender parity.¹⁶ The key difference is that mediators are allowed to apply, as opposed to being nominated by the community, which has given women greater opportunity to become mediators.

In addition to the low participation of women in mediation being an issue in and of itself, a study carried out in 2014, found that the low level of female mediators is a potential barrier to women bringing their disputes to the mediation boards.¹⁷ Suggestions to increase the number of women include the introduction of temporary quotas, training and sensitisation of women prior to being nominated and increasing the awareness of community mediation among the public.¹⁸

4. Findings

The results of this study are discussed under key findings as set out below:

There is a felt need for women in mediation

Across the diverse array of mediators and officials who participated in this study - except for a few exceptions, there was a strongly articulated need for more women mediators. The reason given most commonly is that women make up half or more of the disputants who come to the mediation boards and they are observed to be uncomfortable telling their stories to a panel made up entirely of men, in particular when the dispute involves family or gender related issues. In an FGD with male mediators from the North, a participant said, *“When women attend the mediation board, the moment when they see that only male mediators are available, they will feel embarrassed.”* An MTO from the South noted *“Women disputants are reluctant to talk in front of men, but they relate their stories in front of women mediators. When the panel is made up entirely of men, sometimes you find the women stop talking after a while.”* A female

¹⁴ Jayasundere, R., and Rimash Rahman (2015) Understanding Women Mediators: An in-depth study of women in Community Mediation Boards in Sri Lanka, The Asia Foundation

¹⁵ *ibid*, p. 38

¹⁶ Ms. Preeti Thapa, The Asia Foundation, Nepal: Presentation at the Conference on Bridging Research, Policy, and Practice: Advancing Community Mediation Dialogues for Dispute Resolution, organised by the Center for Poverty Analysis (CPEA), December 3, 2024, Colombo.

¹⁷ Jayasundere, R., and Craig Valters (2014) Women's Experiences of Local Justice: community mediation in Sri Lanka, JSRP Paper 10 Theories in Practice series, January 2014, London School of Economics

¹⁸ Jayasundere and Rahman, *op.cit* p.44-45

mediator from the South said, *“Generally, women come out with their stories when we are on the panel. They relate their stories looking at us, basically they are telling their story to us. We have noted this on many occasions.”* A widely held view suggests that it is important to have women mediators so that other women feel safe and heard.

There is also a perception that women bring a different viewpoint to the mediation boards and help to balance the board and the way in which mediation is carried out. Both men and women note that women are naturally more patient, more empathetic to the victim in the dispute, and that they bring a different perspective to facilitate mediated settlements. In some mediation boards, the women mediators were particularly valued as they were perceived to be more organized than the male mediators; they help to keep the space clean, volunteer to make tea for all the mediators, and are also more likely to be responsible to do the administrative work related to the mediation activity. A women mediator in the East said, *“We have 3 women mediators, out of which one mediator is engaged full time in writing the settlements and other reports.”* Male mediators from the North noted, *“That’s how we are used to it, the women do the writing work. They are very patient, and handwriting is good.”*

While there is widespread agreement on the need for women mediators, there is substantial variance in views about how many women mediators is appropriate in each mediation board, with some consensus around 30%, which allows for one women mediator at least, in each panel of three mediators. Stemming from this reason, in mediation boards where there are only one or two women, there is a strongly articulated need for more women mediators. Male mediators in a CMB in the South said that because they have only two women mediators, the panels share these two women mediators as needed, and sometimes they have to exchange the mediators between the panels. Overall, while there is a favorable attitude towards more women mediators, several officials directly involved in the mediation activity made a distinction between having a certain number of women mediators and having active women mediators. They felt that what was needed was a strong presence of women mediators and that this was not necessarily about the number of women mediators.

Among both male and female mediators as well as officials involved in the selection process, there is a small fraction of those who are not convinced that there should be more women mediators, let alone equal representation of women in mediation. Some feel that women mediators cannot handle situations where the disputants are aggressive or violent, whereas a male mediator would be able quell such situations. Some male mediators and officials feel that women mediators are too sympathetic to the woman disputants and take their side, especially when the women disputant appears to be very vulnerable or emotional. While these are largely feelings and perceptions, in very conservative societies there is active opposition to and prevention of women coming forward to become community mediators. In these communities, women’s role of providing care work for the family is prioritized to the exclusion of everything else. *“Men don’t like women getting into mediation. We feel members in the mediation board, chairperson, DS, GN and religious leaders don’t want us to become mediators.” - FGD with female mediators, East*

There is an issue about women coming forward

Women face a multitude of barriers in relation to coming forward to be trained and appointed as community mediators. Firstly, the traditional role of women as being primarily responsible for the care and upkeep of the home and family takes up much of their time and energy, as they are often the primary caregivers for

both dependent children and dependent elders. Older women are often co-opted into caring for their grandchildren. When they are also engaged in income generating activities, either in salaried employment, self-employment or in the family business, they have very little time left for volunteering and community service work. As a result, some women choose not to come forward, citing these various demands on their time and energy, while other women, especially in the more conservative communities as noted above, are actively discouraged from working outside of their home because of their family responsibilities.

Across the sampled locations, women mediators have themselves highlighted and emphasized the importance of family support, especially that of their husbands, and to a lesser extent their children, in enabling them to become mediators. Looking around at other women mediators at the FGD, one women mediator from the South said these are the women who have the support of the family, meaning that those who don't have this support effectively cannot become mediators. Older women who make up the majority of women mediators have fewer home responsibilities and therefore it is easier for them to obtain the permission and / or support of their husbands and families.

"I wanted to become a teacher but I got married and my husband didn't want me to go outside to work. He is a businessman. There was no one to look after the children, so I stayed home and supported his business. I was always involved in volunteer work. Though I was not working outside, I was volunteering. When I was the vice chair of the Co-operative, a teacher friend nominated me as a community mediator. I didn't know what to do so I called my husband, he told me you can do it, go ahead and do it, so I said yes. Anyway, by that time the children had finished school too." - KII with female mediator, South

Overall, women who are single or widowed, and women with grown children, or those who have fewer responsibilities to their family, find it easier to come forward to become mediators. Importantly, while widowed or otherwise single women with children noted additional burdens of being the sole breadwinner, they also noted that the absence of restrictions, either real or perceived, laid out by a husband, enabled them to be in a position to offer more time for volunteer work.

In some areas, both men and women are engaged in multiple income generating activities to make ends meet. In Rathnapura for example, both men and women engage in smallholder tea and vegetable cultivation and small informal businesses, which often means that they are working even during the weekend. This focus on income generation, intensified by multiple economic crises in recent times, also means that there is a lack of interest in unpaid volunteer work among both men and women. This is even more acute when the volunteer work may result in out-of-pocket expenses such as travel costs.

"Most of my friends are teachers, but they are not interested in joining the CMB. In this part of the district, most women are reluctant to take up more responsibilities. Even though most women are aware of the CMB they find it difficult to dedicate time to the CMB as they are involved in small businesses like gem cutting at home. Most families are facing economic difficulties, they are also not very well educated. It's not enough to be aware, it's difficult for them to do this consistently, without missing sessions. Saturday is an important day, people are trying to do some small cultivation, even retired people do some small businesses." - KII with woman mediator, South

In some communities, in particular in the more rural and Malayaha Tamil communities, officials complain that the same group of women are active in every committee and community activity. Because they are active and energetic, they are also the ones who are picked by political parties to carry out grassroots political campaigning, which means that they are ineligible to become community mediators. Additionally, it also appeared that women's empowerment programs by development sector actors and NGOs, as well as

women's groups, prioritized pushing such women towards political activities as opposed to activities such as mediation.

Another reason why women do not come forward to become mediators is because there are multiple misconceptions about what community mediation involves. The use of various local terms for a dispute can give the impression that it is a physical fight between two parties. In some cases, potential women mediators have expressed various concerns, such as that the disputants will hold a grudge with the mediator and create problems for them in the community later on, or that the disputants will come to mediator's homes and harass them. Some women and men have entrenched patriarchal ideas about what activities are suitable for women, and take the view that community mediation is not a suitable place, or a suitable activity for women. Some women mediators noted that before they started this work and realized how unobjectionable it is for women, they too were afraid, wondering whether they could do this work.

Misconceptions and misinformation about who is eligible to become a mediator are acting as strong barriers to more women becoming mediators. In all parts of the country, and especially in the South, many people think that one needs to be a current or retired government servant to be eligible. In some locations in the East, women thought that only those already holding the position of Justice of the Peace (JP) could become mediators. Even the MTOs are not clear about eligibility in some cases; for example, some MTOs were unclear about recent changes to eligibility criteria for SLMBs, and that only government servants, current or retired, can serve on these special boards. Also, the English language version of the Gazette¹⁹ calling for nominations to CMBs requires new members to have passed their GCE Ordinary Levels, but the Sinhala Language version of the same Gazette says the requirement is GCE Ordinary Levels or its equivalent. In a CMB in the South, all stakeholders thought that only the Divisional Secretary (DS) could forward nominations to the MBC, resulting in the DS acting as a gatekeeper at the point of nomination. Issuance of a large number of gazettes, with minor changes to eligibility criteria over time, has contributed to this widespread lack of clarity about eligibility criteria to be nominated to the CMBs as well as SLMBs.

As expected, intersectionality also plays a role in terms of perceived suitability; women who are from Malayaha Tamil and Muslim communities, and those from perceived lower class or lower caste find it that much more difficult to be considered eligible by those who are nominating mediators (Box 01).

¹⁹ Gazette No 2412/44 issued on November 30, 2024

Box 01: Intersectionality in the context of mediator selection

Intersectionality refers to the interconnected nature of social categorizations such as race, class, and gender which can create overlapping and interdependent systems of discrimination or disadvantage. Intersectionality is particularly relevant for Malayaha Tamil women in the Sri Lankan context. While other communities benefit from an established system of law, justice, and administration, the Malayaha Tamil community, primarily comprising of upcountry plantation workers, has been managed by the plantation management for several centuries. Currently, members of the Malayaha community including both plantation workers and non-workers, remain under the authority of the plantation companies. The current administrative system continues to depend on the existing structures for managing this community; when issues arise, the estate manager and the union leader, known as the thalaivar (which means a male leader), negotiate and resolve these problems. In addition, despite the 13th Amendment, most administrative practices continue to follow a Sinhala-only policy. Many members of the Malayaha Tamil community, particularly those living in plantations, are not proficient in speaking or writing Sinhala. This systemic barrier hinders their access to government services, such as public administration, healthcare, and justice.

During the colonial period, women were primarily seen as laborers who plucked tea, tapped rubber, or collected coconuts, while men made decisions on their behalf. Women were often perceived as powerless, unskilled, and second-class citizens. Male dominance was highly prevalent, both in the home and in society at large. Public spaces and forums were considered men's domains, and women often needed to seek permission from men to enter these areas or comply with men to gain access. Men believed that if women entered public spaces, it would diminish their own status and power.

Systemic discrimination continues to undermine the dignity of the Malayaha Tamil community, particularly the women. People from the Malayaha Tamil community live in areas that have been amalgamated with Sinhala administration and they are often viewed as unqualified to serve as mediators. A female mediator from a CMB in the South noted, *“There are also a lot of Tamils who work on the estates. They speak in Sinhala. There are no Tamil schools, so now the children speak in Sinhala more than in Tamil... There are no Tamils on the board. The community does not have educated people to serve.”* Not only were members of the community not recognized as capable, which was expressed plainly, but their language rights were dismissed as they were all assumed to be able to speak Sinhala. As a result of this mentality, which appears to be quite pervasive, recommendations and nominations for positions of responsibility become challenging, especially for the women in the Malayaha Tamil community.

Another group that may be affected by intersectionality is Muslim women. Muslims in Sri Lanka, who make up about 10% of the population, are generally active and engaged as citizens within the country's administration system, particularly in the Eastern Province and parts of the Northern Province. The Muslim community is governed by the general laws of the land, with the exception of “personal laws” that pertain to marriage, family, divorce, and inheritance which may be applied differently by the different sects of Muslims in Sri Lanka. Most family matters regarding marriage, divorce, and financial issues related to marriage are handled by the Quazi court in conjunction with the mosque committee. Despite the full participation of Muslim men in public life, in some sects in particular in the East, women are not encouraged to seek roles outside the home; as noted by a religious leader in the East, *“Usually, an Islamic woman doesn't sit in front of a man as the culture does not allow it.”* These cultural norms effectively bar Muslim women in these areas from being nominated as mediators.

In addition to ethnicity, another important social category is caste, and caste discrimination is still evident in Sri Lanka, particularly in rural areas, although caste boundaries are starting to blur. Political power and wealth have largely replaced caste as the main factors in Sri Lankan social stratification, especially within the Sinhalese, Sri Lankan Tamil, and Malayaha Tamil communities. However, when it comes to power, particularly in connection with nominations or elected positions, caste can significantly influence leadership, decision-making, and authority. In the North, an official noted that caste issues are hidden but do persist, with some mediators refusing to sit next to other mediators because of caste considerations.

Contd..

Caste is also a historic reason for why the Malayaha community was discriminated against, including by other Tamils. This form of social stratification leads to depressed castes often being more prevalent in lower classes groups. Therefore, this interplay of class and caste leads to a situation where such groups are dismissed, not directly on the basis of their caste but on the basis of not being educated enough or otherwise suitable to hold positions of power or authority as well as not fulfilling the idea of respectability that the mediators attach so much value to.

While it is clear that women face multiple barriers that men do not, the women who have become mediators show that none of these barriers are insurmountable. Women with a variety of responsibilities, both at home and at their places of work, are coming forward as mediators (Box 02: Background of Selected Women Mediators). As a woman mediator in an SLMB in the East noted, *“It’s not that women are not interested; the right women are not getting nominated.”* In the case of current government servants, many women mediators approach the mediation as part of their job, which links to the widely held view that the CMB is a government mechanism, as this helps them to obtain the support of their families to devote a part of their weekend to mediation work. While there is a range of ages and backgrounds represented among mediators, women (and men) in their late 50s and 60s who have just retired from government service and have an independent source of income in the form of a pension appear to be the preferred mediator profile, so much so that some officials specifically look for pensioners to nominate.

Box 02: Background of Selected Women Mediators

Female Mediator Profile 1: Muslim woman attached to a Divisional Secretariat in Batticaloa, married with children, who manages the transport by riding a motor bike and is the vice chairman of the mediation board.

Female Mediator Profile 2: Sinhalese woman from Galle who is a Daham pasal teacher. She underwent the mediator training while she was pregnant. She says she faced multiple problems at home as her husband was an alcoholic but says proudly that she managed to get him out of it, while carrying out all the home responsibilities and her work as a mediator.

Female Mediator Profile 3: Tamil Single Parent from Trincomalee who is the current chair of the SLMB. She holds a government job, manages all household and childcare responsibilities on her own and says she is proud that she can offer her services to the mediation board to help solve people’s problem

Female Mediator Profile 4: Malayaha Tamil from Ratnapura who is a teacher in her 40s. Her husband is Sinhalese and she has young children. She works in a school that is 1.5 hours by bus from her home. She says she has many challenges and demands on her time, but she continues with her mediation work.

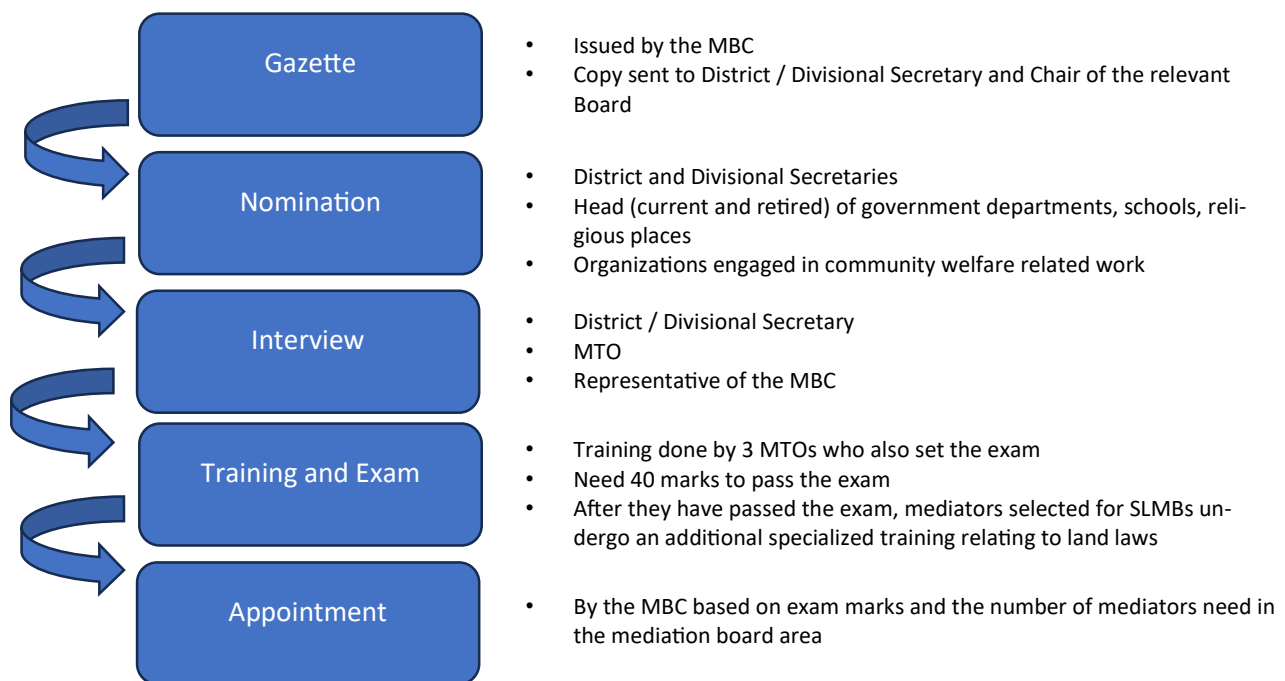
The main reason articulated by mediators about why they are coming forward to do this work, irrespective of gender, is a common interest in community service. The voluntary and unpaid nature of the community mediation work gives them an intrinsic motivation, providing an inner drive that the work they are doing is helping others and contributing to the community without receiving any monetary reward in return. That they are unpaid is a huge part of this motivation, as they use local words such as ‘gaurava wedak’ in Sinhala or ‘athma thrupthi’ in Tamil to describe the work they are doing. They obtain a feeling of self-satisfaction from having brought two quarrelling parties together. As one male mediator in the South put it, *“We get a mental satisfaction from being able to solve some dispute and the former disputants go home happy. We think, I resolved this, and that makes us happy.”* They also value the respect and recognition of the community; many mediators cited the fact that once a mediated settlement is reached, former disputants

worship them before leaving, which they see as a manifestation of community respect for the work they do. Women mediators spoke about gaining the recognition and respect of family members, and increased status within the family after becoming mediators. A woman mediator from the East noted how her children have expressed pride in seeing the Police call her 'Madam' and treat her with importance and respect when she is in public. A woman mediator from the North noted that her husband started helping her with the household chores and also the transport to and from the mediation meetings after he saw the recognition that she receives as a community mediator. Women mediators in an SLMB in the South said that despite all the problems of managing their home life and mediation work, their families support them because it is a source of pride for them to say that their family member is in the SLMB. While men appear to gain status in their community by becoming mediators, women appear to gain status within their families as well, which they seem to value as much or more as increased status within the community.

Multiple barriers and opportunities in the selection process

Mediators in both the CMB and SLMB are selected and appointed through a 5-step process (Figure 1). In this process, there are multiple aspects which can act as a deterrent to the selection of women mediators as discussed below.

Figure 1: Process of selecting and appointing Mediators to the CMB and SLMB



Source: authors' visualization based on KII with MTOs

Step 1: Issuance of the Gazette

In Sri Lanka, the Government Gazette remains as one of the most important forms of official communication. It contains a variety of information such as Government notices and announcements,

vacancies, examination results and public notices. While they are available in Sinhala, Tamil and English, Government Gazettes are not easily accessible. They are available in print as well as online, but one has to be interested to go looking for them, either in post office, libraries or government offices, and it can be inconvenient and time consuming to find the gazette one needs. As noted by a woman mediator in the South, the practice of regularly checking the gazette has almost completely died out among the general public, except among young people looking for vacancies in the public service.

Gazettes announcing the call for nominations to a particular mediation board are issued throughout the year without any discernible pattern or order. Because the Gazette notification relating to a particular mediation board comes as and when issued by the MBC, there is no set date that the residents of a particular area can expect to see the nominations gazette for their area and in fact, in some areas, the gazette calling for nominations has been delayed by several years. Once issued, however, the gazette only allows one month to submit the nominations. This tight timeline means that who is sent the gazette notification and who is notified about it becomes extremely important. The MBC typically sends the gazette notification to the District and Divisional Secretaries (DS) of the relevant mediation board area as well as to the Chairperson of the relevant mediation board.

Once the gazette is issued and sent to the DS, the DS via the Development Officer (Mediation) informs the Grama Niladari (GN). This is typically done by way of an announcement at the weekly GN's meeting at the Divisional Secretariat but, in some areas, there is more done to ensure that the message is well communicated to the GNs. For example, in some areas, the announcement is followed up with a letter to all the GNs in the relevant mediation board area, setting out the required information. In some areas in the East, the notice of the gazette is shared on social media, typically WhatsApp groups set up among officials and on Facebook. In areas where extra effort is being made, the energy and interest of the Development Office (DO) can be identified as an important aspect of ensuring that the GNs are aware of what needs to be done. In many areas, the GN is recognized as a potential barrier to identify women nominees; a female mediator in an SLMB in the East noted, *"To increase women, I feel the GN should be told more strongly to include women in their nominations."*

The communication from the GN to the community is done in a variety of ways, which depends on the energy and interest of the GN as well as the norms particular to that community. In some locations in the East, the GN places a notice on their notice board; in some areas in the South, the GN approaches the Parish Priest to make an announcement to the congregation on Sunday. In Malayaha Tamil areas, the notice was often placed only in Sinhala, and there is still a general lack of interest in nominating candidates from these marginalized groups. In most places however, there is no public announcement by the GN and they speak only to those whom they think are suitable and meet the eligibility criteria as they understand it. A GN in the South noted, *"Since this is a voluntary position, we talk to pensioners and nominate them. The pensioners we talk to are mostly teachers and government servants."*

Parallel to the GNs, the DOs also engage in disseminating the call for nominations. They usually do so by making a short announcement at various society meetings held within the Divisional Secretariat premises, such as rural development societies, women rural development societies and elders' societies, or at meetings organized by the DS or other government entities in the community.

Despite these efforts, however, there is insufficient awareness of the fact that nominations have been called for the mediation board in the area. The dissemination of the gazette is mainly confined to government spaces, reaching mainly government officials and their networks of other government officials, both current and retired. Even among those who are notified about the issuance of the Gazette, there is very little awareness of what is contained in the gazette: namely, who can nominate candidates, the process to submit a nomination, and the eligibility criteria. Despite these shortcomings in the dissemination process, both male and female mediators as well as officials were generally not in favor of public advertisements calling for nominations, fearing loss of control over the selection process. Male mediators in the South noted, *“People may wonder why it is being advertised now, after establishing the CMB so many years ago. They will wonder why people are not coming forward and it needs to be advertised to get people. Other problems can happen, like the MP might send a whole list of people to be nominated. It opens the door for various problems. The value of being a mediator will be lost.”*

Step 2: Nomination

The gazette allows nominations to be made by the District and Divisional Secretary of the relevant mediation board area, heads of a government department (both current and retired), heads of a place of religious worship or of school (both current and retired) and any board, organizations or institutions engaged in community development work (Box 3). However, in practice most nominations are done by 1) the District Secretary (mainly for SLMBs but also CMBs on occasion); 2) the Divisional Secretary (either directly or by submitting names identified by the GNs); and 3) the Chairperson of the outgoing mediation board. In the case of SLMBs, many members are currently serving public officials and they have been nominated by the heads of their departments. In the South, where religious leaders have submitted nominations, they tend to be Buddhist monks who are currently serving in the mediation boards or had served in the past, sometimes as the Chair of the board. Nominations by boards, organizations or institutions engaged in community development work appear to be very few or none²⁰. As the gazette is forwarded to and disseminated within mainly government circles and networks, it is not surprising that the nominations are also made mainly by government officials.

Those who nominate individuals for the CMBs look for several characteristics when identifying potential mediators. In addition to suitable age (above 35) and education (at least Ordinary Levels) as set out in the Gazette (Box 3), they also seek individuals who are ‘respected in the community’. This concept is vague and difficult for them to explain what they mean exactly, but they feel that government servants and service-oriented individuals who work for the welfare of the community have the respect of the community. In addition, they also look for people of ‘good character’. Again, there is some ambiguity about what exactly this means and there is also variance by location and community, as well as gender. For men, the bar seems low; those who are not alcoholics, womanizers or loiterers. For women, the bar is higher and excludes divorced or separated women, women who are having problems in their homes and sometimes, women activists or women who are too forward, who talk too much or who ‘roam about’. Delving into this concept of a person of good character illustrates the community judgment about who is considered a ‘good woman’. As noted by a female mediator in the North, an ideal woman candidate is someone who is family-oriented, with a good personality, and who is duty conscious.

²⁰ Not all the mediators know who nominated them, and their first intimation that they have been nominated is when they receive a letter calling them for the interview.

Box 03: Eligibility and Nomination to CMB and SLMB

	CMB	SLMB
Who is eligible	(1) resident or engaged in any work in that Area; (2) not resident but considered eligible by the MBC (3) Any Public Officer nominated by the District Secretary (4) present Chairman, Mediators of Panels of Mediators (5) G.C.E. (O/L) (6) minimum age limit 35 years of age (7) those engaged in banking, leasing, micro financing and insurance involving in financial activities both in the government/semi government or private sector are NOT eligible Criteria to support nomination: • present or past occupation, with period • holding a position of trust or responsibility • holding office in any social service/ religious/charitable organization, society or body.	(1) 35 to 70 years of age AND; (2) has a professional qualification AND; (3) is or has been a public officer Criteria to support nomination: • present or past occupation, with period • holding a position of trust or responsibility • holding office in any social service/ religious/charitable organization, society or body.
Who can nominate	Not more than 3 each: (i) the Head of a Department located within the mediation board area; (ii) the Head of a Place or religious worship or of a school situated in the mediation board area; (iii) a retired Head of a Department or a retired Head of a School residing in that particular Mediation Board area; (iv) Anybody, Organizations or Institution which has been in existence for at least 5 years and which is engaged in carrying out community development and community welfare activities No Limit but not more than 5 will be appointed: (v) District Secretary No limit: (vi) Current Chairman of Panel of Mediators (vii) Divisional Secretary <i>Source: Gazette No: 2412/44 SATURDAY. NOVEMBER 30, 2024</i>	Not more than 3 each: (i) the Head of a Department located within the mediation board area; (ii) the Head of a Place or religious worship or of a school situated in the mediation board area; (iii) a retired Head of a Department or a retired Head of a School residing in that particular Mediation Board area; (iv) Anybody, Organizations or Institution which has been in existence for at least 5 years and which is engaged in carrying out community development and community welfare activities No Limit but not more than 5 will be appointed: (v) District Secretary <i>Source: Gazette No. No. 2370/08 – TUESDAY, FEBRUARY 06, 2024</i>

For SLMBs, in addition to the age (between 35-70) and education (higher education qualification), there is a strongly held view that only government servants should be nominated because they have up to date subject knowledge.

“Most of us have been nominated by either the District Secretary or the heads of the respective government departments we work in. They nominate only highly qualified government servants as mediators to this SLMB, because we are always in the know about all the government circulars and gazettes and we get all the updates that are useful to settle land disputes, unlike the CBO/ NGO sector employees.” - FGD with female mediators, SLMB, South

Because mediators are selected through nominations and not applications, those who have the power to nominate can act as gatekeepers to prevent women entering the process, or as champions enabling and promoting the entrance of women into the selection process. Which one they are, appears to be very much dependent on the perceptions, attitudes and prejudices of each individual (Box 4).

Box 4: Contrasting views of Divisional Secretaries

“There is no need to increase the women count in the board. Male mediators can handle everything. I personally believe that if the number of women mediators are increased it might favor women, and men might get discriminated, so the count shouldn't be increased...Women have to do their role according to our culture, if it changes then maybe they can come into mediation boards.”

-DS, Female, Malayaha Area

“I firmly believe that women should not be confined to domestic roles. Their inherent qualities and perspectives are crucial in our division, especially in mediation. Despite cultural, religious, and societal influences, as the head of this division, I have a responsibility to promote gender equality and justice.”

-DS, Male, Muslim, East

Interestingly, women's organizations or NGOs, who are allowed to submit nominations directly to the MBC, rarely get involved in this process of nominating mediators. This is particularly striking as their work on women's empowerment has met with some traction when it comes to women's political representation but not in relation to mediation.

Step 3: Interview

Once the nominations have been forwarded to the MBC, the next step is an interview which is conducted by a three-person interview board comprising of the relevant Divisional Secretary (or District Secretary in the case of SLMBs), the MTO and a representative of the MBC. The interviews are conducted over a single day and all the nominees for that particular mediation board must present themselves in person on that day to pass the interview. Those unable to come on that particular day may request for an interview in another location but this is generally discouraged by the Divisional Secretaries in the alternate location.

Many names are eliminated at the interview stage, however there is no set format for the interview; in some locations the interview serves only to check the minimum eligibility criteria, such as residence in the area, age, educational qualifications, that there are no political affiliations, that all the documents to prove eligibility are in order, that they are able to spare one day on the weekend for the mediation board, that they

are able to travel (in particular in the case of SLMB), as well as more mundane criteria such as ability to see and hear in the case of older nominees. In other locations, the interview board takes a more proactive role and assesses whether the nominee is 'suitable' to become a mediator. As one MTO from the South noted, *"During the interview, if we feel that someone is not good enough, we disqualify them. From the way they answer the questions we can tell that this person is not suited for the job. We screen such people out."* The criteria of good character is again tested at the interview stage; in addition to possessing a character certificate issued by the GN, the nominee must conform to the interview board's perceptions of good character based on visible attributes such as dress, the way they speak and behave. A female mediator from the East said, *"(d)uring the interview process, they look for your experience and how well you are respected in the society. Also, your body language and dress you have worn."* Nominees who have any petitions against them are also unlikely to pass the interview stage.

The main issue with the interview stage is the lack of transparency. There is substantial flexibility allowed to the interview board to decide what questions to ask or not ask, whether and how to examine any petitions against the nominee and how to assess 'suitability' of the nominee. The biases and prejudices of the officers serving on the interview board can influence the selection process, and the lack of transparency in the process means that such biases and prejudices remain undetected.

The interview is usually conducted in the language spoken by the majority ethnicity in the area. While language is not a barrier in most locations, it is an impediment for nominees from the Malayaha Tamil community, as it is often assumed that they speak Sinhala and do not need language assistance. Potential Malayaha nominees may find that they perform badly at the interview as they cannot articulate themselves adequately in Sinhala.

Step 4: Training and exam

Those who pass the interview, go on to the training, which is non-residential and conducted by 3 MTOs, over 5 consecutive days, usually at the office of the Divisional Secretariat. In the case of SLMBs, the training is held over 6 days and is usually held at the District, Secretariat. The attendance at all training days is mandatory, and missing a single day means that the nominee has failed the training and dropped out of the selection process. Women mediators from an SLMB in the East noted that there were 25 women who qualified to undergo training but only 9 remained at the end of the training.

However, nominees who are unable to come for all training days may make a prior request that they be allowed to undergo the training at a later date with another group of nominees at another location, either in the same district or further afield. This seems a commonly utilized practice to get over unavailability during the training period; women mediators at an FGD in the South noted that they had a woman nominee from a division over 70 kms away, but within the same district, who underwent the training with them.

Government servants are allowed duty leave to attend the training, which is a huge support for nominees from the public sector, but which is not available to those who have been nominated from the private or NGO sectors. Without support from their employers in the form of duty leave, this training program can be a strong barrier to the nomination of both men and women from outside the public sector.

At the conclusion of the training, the trainees sit for a written exam. The exam results account for 90% of the marks and the relevant MTO gives the balance 10% marks on qualitative criteria such as active listening, patience and so on, based on their observation of the behavior and performance of the trainee at the practical exercises. Trainees are required to obtain 40 marks or more to pass the training and be eligible to be appointed a mediator. While the Chair and Vice Chair used to be appointed on the basis of MTOs

recommendations, in the recent past, these positions are offered to those scoring the highest marks at the exam.

Except that there are 3 MTOs involved, there is no transparency in the marking system and none of the mediators interviewed for this study knew the score they had received at the exam. However, they were not particularly interested in knowing the score either. An MTO from the Malayaha Tamil areas noted, *“Marks are not told to the candidates as they might get into a disagreement, saying the MTO was the one who gave low marks. Candidates can send a query to the MBC if they don't get selected after the exam and want to know the reason.”* This lack of transparency in the exam results allows the MTO substantial power in the selection of mediators, which has been used to promote as well as hold back women mediators. As one MTO from the South noted, *“When we are selecting, we try to ensure that there is a certain number of women relative to men. Say 30 men and 20 women came for the training, we use the MTO's allocation of the score to make sure the women get in. It is a big shortcoming otherwise.”*

Both the training and the exam are provided in the language of the majority ethnic group in the area. Again, this can be a serious challenge to the Malayaha Tamil community who are assumed to be skilled in the Sinhala language. MTOs note that they cannot provide the training in dual languages due to time and cost considerations.

Generally, it is thought that women perform better at the exam, as they study hard and also generally have better handwriting, a valuable skill in a mediator which the MTOs often specifically look for, as mediation reports continue to be written entirely by hand. MTOs noted that once the relative score of the exam was increased to 90% more women have been appointed as Chair and Vice Chair of mediation boards. An MTO from the South noted, *“We also used to think that it is better if the chair is a man. Usually if there was a monk, he gets the chairmanship... Women don't like to take on responsibility.”* However, once women were appointed as Chair and Vice Chair through the exam scores, even the once skeptical MTOs have changed their views about the suitability of women as Chair of the mediation board.

Mediators appointed to the Special Mediator Boards (Land) undergo an additional specialized training on the relevant laws, once they have passed the exam and have been selected to the SLMB.

Step 5: Appointment

All who pass the exam are eligible to be appointed as mediators. However, the MBC determines the number of appointments based on the requirements of the mediation boards area. Because not all those who are appointed do stay on, there is an increasing demand by the mediators that the MBC should fill vacancies from among those who passed the exam but were not appointed.

In recent years, the time lag between the steps of the selection process, in particular between the interview and training steps has substantially lengthened - in some cases as long at 2 years. These large time lags are also contributing to drop outs among both men and women nominees before they can be appointed as mediators, as the delay causes nominees to lose interest: sometimes they have moved away, are in poor health or have passed away before they can be appointed as mediators.

Overall, the findings of this study suggest that the process of selecting mediators is largely gender neutral except at the beginning at the issuance of the gazette and nomination steps, when women are much less likely to be nominated than men. As one MTO from the South noted, *“There is a problem with the entrance to the process. No one sees the gazette except the MTO, DO and the DS. There is no way for talented people to enter the process.”* In addition, the process lacks transparency which may also be detrimental to attracting

more women, and men. As a woman representative of an NGO in the East noted, *“I do not trust the process; there is a lack of transparency from the gazette notification to the appointment stage.”*

The lived reality of being a community mediator

The experience of being a woman on the mediation board can influence whether she drops out before her term ends, or she returns to serve after her term ends. It can also influence the decision of other women in her networks about whether or not to come forward to become a mediator. This section looks at the experience of women mediators after they have been appointed to CMBs and SLMBs.

Logistical aspects

In most locations, the mediation boards meet twice every month, which used to be four times a month just over one year ago. Women mediators note that the reduced frequency of meetings has benefited their work-life balance, but both male and female mediators note that the reduced frequency has also meant a backlog of work, and much longer working days. As a male mediator from the South noted, *“When it was 4 days a month, we started at 9 am and finished at 1:30 pm. Now, we start at 9 am and finish at 4 pm.”* Often, the chair and a few other mediators stay even longer to complete the paper work. The longer day is often more tiring, especially for the older mediators. It also has implications for travel home for those mediators living far from where the sessions were held. A female mediator in the South noted that in their CMB *“(m)ediation usually starts from 9 and goes on the whole day. Everyone has to travel by bus and, if it gets late, it is problem to catch the bus.”* Disputes are required to be settled within 30 days (criminal) and 60 days (civil), which adds to the pressure on the mediators. Consequently, in some locations, the mediators hold sessions on four, or sometimes three, days per month, even though they receive the transport allowance for only two days per month.

Both male and female mediators raised concerns about the travel to the mediation board sessions in areas where the geographic area covered by the mediation board is large or where the topography is difficult. As noted by a male mediator in a Malayalam Tamil area *“(t)raveling is a big problem for both mediators and disputants as it is a big geographical area. Some mediators have to travel 50 km one way to get to where the sessions are held.”* For women, it is often a major challenge, as they face not only long distances but also personal safety issues. Women are more reliant on public transport, which can be slow and unsafe, especially on weekends when the mediation sessions are held. Some younger female mediators ride motor cycles, but they use these mostly for short distances. In some areas in the East, such as Pottuvil, this option is not available to Muslim women mediators because women are not allowed to ride motorcycles, even though in some other Muslim areas such as Kattankudy, they are.

Women mediators serving in SLMBs are particularly challenged as they cover an entire district. Most SLMBs are addressing this issue by dividing the district into contiguous sections which are then handled by mediators in and around that area. As noted by female mediators in an SLMB in the South, they find it extremely tiring to commute to far away divisions for SLMB sessions, which can take as much as six hours one way. *“We don’t usually go alone using our own transport. For example, some of us use motor bikes, but we don’t take them if the location is far. It’s a risk to take the bike for a long way.”* It was reported that some women who had been nominated as mediators have refused the offer, mainly citing concerns about cost and safety considerations relating to travel.

The mediation sessions are usually held in schools or temples, and it is the responsibility of the Chairperson to organize the location. Because they do not have a permanent location, mediators face some challenges such as not having a cabinet to store their files which are then carried around, resulting in damage and loss

of documents, and not having a permanent location to handover documents, resulting in disputants going to the homes of mediators to hand over complaints and other documents. On some occasions, mediation sessions have been cancelled after the notice has been issued, due to unforeseen functions in the school or temple. In some locations, basic facilities such as toilets and water supply may be inadequate, affecting both mediators and disputants, especially those coming with young children and babies. A female mediator in the East said that the space used for mediation by their CMB does not have proper toilets and *“sometimes we have to hold it in until we go back home. This has health implications. The place does not offer us any form of respectability.”*

Mediation process related aspects

The mediation sessions are structured as three-person panels, which engage with the disputants until the dispute comes to a mediated settlement or the mediation board issues a no-settlement certificate. There are two ways to appoint a panel: firstly, the disputants may choose one mediator each who then choose the third mediator, and secondly, the Chair of the mediation board appoints the panels. While both methods are used, the mix of methods can be administratively difficult to manage and mediators are increasingly tending towards appointing a panel based on who is available on the day and the need to have a balance of senior and junior mediators as well as at least one woman mediator in each panel. A female mediator in an SLMB in the East said, *“We try to ensure at least one woman in each case, especially if one of the parties is a woman. We have to manage this with the 9 women and not all 9 women are available every time either, so it's more hectic for the women, but we somehow try to ensure this.”*

When allowed to choose, it has been noted that disputants mainly try to choose mediators they know. Neither mediators nor officials involved in the process have noted that women disputants are selecting women mediators when given the chance, but there is no data collected or available to verify this. Some mediators discussed how men and women tend to mediate differently, with men more forceful and likely to offer advice and direction to the disputants while women tend to be more empathetic. They felt that it is important to balance these traits in each panel to achieve a sustainable mediated solution.

In the North, an MTO noted that sometimes the CMB has taken proactive steps such as flexible times for the individual panels to meet, to ensure matters are concluded. This has also helped women, both mediators and disputants, who have household responsibilities and may not have been able to make it on a particular mediation session date. The MTO noted, however, that this arrangement only works if all the members in the panel as well as the disputants, agree.

Women mediators discussed the importance of how they should dress for the mediation sessions. It was considered important to look different to the disputants; in most areas, the women mediators wear white sarees. In the North, women mediators wear a coloured saree e.g. pink in one CMB in Jaffna because white is associated with mourning. This indicates a certain status associated with being a mediator, which sets them apart from the rest of the community, which the women mediators were keen to emphasize through their dress. A female mediator in the South said, *“The CMB, its functions and we the mediators should be respected. This is very important and this is why we wear white sarees and only sarees.”* However, this was not limited to women. Men were also expected to dress in long sleeved white shirts and black trousers across most regions.

In several mediation boards, both male and female mediators discussed the issue of managing situations when the disputants are aggressive or angry. A female mediator in the North explained that she has come across such a situation:

“One day a man came for a family dispute. The Chairman and I were there. During the chat, his argument was a little wrong. When I interrupted to ask a question, the man immediately shouted at me saying, you are a woman, be quiet, I am talking to the man. Then my Chairman, although upset, without losing his patience explained to him about the mediation system and the process and noted that the women have equal standing to ask questions and urged him to be respectful and so on, and made him understand quietly. My Chairman was present, and he gave me respect and I was happy about it.”

Such situations appear rare and MTOs as well as many women mediators emphasized that gender is not relevant in such scenarios and a well-trained mediator, whether man or woman, can handle these situations.

Both male and female mediators agreed on the need for more regular training events. In some cases, the mediators had last been trained more than 6 years ago and they had been mediating for this entire time with no refresher training events at all. This lack of re-connecting them with the training materials leads to the process becoming stale, and there is a much greater chance of the mediators forgetting core principles of mediation, including gender sensitivity in their interactions with women disputants as well as mediators of the other gender. They note that while the MBC provides an allocation for regular training, it is too little to be sufficient.

In many mediation boards, the number of mediators is less than the number at appointment, because there are dropouts and the vacancies created are not filled until the new mediation board is appointed. Mediators drop out for a number of reasons, such as ill health, death, change of residence, and transfers to other areas. Women mediators may have other reasons, such as transport related issues or finding out that there are unable to balance their home and work responsibilities with their work as a mediator. Due to time and logistical constraints, the research team could not meet with mediators who had dropped out,²¹ but some indicative information on dropout numbers and reasons for dropping out obtained from current mediators and officials is shown in Table 1.

Table 01: Reasons for dropping out, by the mediator’s gender

Location and Source	Female	Male
SLMB Jaffna, Male Mediators	4 left, reportedly due to a variety of reasons, mainly competing family responsibilities but also due to lack of basic facilities for mediation and having to mediate by the roadside, in parking spaces or the like.	7 left due to the following reasons: • 3 had died • 2 joined politics • 1 went abroad. • 1 left because he did not get the Chairmanship
CMB Potthuvil, DO	1 left, as she felt the CMB work interfered with her Christian religious practice, and also because it is too far to travel.	2 left due to the following reasons: • dispute over not being appointed vice chairman based on his marks • no reason given, but others feel due to family responsibilities
CMB Haputale, DO		7 left due to the following reasons: • 2 died • 2 disabled due to old age

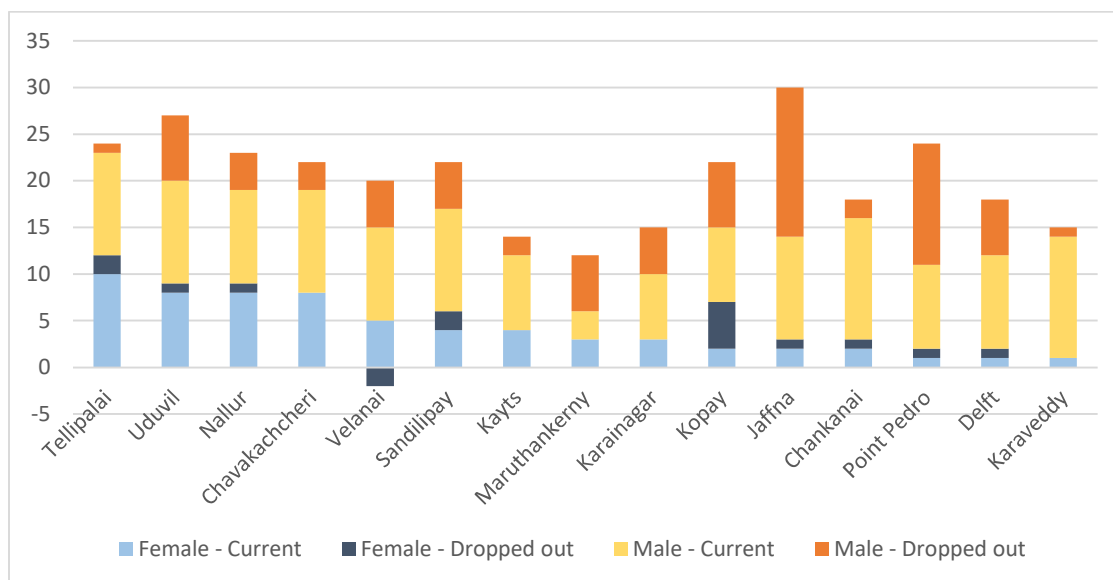
²¹ With one exception: the team met with a former male mediator in a CMB in the East who had left because he disagreed with the appointment of a replacement chairperson.

		1 vice chairman left due to conflict with chairman 2 unable to balance work as principal and vice principal of school, and CMB work
CMB Kalmunai, DO	1 left as she was unable to manage with family responsibilities	9 left for various reasons such as promotions, went overseas, and also without providing any reason.
CMB Ratnapura, Female and Male Mediators	2 left, one fell sick and couldn't come and one left the area.	Buddhist priest left because he found the workload too much to balance with his temple responsibilities
CMB Negombo, DO	1 left, as she was repeatedly absent due to domestic responsibilities	
CMB Kuruwita Female Mediator	Out of 5 women appointed, 3 had died	

Note: since these reasons were provided by others, not by the mediators who dropped out themselves, some of these reasons may be assumptions of outsiders only, and not fully accurate.

Officials appear to believe that mainly women mediators drop out, which has led to some prejudice in their minds about increasing the number of women mediators, but available data from Jaffna District show that both men and women mediators are dropping out and a clear gendered pattern cannot be identified (Figure 2). Since they can affect the nomination and selection of women mediators, it is important to counter these prejudices with actual data and analysis.

Figure 2: Drop Outs by Gender, Jaffna District



Source: Visualized by the authors based on data provided by the MTO

Support from MTO and MBC

By and large, mediators speak favorably of the support provided by the MTO and the DO. MTOs visit the mediation sessions in their district in turn to observe the mediation services provided by the mediators. They provide advice, feedback and support where necessary to the mediators and have, on occasion, directly intervened with the disputants to help the mediation process. While the MTOs visit each mediation board in their district a few times a year, the more remote CMBs noted that they have gone for over one year without a visit or any substantive assistance from the MTO. The regularity of the visits appears to vary by MTO as well as the topography, ease of transport and size of the district. In addition to the MTO, the relevant DOs work closely with the mediation board in their areas, and assist with many of the logistical aspects of the mediation sessions. Several mediators, in particular the Chairpersons, specifically acknowledged the support they receive from the DO with the administrative and logistical aspects of the mediation boards.

The MBC plays an important role in mediation boards providing overall supervision and financial support to the mediation boards. However, in recent years the budgetary constraints the MBC is facing has had a knock-on effect on the quality and effectiveness of the work carried out by the mediation boards. In addition to the reduction of mediation sessions from 4 to 2 per month to reduce the payout of the transport allowance, mediators and officials noted significant delays in holding training events, leading to delays in appointing new mediation boards, and delays in payment of the transport allowance to mediators as well as the allowance to hire support staff. Mediators also noted that the MBC is slow to respond to requests, such as to terminate mediators who are absent without cause for prolonged periods, and requests to fill vacancies created by death or illness of mediators. These delays are starting to have a demoralizing effect on the mediators. Discussing the support provided to them by the MBC, women mediators in the South noted. *“Our main problem is that there are terrible delays in the provision of resources and transport payments. They haven’t sent the money to pay the support person for many months. The Commission shares important circulars with the Chairman, which is useful, but it should do more to make the community aware of the CMB and its functions. Then the community will bring their disputes directly to the CMB without going to the Police. Also, there should be frequent, short trainings, so that we recall and use what we learned during the training.”*

The database of mediators maintained by the MBC needs to be updated. As one MTO noted, the MBC is under the impression that there are more mediators than there actually are, due in part to the fact that the database is not up to date. An accurate and complete database can be a useful tool to analyze the composition of the boards, and shed light on a number of issues affecting the mediation boards at present, including the unequal representation of women, drop outs by gender and so on. However, as shown in the example set out in Table 2, there are substantial discrepancies in the numbers, with some boards showing less and some boards showing more mediators than there actually are. There is no discernible pattern to the discrepancies and, as such, the data cannot be used for any meaningful analysis.

Solutions suggested by Stakeholders

To increase the number of women mediators, stakeholders interviewed suggested several solutions, the most common one being to increase awareness of the mediation boards, and the other being to introduce quotas or targets.

Increasing awareness

Officials noted that, in boards where the number of women mediators was increased over the past decade, this was mainly achieved through well planned and intensive awareness programs. These were initially done by the MTO, when funding was available for special awareness events, and then subsequently by the

Table 1: Mediator Numbers according to Database and Actual, Ratnapura District

Mediation Board Area	Database - Female	Database - Male	Actual - Female	Actual - Male	Difference - Female	Difference - Male
Opanayaka	6	20	11	13	5	-7
Embilipitya	3	27	8	23	5	-4
Imbuple	8	19	12	17	4	-2
Kolonna	5	20	8	17	3	-3
Nivithigala	7	21	7	13	0	-8
Weligepola	8	11	8	10	0	-1
Pelmadulla	13	21	13	21	0	0
Godakawela	7	20	7	17	0	-3
Elapatha	5	15	5	15	0	0
Rathnapura	18	24	17	25	-1	1
Ayagama	14	15	12	12	-2	-3
Atakalanapanna	8	12	6	10	-2	-2
Balangoda	11	26	9	24	-2	-2
Kiriella	8	13	5	10	-3	-3
Special Land Board	6	21	3	10	-3	-11
Kuruvita	5	19	2	18	-3	-1
Kalawana	11	20	6	14	-5	-6
Total	143	324	139	269	-4	-55

Note: Information was not provided for Eheliyagoda

Source: Data provided by DOs, November 2024

DO as part of other meetings at the DS office and in the community. Awareness programs conducted by MTOs were sometimes 2 -3 days long, with various segments of the population including public and private sector employees. These programs covered many aspects of mediation and provided a detailed introduction to community mediation, specifically the benefits of community mediation, and how community mediation boards function. Since these programs were conducted by MTOs, they were able to draw on their experiences and share stories and examples to deliver the programs effectively.

Unlike in the case of awareness programs done by the MTOs, the effectiveness of awareness activities by the DO varies by the DO's ability as well as their understanding of the mediation boards. Due to lack of earmarked funds, they are mainly doing awareness activities by attending events that are already being held at the divisional secretariat, such as meetings of various societies such as farmers, elders and so on. During these meetings, they spend between 30 to 60 minutes to present a short introduction to the CMB as well as its value as an alternate dispute resolution mechanism. These awareness activities are patchy in terms of effectiveness as it is highly dependent on the commitment, knowledge and experience of the DO. In most places, they have been effective in reaching the government officials, in particular staff of Divisional Secretariats and other allied institutions.

While some stakeholders suggested focusing on spaces where eligible women may be found, others noted the importance of a wider awareness effort focusing on the larger community. While potential women

mediators need to be made aware of mediation boards and their eligibility to join if they so desire, it is equally important to create awareness among those who might be barriers to women coming forward to join mediation boards, specifically men in the community including husbands, sons and other relatives. It is also important to create awareness among daughters and other family members, as well as community leaders such as the temple priest and moulavis. Male mediators, in particular the Chairpersons, also should be targeted to proactively search for, convince and nominate women. As women mediators in a CMB in the South noted, *“Our former chairperson said that women representation is low and that we should make efforts to increase it. He went out looking for various types of people to serve on the CMB, such as women, Tamil speaking people and so on, to improve the functioning of the CMB. So we suggested names and increased the number of women.”*

The example of committed women mediators can also be a highly effective way to deliver the message about how women can be involved in community mediation boards. Women mediators spoke about the value of seeing women performing well as mediators and of using their experience to attract more women. As a woman mediator in the North noted, *“Earlier, when we joined, most of us knew nothing about mediation, But now, it has become our passion. When we talk about it, others will also be encouraged to join. This way, gradually, the women coming forward will increase.”*

In the past, the school mediation program has functioned as an effective way to reach potential women mediators. This program established mediation boards in schools in selected districts, with the board comprising of both students and teachers, and allowed both students and teachers to obtain a first-hand experience of the mediation process as well as its value. As an MTO from the South noted:

“We used to do mediation activities in schools. It was very good - involving the students as well as the teachers. We established school mediation boards, 20 students and 5 teachers, they went through a 5-day training. The idea was that they get an understanding of what mediation is, and also if there are problems between students, they can help to resolve it. But it is difficult to get access to schools now... Principals don't like giving the students and teachers for 5 days because they are so behind on their work, after all the time the schools were closed.”

As noted above, there is insufficient awareness of the issuance of the Gazette, and its contents are not well disseminated. Mediators and officials noted that the dissemination of the gazette is largely confined to government networks and may be missing out on reaching potential women mediators who are not connected to these networks. Further, the language of dissemination should be made more accessible; for example, the notice and contents of the gazette should be communicated to the GNs and via them in the community, in both languages and in both written and spoken form; and in a simplified format.

Many stakeholders suggested focusing on the GN, as they identified the GN as a potential mechanism to reach eligible women, who may be hidden inside communities, but also as a possible bottleneck. As one official in the South noted, *“The DS requests the GN to search for people to be nominated, but we are not sure whether he makes an effort. The GN is supposed to inform the community, but there is no monitoring or evaluation of how well they do the awareness raising and selection of nominees.”*

The suggestion of using mass media to disseminate the call for nominations met with mixed reactions. While officials were in favor, mediators emphasized the importance of being nominated, and felt that media advertisements would result in any and all coming forward to become mediators, which would reduce the respect for being a mediator.

Quota

There is limited support for a quota for women at the point of appointment. While both officials and mediators agreed on the need for about 30% women mediators to enable each panel to have at least one woman mediator, they were reluctant to make it mandatory, noting that it can lead to a deterioration in the quality of mediators and increased drop outs. A male mediator in the North noted, *"If for the sake of recruitment, numbers are increased, it won't work; but if voluntarily accepted, then it will be right. Real interest should be there, not forced."* Officials also noted the practical difficulties of having a quota at appointment stage, noting that mediators are selected on the basis of their exam results. Overall, there was concern about what will happen if there are insufficient eligible women and the fear that such a quota will lead to the lowering of standards. One official in the North noted that if a quota for women mediators is introduced, the educational qualifications would need to be reduced. Another opined that the DS will push their staff to join to make up the numbers and they will very soon drop out as they have no interest in this work.

There is more widespread support for a quota of women at the nomination stage, as opposed to an enforced quota at the appointment stage. Many stakeholders pointed out that the main bottleneck to more women mediators is at the nomination stage and a quota will increase the number of women who enter the selection process. It was also felt that such a quota will force the GNs to look for women at the community level. However, several stakeholders pointed out that a strongly communicated target, rather than an enforced quota, would be more suitable to avoid practical problems during implementation.

Improved facilities

Finally, another suggestion related to improving the facilities available to mediators. In more remote areas, the lack of a proper space to hold the mediation sessions is seen as undermining the respectability and dignity of being a mediator, and has even been identified as a reason for dropouts among appointed mediators. Officials note that providing better facilities, through a permanent space or a temporary space with adequate facilities, can help to reduce dropouts as well as attract more people to come forward to become mediators.

5. Discussion from a Feminist Perspective

Feminist analysis sees the goal of equal participation as a struggle over power²². In this section, the discussion focuses on the types of power female and male mediators have, and who may be resisting moves towards equal participation.

Authority, respect and dignity of the position

Both male and female mediators have positional power just by being appointed as a mediator. When mediators describe their experiences with disputants, there is an underlying reference to power. This can be in relation to authority (in terms of the mediators being government officials, principals) or in terms of religion or family background, including class or caste. In some situations, there is a conscious or unconscious undermining of others based on the work they do, their class, their ethnicity or their caste. For example a mediator noted, *"We can easily resolve disputes when it involves educated people, rather than*

²² Celis, Karen & Lovenduski, Joni. (2018). Power struggles: gender equality in political representation. *European Journal of Politics and Gender*. 1. 149-166.

uneducated people, especially plantation community (Malayaha Tamil). They solve their problems by going to their thalaivar.” Referencing the low educational attainments of Malayaha Tamils, a mediator noted that if they come to the mediation board, the dispute might take a very long time to resolve.

Based on the experiences shared, there is a problematic tendency for some mediators to act with strong moral authority on a number of issues. Stakeholders noted that this tendency is marked among mediators who are or were teachers or principals, or persons used to enjoying authority in their workplace such as retired heads of government agencies. This is further strengthened and reinforced when disputants refer to the mediators as ‘madam’ or ‘sir’ and worship them at the end of a mediated settlement to their dispute. Mediators also feel under pressure to reach a settlement within the stipulated time periods, which can also accentuate the tendency towards solving a dispute as opposed to facilitating it to reach a mediated settlement. Referencing this, an NGO representative in the East noted, *“We strongly believe that the mediation board is highly male-dominated and a masculine environment. This is not just an assumption; it is based on our experiences.”*

Mediators, both male and female, are very conscious of their position and take pains to ensure that the status and respect accorded to them as mediators are not undermined in any way. Women mediators stress the importance of their dress as a way to separate themselves from disputants and manifest the dignity of their position. Underlying the requests for better facilities is the notion that working in spaces with poor facilities is not in accordance with the dignity of their position. These feelings of the need to guard the respect, dignity and authority of their position leads to some mediators’ reluctance to open up or change the process of selecting mediators. As a woman mediator in the South said, *“If anyone can come forward and become a mediator, they will lose their respect for us.”*

Almost all the officials and mediators interviewed expressed their opinion that transgender persons are not suitable to become mediators because they are not respected by the community. Further they note that it is not necessary to have them on the mediation boards as mediation boards have not received any issue regarding transgender. Not only transgender, but even disabled persons are rejected as potential mediators because of their disability. As a DS noted, *“Disability means that they are not able to do mediation. Also in the gazette, it is not mentioned that disability or transgender people should be considered, so we are not thinking of them.”*

Perceptions of the Good Woman

While almost all the stakeholders interviewed agreed that there should be more women in mediation boards, their expectation of women who should come forward are that they be ‘good women’. In Sinhala, they use the word *charithawath*, and in Tamil the word *ollukkamana*. When asked to explain what this means, they provide examples such as women who do not have sexual relations with another man other than their husbands, women who are legally married, not divorced (unless it is well known in the community that the divorce was due to the husband’s faults) and women who are not childless. Female mediators in a CMB in the South noted, *“For everyone, social standing is important, but for women it is more important. They should not be seen as gossiping, or fighting all the time, and they should manage their families well. Even if their husband is a drunkard, this reflects badly on the women. Women should know how to control their men, including from drinking.”* However, for men, there is no concept of ‘good man’ except basic requirements such as someone who has not been found guilty by any local court. For men, being unmarried or remarried is not considered a negative trait. The explanation of someone who does not qualify as a good woman also encompasses women who question men, women who are activists or who are actively involved in challenging male supremacy in public spaces. In the South, women who are working in NGOs are assumed to be activists and therefore not welcomed because it is feared that they would undermine the

respectability and moral authority of the mediation boards. In the North, women who work in NGOs are more acceptable than in the South, but nevertheless some respondents noted that feminists would not be appropriate as it was assumed that they will always take the side of women disputants, which is not an appropriate position for a mediator. Further, feminist views also clashed with traditional family values. In addition to how a woman behaves in public, a woman's conduct at home is also considered relevant when deciding on her suitability to be a mediator. These parameters are not applied equally stringently to men, unless they have gone to extremes (for example if they are alcoholics).

Gender stereotypes

Both male and female mediators appear to believe that there needs to be some kind of controlling power to maintain a smooth mediation process, and also that by nature men are intrinsically capable of controlling any angry party. Sometimes, the disputants come to the mediation process in a very angry frame of mind and when they shout or act violently, it is expected that women are afraid, that women cannot control them, while men have the skill to control them. This male-female and feminine-masculine attributes of gender have a salient influence on professional mediation practice. What the stakeholders say suggests that these are pervasive ideas in society. For example, one woman mediator said, *"My mother inspired me to work for peace."*

Another woman mediator noted that her early influence to become a mediator was her father, who was also a mediator: *"Everyone respected him when he said anything; no one questioned him. I learned a lot from him about how to behave as a mediator."* Explaining the role that mediators have to play, she said, *"The issue in mediating is not just that the parties be ready to negotiate, but also that they accept you as a person who has the power to make the process work."* She went on to note that this is why government officials are mostly selected as mediators. Accomplishments that invested her with legitimacy and power, she believed, were her experience as a principal and family counselor, established practice, and the fact that the education department recommended her to be a potential mediator.

Men interviewed were as likely to stress what they identified as feminine qualities, an ability to listen patiently, for example, as women were to stress their persuasive talents and ability to work well under pressure. Men feel the pressure to somehow solve problems, and both men and women note that men are impatient even as they try to mediate a solution. Because of the value placed on resolution, mediation is sometimes seen as a masculine activity. Mediators have recounted with pride instances when male mediators have gone to the disputant's house to solve the problem. Both men and women felt it is acceptable because men have the mobility and social acceptance to go to any place as needed in pursuit of a solution.

In some mediation boards, male mediators show reluctance to increase the number of women; often male and occasionally female mediators note that between 25%-30% of women is 'enough.' This idea of enough appears to stem from the perception that more women will result in feminization of the mediation boards where feminine characteristics will dominate. Male mediators in an CMB in the South noted, *"If too many women are taken, the CMB can fall apart."* The study team observed that women mediators appear to be more assertive and speak up in mediation boards where there is a larger number of women than where there is a single woman mediator who is observed to be deferential in the presence of her male colleagues. In an SLMB in the South, women mediators comprise 65% of the board and they were matter of fact about routinely having mediator panels of entirely women mediators and managing a dispute without a male mediator present.

Social norms and pressure on women

Social and cultural norms have a strong influence on the participation of women in community mediation, because women bear the primary responsibility for housework, childcare, and eldercare. In most cases, both men and women accept and justify that this is the woman's role, which they have to fulfill somehow. Women fear that going against this norm would result in society branding them as bad women. The unequal share of care responsibilities impacts women's ability to balance their public and private life, and aggravates further when women are engaged in paid employment as well as voluntary work such as community mediation. Sometimes, this can affect women's mental and physical health as well. Both men and women often struggle to discuss this issue with their partner but women mediators note that they are able to carry on as mediators only because some reallocation of the care responsibilities was possible with their partners. The community, family, men and the women themselves, applaud women who bear all the difficulties and fulfill both roles; such women are proud to show their talent and recognition as a 'successful' woman.

Women Chairpersons offer an opportunity to break some of these stereotypes, and in some mediation boards women chairpersons have been able to assert control by virtue of their background and ability. There are also CMBs where the woman chairperson has played on feminine characteristics to secure the support of her male colleagues. *"When the current Chairperson took on this position, she made an emotional appeal to all of us asking for our help, so of course we are helping her as much as we can."*

Resistance, Blockers and Champions

Any deliberate moves towards equal participation are likely to meet with resistance, both overt and hidden, from several actors. Mediators, mainly male mediators, are likely to resist what they feel is an attempt to feminize the mediation boards and override merit as a selection criteria. While there is a wide variety of viewpoints among them, key officials such as the DS, DO and the GN may resist both overtly and in hidden ways. The lack of transparency at the interview stage would allow space for such resistance to affect the selection of more women. Most GNs are not adequately instructed to look for potential women mediators, and even when they are, some GNs may resist through bad implementation; looking for potential women mediators is more time consuming than submitting the names of a few pensioners in their area and they may resist what they perceive as an unnecessary extra workload.

6. Recommendations

The findings of this study point to the following recommendations, to address barriers, provide support and actively promote more women to join mediation boards:

(1) Address barriers to more nomination of women to the mediation boards

- Neutralize possible blockers and gatekeepers by introducing a 50% target at the nomination stage
- Provide clear instructions to the GN on eligibility criteria and ensure they meet the 50% target
- Focus on gatekeepers (eg: DS / DO, Chairperson and MTO) with a targeted message
 - Bust the myths about women mediators with actual data
 - Begin a conversation about the value of having women mediators and the downside of having mainly male mediators
- Simplify and share the gazette notification with those outside of government circles, who can nominate mediators (eg: women's organizations, NGOs, CBOs) as well as through social media
 - Accessible format (language and clarity)

Box 5: Some thoughts on a Media Plan

Effective communication can serve two broad objectives: one, to build trust with the general public, and two, as a tool to spread the word and attract potential mediators. While these two aspects are intrinsically connected, they also require different strategies.

Some suggestions made by stakeholders with regard to the first aspect were: the need to generate and disseminate widely, positive messaging in relation to the mediation process and the role it serves within the broader justice system. These could include positive profiling of mediators and sharing of positive stories of instances of successful mediation and their impact – including on themes such as community cohesion and harmony, women’s rights, security and empowerment, and economic recovery. In parallel, the MBC should take steps to address immediately, any negative publicity the process may receive, in addition to taking the necessary steps to address the issue itself. By sharing these as well as demystifying the process of mediation, greater trust can be built with the public.

In relation to the second area, the MBC can use the media as well as social media more actively to promote and publicise the recruitment process, its requirements as well as create public reward and recognition platforms such as “best mediator of the year” or a similar concept, in order to attract more suitable candidates. This could highlight the voluntary nature of this work and commitment on the part of the mediators in performing this important social function. The added benefit of greater social media presence would also assist the MBC to engage directly with the public. However, investments would need to be made in securing the right kind of skill set to manage a social media presence.

Finally, it is also fundamentally important that the MBC updates its website with all necessary information on a regular basis and in all three languages.

(4) Monitoring and Supervision

- Provide greater clarity on eligibility criteria as well as greater transparency on disqualification criteria, especially during the interview stage
- Update and maintain the database of mediators and analyse the data over time and at regular intervals. The database can highlight the locations where there are greater and lesser barriers for women mediators, which can help to identify locations which may need context specific solutions

7. Conclusions

This study set out to understand whether there are particular aspects in the process by which mediators are selected and appointed to the community and special mediation boards, which can impede the selection of more women mediators. The study followed a qualitative methodology, using a purposively selected sample of 12 CMBs and 3 SLMBs to understand the process as well as location specific factors that may be affecting the way the process is implemented in different parts of the country.

The study finds that there are multiple aspects in the selection and appointment process that are acting as barriers to reduce the number of women, the most important being at the nomination stage. The notification of the call for nominations is disseminated among a narrow group of persons, mainly within the government sector and there is often little knowledge of the call within the community. Potential women who are outside

of the spaces where the notification is shared, such as women working in NGOs, CBOs and the private sector, are often excluded from hearing about this opportunity. The GNs who are tasked with carrying the message to the community often disseminate it only to the individuals they feel are suitable, which more often than not are retired male government servants. Even when they are nominated, women may get eliminated at the interview stage, where lack of transparency means that suitability can often be interpreted based on the biases and prejudices of the interviewing officials. There are social prejudices against single or divorced women, and activist women who are challenging males, either in their public or private spheres, which can deter the selection of women as mediators. In addition, there are social prejudices towards transgender and disabled persons as well, and an overall lack of openness to diversity in the nomination and selection of mediators, which affects women as well as other marginalized groups. There are also aspects of being a mediator which may work to discourage more women from coming forward. For example, transport related issues of safety, cost and difficulties in using public transport, can discourage women mediators and also lead to drop outs.

Applying feminist analysis helps to identify those who may oppose any attempts to increase the number of women. The challenge is to address patriarchal thinking that results in rigidly assigned gender roles and pervasive ideas of gender stereotypes, and which sees women's participation in an instrumental way (for example to help women disputants feel comfortable). In the long term, thinking patterns of officials and mediators need to be realigned, possibly through extensive gender sensitivity training and advocacy programs, to see equal participation of men and women as a desired end in itself.

In the short to medium term, the study recommends the introduction of a 50% target at the nomination stage. Such a target can help to overcome poor implementation of suggestions to increase nomination of women among GNs as well as DS and DO. The introduction of the target should be supported by starting a conversation with officials about why gender parity at nomination stage is important. The introduction of the target for nominations should also be supported by a larger advocacy campaign, to encourage more women to come forward as well as reduce the challenges they face in coming forward. The advocacy campaign can focus on the work done by community and special mediation boards, how mediators are selected, and share the stories of women mediators who can be role models for other women in the community. In addition, there is a need to update and maintain the database of mediators to assist with monitoring and follow up, as well as to understand how these recommended policy changes are affecting the selection process on the ground.

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Annex 1: Note on the Sample

District	Name	Category	% of women as per database	Actual % of Women Mediators	Female Chair
Vavuniya	1. Vavuniya North	North	87%	Low	No
Galle	2. Neluwa ²³	South	53%	High	No
Batticaloa	3. Kattankudy	East	34%	High	No
Nuwara Eliya	4. Ginigathhena	Malayaha	39%	High	No
Rathnapura	5. Kuruwita ²⁴	South	10%	low	No
Ampara	6. Pottuvil	East	0%	Low	No
Ampara	7. Kalmunai	East	0%	Low	No
Badulla	8. Haputhale	Malayaga	11%	Low	No
Rathnapura	9. Rathnapura	South	43%	High	Yes
Jaffna	10. Sandilipay	North	13%	Low	?
Gampaha	11. Negombo	South	11%	High	Yes
Trincomalee	12. Verugal	East	54%	Low	No
Trincomalee	13. Special Land Board	East	24%	Low	Yes
Kurunegala	14. Special Land Board	South	65%	High	No
Jaffna	15. Special Land Board	North	6%	Low	No

Criteria for Selection

The sample was selected on the basis of the Mediator Demographics Dataset shared by TAF in June 2024. During the Consultant team's field work, it was noted that there are some problems with the dataset, and that data for several locations were out of date or incorrect. As a result, the sample was changed in 3 locations as follows:

1. In Rathnapura, Embilipitiya which was selected due to low number (10%) of women mediators, actually has 26% of women. This was substituted with Kuruwita (10% women mediators).
2. In Vavuniya, Vavuniya North was selected due to high number (87%) of women mediators but actually has 13% of women. The correct data was not available in advance, so the team met with women mediators in Cheddikulam, in addition to mediators from Vavuniya North.
3. In Galle district, Elpitiya which was chosen due to high number (53%) of women mediators was substituted with Neluwa (44% women mediators), because there was better logistical support from the MTO and DO there, to carry out the field based data collection in the time available.

²³ Replaced Elpitiya

²⁴ Replaced Embilipitiya

Annex 2: Key Persons Interviewed

1. Government Officials

Name	Designation	Type of Interview
Ms Thilini Ratnasuriya	Secretary, MBC	In Person
Mrs. Subajini Mathiyalagan	Divisional Secretary, Jaffna	In Person
Mr. R.HS. Priyadarshana	Divisional Secretary, Neluwa	In Person
Ms. Niroshini Lakmali,	Management Officer and Vice Chair of the CMB, Neluwa	In Person
Mr. U. Uthayashrithar	Divisional Secretary, Kattankudy	In Person
Mrs. Sithara Ruwini Gamage	Divisional Secretary, Ginigathena	In Person
Mr. T.J.Athisayaraj	Divisional Secretary, Kalmunai	In Person
Ms. Issanka Fernando	Development Officer (DO), Divisional Secretariat, Negombo	In person + phone
Mrs Amala Niroshan	DO, Dist. Secretariat, Jaffna	In Person
Ms. P.Bavani	DO, Dist. Secretariat, Trincomalee	In Person
Mr. Priyantha Soysa	DO, DS office, Kuruwita	In Person
Ms. Samitha	DO, DS office, Neluwa and Thawalama	In Person
Mr. Deshan Priyankara	DO, DS Office, Ginigathena	In Person
Mr. Ajoon	District Officer, Kattankudy	In person
Mr. Hisbullah	DO, DS Office, Kattankudy	In Person
Mrs. K.P.H.Nisansala	DO, DS Office, Haputale	In Person
Mr. Kandasamy Arul Prashanthan	DO, DS Office, Kalmunai	In Person
Mr. Moorthy	DO, DS Office, Pottuvil	In Person
Mrs. Thanalakshmi Murasulimaran	W.D.O, Kalmunai	In Person
Mr. M.M.M.Subair	Admin Officer, Pottuvil	In Person
Mr. V.Anadaraja	GN, Haputale	In Person
Mrs. Fathima Mafaaza	GN, Kattankudy	In Person
Mr. Jude Jayantha Costa	GN, Pitipana, Negombo	In Person
Mr. Chanaka Nissanka	GN, North Munnakkara, Negombo	In Person
Ms. Kalyani Jayasinghe	MTO, Negombo	Zoom
Mr Keerthi	MTO, Galle	In person + phone
Ms. P.N.K. Weerasinghe	MTO, Kurunegala	Phone
Mr. Ranjith	MTO, Rathnapura	In Person
Mr. M. Sathanannthan	MTO, Jaffna	In Person
Mr. Dimuthu	MTO, Nuwareliya	Phone
Mr. H.M.C.D.Herath	MTO, Badulla	In Person
Mr. M.I.M. Aasath	MTO, Batticaloa	In Person
Mr. V. Savarinaayakam	MTO, Trincomalee	In person

2. CBOs, NGOs and Religious Leaders

Name	Designation	Type of Interview
Ms Chandrakanthi Epitawatte	Center Manager, Women in Need (WIN), Rathnapura	In person + phone
Ms. Sunitha	Surya and ex-mediator, Batticaloa	FGD participant
Ms. Rajitha	District Women Authority, Batticaloa	FGD participant
Ms. Sedeeshwary	Sevegam	FGD participant
Mr. Gangasuthan	PAFFREL, Batticaloa	FGD participant
Mr. Samahimmau	Mawlawi - Religious Leader, Pottuvil	In Person

3. Mediators

Name	Designation	Type of Interview
Ms. Ramani De Silva	Chair, CMB – Negombo	In person
Ms. Menike Wickremasinghe	Mediator (Female), CMB - Kuruwita	In Person
Mr. N. Abdul Wahaab	Chair, CMB – Pottuvil	In person
Mr. G. Thavendran	Former Mediator, CMB - Verugal	In Person
Mrs. Hajara Beevi	Mediator (Female), CMB - Kalmunai	In Person

Annex 3: Details of Focus Group Discussions

FGD type	Location	No of Participants
Male Mediators	CMB, Negombo	06
Female Mediators	SLMB, Kurunegala	08
Male Mediators	CMB, Rathnapura	05
Female Mediators	CMB, Rathnapura	05
Female Mediators	CMB, Neluwa	06
Male Mediators	CMB, Kuruwita	04
Female Mediators	CMB, Sandilipay	04
Male mediators	SLMB, Jaffna	09
Female Mediators	CMBs in Vavuniya District	02
Female (1) and Male (5) Mediators	CMB, Vavuniya North	06
Male Mediators	CMB, Kattankudy	03
Female Mediators	CMB, Kattankudy	03
Female and Male Mediators (2) and NGOs (4)	Batticaloa	06
Female Mediators	CMB, Ginigathena	03
Male Mediators	CMB, Ginigathena	03
Male Mediators	CMB, Haputale	04
Female Mediators	CMB, Haputale	02
Male Mediators	CMB, Kalmunai	02
Female Mediators and NGOs	CMB, Pottuvil	06
Male Mediators	CMB, Verugal	05
Male Mediators	SLMB, Trincomalee	03
Female Mediators	SLMB, Trincomalee	03

Annex 4: Comments from TAF and responses

TAF Comments	Responses from bPotential team
1. Address the comment that bPotential has put on the eligibility criteria. This can be done by checking a few recent gazettes calling for nominations for community mediation boards and confirm what they have said about criteria.	A meeting was held with MBC secretary on February 20, 2025, where the latest Gazettes were shared. The report has been adjusted accordingly.
2. Provide more concrete suggestions for media campaigns. For example, a more detailed plan for how to use mass media and social media to encourage women's participation could be helpful.	Providing detailed plans for media campaigns is outside the scope of this study, as agreed at the meeting between TAF and bPotential on August 29, 2024 and as set out in the inception report. However, we have provided more suggestions on elements of a wider media plan for MBC which can help to encourage women's participation in mediation.
3. If possible and based on the availability of data collected through the study, we suggest strengthening the section discussing dropouts with clearer data on why women are more likely to leave mediation roles. We feel that exploring gendered patterns in dropouts and offering actionable solutions would add value.	As noted in the Report, our limited data on this issue suggests that women are NOT more likely to leave mediation roles than men. In some locations such as Jaffna District, more men have left mediation roles than women. We have added more data on gender patterns of dropouts which however has not been triangulated with the dropouts themselves. The recommendations cover this issue in relation to providing a more supportive environment for women mediators.
4. Complete the references.	Completed.
5. Kindly mention the full term first with the acronym in brackets so that the acronym can be used later.	Done
6. Kindly mention that there is an additional step for special boards - which is that the mediators undergo a specialised training	Done
7. We recommend that conclusions should comment on the lack of openness to diversity. There is an alarming statement about transgender people and those living with	Noted

disabilities. We need to comment on that from a diversity and inclusion angle.	
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