



# UNDERSTANDING WOMEN MEDIATORS

An in-depth study of women in Community Mediation Boards  
in Sri Lanka

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Sri Lanka**

2016



**The Asia Foundation**

## **Understanding Women Mediators**

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# PREFACE

Women are severely under-represented in community mediation boards in Sri Lanka. They comprise only 20.6 percent of the cadre of approximately 8500 mediators serving around the country. The policy approach of the community mediation boards regards the mediation process as a gender neutral one. However, its administration and management consider gender equality as a focus and aim at a certain level of gender mainstreaming. With this background, the role of women in community mediation boards as both mediator and disputant is influenced by diverse structural as well as gendered socio-cultural issues that affect the fairness of the process.

The Asia Foundation has had a long partnership with the Ministry of Justice and the Mediation Boards Commission, in providing technical assistance to improve mediation skills in Sri Lanka. At the inception in 1988, the Foundation played a significant role in establishing the technical capacities of mediator trainers and consequently mediators. Twenty-one mediator trainers initially received intensive training from a team of international mediation specialists who developed a program of basic training for mediators, including continuous refresher training and monitoring programs to maintain quality and efficiency.

Over the past twenty-five years, the Foundation's consistent support for community mediation in Sri Lanka has included a comprehensive standardization of mediation training processes and skills, mediation systems design, the development of training manuals, awareness raising and sensitization for mediators on social diversity including gender and support for stakeholder workshops to raise awareness of community mediation boards among diverse groups. Expansion into new areas included the settling of land and disputes arising out of natural disasters through dispute resolution design, mediation of finance related disputes, developing specialized mediation skills, setting up of Special Mediation Boards, support for networking and information sharing among mediators and between mediators and the public and working towards increasing women's participation in mediation boards. The Foundation also arranged exposure visits by Sri Lankans to overseas mediation programs

and facilitated observation visits to Sri Lanka by countries interested in introducing mediation programs such as China, Nepal, Laos and Mongolia.

In its latest phase, the Foundation has been engaged in revitalizing the community mediation boards program in the Northern and Eastern Provinces of Sri Lanka, where its functions had suffered due to the civil war. By setting up the first mediation training institution, the Centre for Mediation and Mediation Training in 2005, the Foundation was able to support the Government of Sri Lanka to address the paucity of trained Tamil speaking mediator trainers within the Ministry of Justice training cadre. Since then, the Foundation has been supporting the Ministry of Justice to re-establish dormant community mediation boards and establish new community mediation boards in the Northern and Eastern Provinces. The Foundation also supported the documentation, reporting and evaluation of the community mediation boards program by conducting an independent evaluation of the community mediation boards in partnership with the Ministry of Justice, setting in place an enhanced reporting system to capture statistical data from around the country and by producing descriptive material in the form of books, videos and papers, to give a larger audience a glimpse into the successful system of community mediation boards in Sri Lanka.

This study on women mediators in Sri Lankan community mediation boards documents the statistics, experiences and views of women mediators for the first time in Sri Lanka. The study has several objectives, including, to highlight the importance of having greater representation of women as mediators, to create a record of women mediators currently associated with the program, to create a profile of women mediators and to identify issues that may hamper women's participation as mediators. It is our hope that this study will be used by practitioners and policymakers to advocate for more women mediators in the community mediation boards program.

**Dinesha deSilva Wikramanayake**  
Country Representative  
The Asia Foundation  
August 2016



# EXECUTIVE SUMMARY

The Asia Foundation's involvement with the community mediation boards program of the Ministry of Justice began in 1988 and has since developed into a strong partnership that continues to this day. The Foundation has since been involved in creating and strengthening the technical capacities of mediator trainers and in setting up mediation boards, through the generous support of donor organizations such as the United States Agency for International Development (USAID) and, more recently, the Department for International Development (DFID), UK. The community mediation boards program is the Foundation's longest running program of support in Sri Lanka, and the Foundation proudly records numerous milestones and accomplishments in the past 25 years.

Since inception, community mediation services in Sri Lanka have expanded rapidly with 329 community mediation boards spanning all districts and approximately 8500 volunteer mediators in active service. It has become the most popular and widely accepted form of alternative dispute resolution in Sri Lanka, providing timely and accessible justice to individuals and communities across the country. Despite this strong growth, the official statistics of the Ministry of Justice community mediation program show that out of 8500 volunteer mediators, women mediators comprise only 20.6 percent. This low percentage has serious implications for representation and participation of women in mediation.

Thus the Asia Foundation set out to understand and profile women mediators working in the community mediation boards by conducting a survey, which would provide a sound basis for greater advocacy to increase the participation of women mediators. This report is seen as a crucial first step toward the equal representation and participation of women mediators within the wider context of gender equality for women in mediation.

The study was designed and implemented by The Asia Foundation with support from the Ministry of Justice, Sri Lanka. The study methodology included

both quantitative and qualitative approaches, a national survey and in-depth interviews. The survey sample comprised of the entire population of women mediators serving in community mediation boards around the country.

This study is the first of its kind in Sri Lanka and has brought forth several interesting findings; some validated the evidence of micro studies, academic papers and anecdotes recorded at trainings and meetings, while some contradicted perceptions and beliefs held by policy makers, communities and mediators (both men and women) themselves.

It is clear from this study that women mediators in Sri Lanka are predominantly in the older age group, married with families and dependents, active in public life and educated. Most are or have been in formal employment. The majority sees serving on community mediation boards as a service to the community and is supported by their spouses, children, and extended families. Women mediators feel valued by the community and take pride in being a part of the mediation process.

Most women mediators feel that the mediation process does not discriminate against women but are aware of the low participation of women as mediators. They are aware of socio-cultural issues that hinder women from participating in the mediation process but do not actively consider increasing the number of women in mediation. However, they feel that women would be more suitable for selection as mediators if they are given prior awareness and training on mediation.

The study offers key recommendations, including the need to raise awareness about the issue of increasing the number of women in mediation. The most important recommendation that emerges from this study is the need for **proactive affirmative action** to increase the number of women through temporary quotas at nomination and special measures at selection.



# ACKNOWLEDGMENTS

We would like to thank the Ministry of Justice, Sri Lanka and the Mediation Boards Commission for supporting this study on woman mediators. The study would not have been possible without the immense support and dedication of the Ministry of Justice and the Mediation Boards Commission. We take this opportunity to mention the special role played by Ms. Kamalini de Silva, former Secretary and Dr. Anusha Abeywickrama-Munasinghe, former Additional Secretary (Legal) of the Ministry of Justice, whose guidance was invaluable. We also thank the team of Development Assistants (Mediation) for their fieldwork and the Mediator Trainers for providing field insights.

We would like to extend a very special note of appreciation to the entire cadre of women mediators for participating in this survey. Special gratitude is also due to the ten selected women mediators for their hospitality and for contributing their valued knowledge and experiences to this

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Finally, we would like to extend our gratitude to Dinesha deSilva Wikramanayake, Country Representative, and Johann Rebert, Deputy Country Representative for their guidance, and the Law and Justice Team of The Asia Foundation - comprising Radhika Abeynaike, Carmen Weerasinghe and intern Shiann Ranabahu - for their support in making this study a reality.

**Ramani Jayasundere and Rimash Rahman**

August 2016

# List of Abbreviations

- TAF : The Asia Foundation  
MoJ : Ministry of Justice  
CMMT : Centre for Mediation and Mediation Training  
MBC : Mediation Boards Commission  
CMB : Community Mediation Board  
CBO : Community Based Organization



## Introduction

Since emerging from a 26 year-long separatist war, which ended in 2009, Sri Lanka has experienced steady economic growth and claimed some success in the battle against poverty and marginalization. As the United Nations Millennium Development Goals came to a close in December 2015, Sri Lanka had reduced its poverty rate from 26.1% (1990-1991) to 6.7% (2012-2013) - achieving the target to cut back extreme poverty by 50% before the end of 2015. Despite this, the country still struggles in terms of gender equality, with 51.8% of the population (21 million) being women but only 34% in the country's labour force. Sri Lanka's ranking on the gender inequality index as of 2016 remains low, at 73 out of 188 countries. Although this may be deemed better than the position of many neighboring countries, the nation needs to look beyond its geography to improve gender equality for women.

The marginalization of women in Sri Lanka occurs due to a range of issues, including socio-cultural ones stemming from patriarchal attitudes, gender stereotypes and gendered roles that discriminate against women, which still exist despite the changing landscape that is moving toward gender

equality. Among the issues that marginalize women are economic inequalities including labour participation and wages, complexities associated with access to credit, occupational inequalities, low levels of political participation, discriminatory personal laws that deny marriage and property rights, lack of equal rights over State land and gender based violence against women.

The Government of Sri Lanka is committed to furthering gender equality and ensuring protection, recognition and economic empowerment to all women. It has pledged to promote women's empowerment and gender equal participation within the greater social context of creating and sustaining a social environment that encourages and empowers women to play a greater role in society. Within this broad aspiration, the Ministry of Justice (MoJ) has acknowledged the importance of gender equality in its work and has identified the existence of gender inequality issues in its mediation program. As such, the MoJ, with support from The Asia Foundation (TAF), set out to improve understanding and eradicate the issue of gender inequality in its community mediation boards program.

TAF's involvement with the community mediation boards program of the MoJ started in 1988 and has since developed into a strong partnership that continues to this day. For more than two decades, TAF has been involved in creating and strengthening the technical capacities of the mediator trainers and in setting up mediation boards, through the generous support of donor organizations such as USAID and more recently, DFID, UK. The community mediation boards program is TAF's longest running program of support in Sri Lanka.

Today mediation services in Sri Lanka cover 329 community mediation boards spanning all 25 districts with approximately 8500 volunteer mediators in active service providing timely and accessible justice to communities across the country. However official statistics of the MoJ show that out of 8500 volunteer mediators, only 20.6% is women, leading to serious issues of representation and the participation of women as mediators in the community mediation process.

In order to understand women mediators in community mediation and to advocate for the increased participation of woman mediators, TAF conducted a study on women mediators serving in community mediation boards. This report is a crucial first step toward promoting equal representation through increased participation of women mediators in the wider background of ensuring gender equality for women in mediation.

## **Background to women's participation in Mediation Boards**

Women's equality in community mediation boards is an issue that has been left unaddressed for far too long. Literature speaks of the lack of women in mediation in Sri Lanka. Despite discussion and a push towards increasing the number of women, fair representation of women in mediations boards throughout the country has yet to be realized.

Community mediation boards were introduced to Sri Lanka in their current form for multiple reasons, the most important being the need for a community-level justice system as an alternative to the formal justice system, in terms of dealing with community level disputes. The intention of the MoJ was to create an informal dispute resolution

mechanism which people could approach to resolve their disputes through discussion and negotiation with each other, as opposed to taking disputes to court to be adjudicated, which would typically take years and be extremely costly to resolve.

Community mediation boards have been successfully integrated as a central part of community relations and have become accepted informal spaces where issues may be resolved in an amicable, efficient and effective manner. Community mediation boards are described as a hybrid system of alternative dispute resolution because they are state-supported yet community-implemented. This gives the community an opportunity to nominate candidates to be mediators who manage and run the community mediation boards. While the nomination process makes the community mediation system intrinsically community driven, it has become one of the key reasons that community mediation boards are male dominated, with only one fifth of mediators being women.

Although all nominees to be considered for selection as mediators have to go through mediation skills training and only a select few are chosen<sup>1</sup>, the more female nominees there are, the higher the chance of selection. The selection criteria continues to state that the process is gender neutral and that selections are based on 'aptitude and suitability'<sup>2</sup>, but there is a need to go beyond neutrality, where more nominations can lead to the selection of a higher number of women. More women need to be given the opportunity to showcase their talents as unbiased, fair listeners and good mediators, who can help communities in resolving their disputes.

One of the main reasons that men have been the dominant figures in mediation is because of the stereotypes that surround women in Sri Lanka. When nominating potential mediators, citizens tend to lean towards the older male demographic, who is more likely to hold important and public positions in the community. This results in the majority of the mediators being older men, and female mediators are quite uncommon, although more than 50% of Sri Lanka's population of 21 million are women.

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1 Jayasundere, R. and Valters, C. (2014). Women's Experiences of Local Justice: Community Mediation in Sri Lanka.

2 *ibid*



## **Women's participation in public life in Sri Lanka**

Sri Lanka has a strong representation of women in a large number of professions, including the justice sector. In Sri Lankan universities alone, women comprise approximately 50% of admissions to most faculties. Therefore, it is ironic that there is a significantly low number of women in mediation. One would assume that because of the high representation of women in all the other fields, it would be inevitable that women would be equally represented in Sri Lanka's community mediation boards, but, evidently, that is not the case.

This situation has been highlighted in the Sri Lanka National Plan of Action on Women and the need to increase women in community mediation boards has been identified. The National Plan of Action on Women is prepared by the National Committee on Women and the Ministry of Women and Child Affairs, fulfilling a commitment to the Global Platform for Action on Women drafted at the 1995 World Conference on Women. The National Plan recognizes that there is gender inequity in the procedures and practices of community mediation Boards and that reforms are necessary.

Drawing parallels with women in other public spheres in Sri Lanka hides the very formal and legally mandated characteristic of the nomination process of the community mediation board's program, which hinders women from becoming participants in the process as mediators.

There is a perception among those who nominate people to become mediators that women are not prepared to volunteer as mediators, due to pressures of domestic work and lack of interest in participating in public life. This is, however, strongly refuted by women who are active in other spheres of public life. These women claim an interest in becoming mediators and see the need for more women mediators but are hampered by not receiving nominations.

The lack of women in community mediation boards may be explained through the system's deep entrenchment in the culture, traditions and patriarchal perceptions of women's position in society, which favors and fosters men over women to hold voluntary public positions.

The identity of mediators is based on that of existing serving, mediators, who are overwhelmingly male,

from the semi-professional sector and are largely retired, and the nominations reflect this. Despite years of professional employment and active public life, retired women are often viewed with stereotypes relegating them to domestic spheres of home making, caring for children and grandchildren, with limited public engagement confined largely to religious activities. Those interested in participating in community mediation are thus denied the opportunity of even expressing interest, due to these gender-stereotyped misperceptions about women. This one-dimensional stance is challenged by women from different situations in life, women activists, women working in voluntary organizations, young women in employment and retired as well as young women professionals, who all emphatically state that they would be interested in becoming mediators but are not nominated to mediation boards.

The most reasonable explanation for the low numbers of women in community mediation boards would be because the community nominates mostly male mediators. Although Sri Lanka is the first country to have a female Prime Minister and subsequently a female President, women are very poorly represented when it comes to nomination-based positions, such as party politics and representation at decision making levels of elected bodies. There are many conservative and stereotypical views about women in such positions and the roles ascribed to men and women at community level are often gendered, with men being identified primarily as providers and public figures, while women are largely seen as family makers and caregivers.

Due to women's increasing participation in education and employment, more women are willing to participate in community mediation boards. However, communities and those who nominate mediators do not appear wholly ready to recognize and accept this.

Further, the push for more women mediators is not only asserting a right to gender equality. It is also because women disputants often prefer a panel of mediators that includes at least one woman. There have been many reports where women say that when only male mediators are in a mediation panel, they do not feel as comfortable expressing their views frankly, especially when dealing with sensitive issues such as family disputes.

According to the “Community Mediation in Sri Lanka: Implications for Women’s Equality”,<sup>3</sup> there has always been a lack of women’s participation in mediation since it first began in 1989. The discourse on and push towards women’s equality and empowerment has to reach communities that nominate people to be selected as mediators in order to change the current situation. Years of work on increasing the number of women mediators has resulted in a slow but gradual increase of women from the initial 1.4% to 20.6% today. Yet, the ratio remains largely imbalanced with regards to representation and equality.

### Women in Community Mediation Boards

There is an urgent need for a viable solution to increase the number of women mediators. Many reports written on community mediation state that women mediators are scarce, and that there may be only one woman in a board in some communities and in some, no women at all.

Statistics for 2015, collated and made available by the MBC, show that there are 10 community mediation boards where there are no women mediators at all. These mediation boards are as follows:

- Vavuniya South (Vavuniya district)
- Hasalaka (Kandy district)
- Kuchchaveli (Trincomalee district)
- Kalmunai (Ampara District)
- Saithamaruthu (Ampara district)

- Pottuvil (Ampara District)
- Vengalattechchikulam (Vavuniya district)
- Karaweddi (Jaffna district)
- Manthai West (Mannar district)
- Musali (Mannar district)

Further, there are another 16 community mediation boards where there is only one woman. These mediation boards are:

- Thimbirigasyaya (Colombo District)
- Polpithigama (Kurunegala District)
- Ehetuwewa (Kurunegala district)
- Nawagaththegama (Puttalam district)
- Padaviya (Anuradhapura district)
- Mulathiyana (Matara district)
- Angunakolapelessa (Hambantota district)
- Bibile (Moneragala district)
- Lunugala (Badulla district)
- Thambalagamuwa (Trincomalee district)
- Seruwila (Trincomalee district)
- Thirukkivil (Ampara District)
- Irakkamam (Ampara District)
- Valachchenai (Batticaloa district)
- Sandilipai (Jaffna district)
- Nanattan (Mannar district)



3 Jayasundere, R. (2008). "Community Mediation in Sri Lanka: Implications for Women’s Equality." Unpublished

The law that establishes and governs community mediation in Sri Lanka and government policy on community mediation take a gender neutral approach to participation in mediation boards with the assumption that a gender neutral approach creates the space for women's unhindered participation as mediators and as disputants. Realizing that the mediation process does have important gender implications that result in gaps and challenges, the MoJ in 2003, initiated a gender mainstreaming effort seeking to increase the number of women mediators. This effort also sought to gender sensitize the entire mediation process to ensure that women are given equal opportunities and just and fair representation and participation in the mediation process.

Thus the law on community mediation boards does not provide adequate space for actively promoting gender equality. However, the discourse on gender equality in community mediation has brought the issue of gender inequality to the fore, providing sufficient reason to question and hold the law, policy and process accountable for not ensuring equal participation for women as mediators. It has also created a space to demand affirmative action by introducing provisions to urgently increase the number of women in mediation.

A number of countries including Nepal, Mongolia and China also practice mediation at community level, similar in design and context to the system in Sri Lanka. However, these programs appear to integrate gender equality and promote women's participation as mediators more effectively. Nepal is a strong example of gender equality in participation as mediators. It has a relatively similar process to Sri Lanka in terms of mediators going through training and learning gender sensitization so that the process is fair to the citizens. However, the key difference is that Nepal allows women and men to *apply* to be mediators as opposed to being *nominated* by the community.<sup>4</sup> This gives women a greater opportunity to become mediators, leading to the successful participation by women and gender parity in mediation boards. Nepali women are thus provided with better opportunities to serve as mediators in their community mediation system.

This gives rise to the question of the difference between giving people the opportunity to apply as against being nominated. One could conclude that given the chance, many women in Sri Lanka would apply to become mediators, and that the current system of nomination does not provide the space for such initiative.

### **Increasing the numbers of women mediators**

There have been numerous attempts by the MoJ and the MBC to increase women's participation in mediation, but the rate of increase has not been satisfactory. Many of these interventions failed to recognize that nomination and appointment processes have to be pro-actively targeted in order to increase the number of women mediators. It is also necessary to put forward the possibility of creating an allocation of temporary quotas for women mediators. Such a proactive approach by the MoJ and the MBC would provide much needed impetus for increased nominations and selection of women as community mediators. Concurrently, it is important that a community level discourse is initiated to promote and identify women who are capable and qualified to become mediators. It is important to understand the fundamental issue that women in mediation lack representation, not due to a lack of interest in the mediation process, but because women do not receive nominations from people and organizations within communities.

Introducing more women into mediation would have strong impacts not only on the process of mediation but also on both the men and women in the communities that mediation boards serve. Therefore, it is important to find ways to present women in a positive light and highlight their potential role providing service to communities as mediators. Potential solutions include educating people about the benefits of having women mediators and promoting women's equality by encouraging existing women mediators to speak to communities about the benefits of including women as mediators and demonstrating the advantages for the mediation process.

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4 The Asia Foundation's Community Mediation Program in Nepal.

## STUDY METHODOLOGY

In view of the importance of women mediators to the Sri Lankan community mediation process and the need to increase participation of women mediators, in 2013, TAF outlined its conceptual approach to promoting women's equality in mediation in an internal Practice Paper on "Assuring Women's Equality in Mediation Boards."<sup>5</sup> Drawing from the broad approach set out in the Practice Paper, TAF developed the approach used by this study to explore the myriad aspects of women mediators.

This study on "Understanding Women Mediators" includes a comprehensive survey of the entire women mediator cadre (1565 women mediators) serving in mediation boards around the country. This survey is supplemented by a series of in-depth interviews aimed at better understanding women mediators. Through this survey, the Foundation sought to better understand the profile of women

mediators, to identify key issues faced by existing female mediators, to investigate the reasons for low participation rates and to use this information to advocate for the increased participation of women mediators within the mediation system.

This chapter provides a detailed description of the methodology used in the study, including the planning, design and implementation stages of the study, along with the quality assurances adopted to ensure credibility of the survey findings.

From inception, the study was discussed with the MoJ, input was provided at regular intervals, and the final study design, tools and analysis structures were approved by the MoJ.

During the design of the study, the methodology was split between two phases:

- Phase one: Questionnaire based quantitative survey
- Phase two: In-depth qualitative interviews

5 Jayasundere, R. and Valters, C. (2013). Promoting women's equality in mediation boards in Sri Lanka: The role of The Asia Foundation. An Asia Foundation Practice Paper. The Asia Foundation Sri Lanka.



## **Phase one: Questionnaire based quantitative survey**

### **Planning and Design**

The planning process was initiated with a desk review of available literature. The first step in the design process was the drafting of specific terms of reference for the study, which would guide the entire research process. Next, an analysis framework encompassing the different areas of focus, including the background of women mediators, selection, training and service needed to be created. Once this framework was finalized, an analysis framework was designed around these criteria and the structure was used to design the questionnaire.

### **The Questionnaire and Analysis Framework**

The questionnaire comprised of simple and straightforward questions. The study did not require the inclusion of complex approaches because the expected findings were relatively straightforward. The questionnaire was brief; it could be completed in 15-20 minutes. The questionnaire was designed in English and then translated into Sinhala and Tamil.<sup>6</sup> It was then pilot tested by 10 women mediators and re-formulated to suit the needs of the exploration.

The questionnaire was divided into two distinct sections, namely: (1) general profile of women mediators and (2) information on the stages of mediation. Under the general profile, the study largely focused on the individual profile, family profile, occupational profile, participation in other community activities, experience of others' reactions to her participation as a mediator, perception of the respondent's own participation as a mediator, experience as a chairperson, key motivators, participation, acceptance and satisfaction of woman mediators.

The individual profile includes questions on the ethnicity, age and religious beliefs of woman mediators, in order to understand their backgrounds. Drawing comparisons with national statistics on women's participation and representation enabled the authors to identify whether the status of women in mediation reflects the wider picture of the status of women in Sri Lanka, or if it is distinct from this.

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<sup>6</sup> See Appendix for survey questionnaire

The profile further included questions about level of education, occupation and income. The questionnaire also sought to explore the family background, marital status and dependent profiles of women mediators, to analyze the role of support structures and to improve understanding of the impact that these structures might have on a woman's choice in becoming a mediator.

Moving beyond the family background, the questionnaire sought to explore the social environment for women in mediation by analyzing community perceptions of women mediators and to investigate if such perceptions have an effect on women choosing to become mediators (social stigma). At the community level, the questionnaire sought to identify whether any correlation exists between socially active women and women who choose to be mediators. This served to construct a fuller profile of the woman mediator.

The second section of the study investigated perceptions held by women mediators about taking up the role of mediator through systematic questions covering the different stages of mediation. This section commenced with the nomination and selection stages of women mediators, moving through the training stages and eventually arriving at the service stage, where discussion is most essential. This area also included open-ended questions designed to investigate the Sri Lankan community mediation experience from the perspective of the entire woman mediator sample in this study.

### **The Sample**

The sample for the survey consisted of all women mediators in service, amounting to 1565 women mediators in Sri Lanka spread across the country, representing all 25 districts and 9 provinces.

### **The process of administering questionnaires**

Due to the extensive geographical spread of the mediators resulting in multiple locations in terms of residence and the limited resources (funds and time) available, mail was seen as the most suitable medium of administration. Administration was in three phases: selection and training of enumerators and administering of questionnaires by enumerators, monitoring and technical assistance to enumerators, consolidating of completed questionnaires.

Administering of the questionnaire called for a team of enumerators fully committed towards the objective of the study, who were familiar with the mediation process and able to administer the questionnaire cost effectively at community level. Therefore, it was decided to obtain the services of the MoJ Development Assistants (Mediation) and Program Assistants (Mediation). Development Assistants and Program Assistants are a cadre within the MoJ, whose primary role is to raise awareness about mediation boards at district and divisional levels. These Development and Program Assistants have a sound knowledge of the mediation process and are in contact with mediators. This was also seen as a capacity building exercise for Development and Program Assistants, to provide knowledge and experience in research as well as to increase their level of understanding of the implications of gender equality in participation in mediation boards. As such, the Development and Program Assistants were an ideal choice to administer the questionnaire due to their role within the MoJ, their long-standing relationships

with mediators and their dedication to making mediation a better process in Sri Lanka.

The mechanism was simple. Each Development or Program Assistant was given a pack of coded questionnaires, which they were individually responsible for posting to all the woman mediators within their designated area. Once the women mediator respondents received the questionnaires in the mail, the Development and Program Assistants contacted each woman mediator in person or by telephone, to explain how the questionnaire was to be filled. Once filled, the women mediators were instructed to mail the completed questionnaires back to the designated Development or Program Assistant. When the Development or Program Assistant received all the questionnaires for which they were responsible, they were directed to send the questionnaires back to the MOJ, where a specially appointed person serving as the focal point from among the Development and Program Assistants took charge of questionnaires and handed them to TAF.

### The process, administration and duties of the Development Assistants

#### Dissemination of Questionnaires

- Questionnaires to be collected from the MoJ and delivered to all 1565 woman mediators via mail.
- Ensuring that all questionnaires have been delivered successfully.

#### Monitoring & Assistance

- Following up with the mediators via telephone to ensure that each participant fully understands the contents of the questionnaire.
- To assist the participant on any queries or concerns relating to the survey.

#### Re-collection of Questionnaires

- Must ensure that all answered questionnaires are collected and returned back to the MoJ
- Report back on qualitative experiences during the process

It may be argued that it would have been more effective if the Development and Program Assistants directly interacted with the women mediators during the completion of the questionnaire. Although this would have been ideal, impracticalities including time and cost rendered this strategy unworkable. To counter any possible weaknesses that may have arisen from interaction via mail, the Development and Program Assistants were provided with clear instructions on how to interact with each mediator via mobile phone during questionnaire completion. This allowed the Development and Program Assistants to clarify any unclear areas and ensure that the mediators were clear on the contents, which would also ensure accuracy of response.

### **The training of enumerators**

Once the process to administer questionnaires was designed and approved by the MoJ, the Development and Program Assistants were provided with an in-depth training session on the conceptual approach including the need for ensuring gender equality in participation in mediation boards, study objectives, tools and analysis. During this training session, the Development and Program Assistants were walked through the questionnaire content and administration process including a mock test in administering the questionnaire. The Development and Program Assistants undertook this task as a part of their regular work but were remunerated with an allowance provided by TAF.

### **Data collection**

The Development and Program Assistants completed data collection within one month. During the process regular contact was maintained with the enumerators. The process was concluded without challenges and the completed questionnaires were received by the MoJ and duly handed over to the Foundation for coding, developing data tables, analysis and report writing.

### **Data tabulation and analysis**

TAF contracted an independent data analyst to transfer the written survey results onto an electronic platform for analysis. This included the tasks of data entry, coding, creating a database and generating tables to help the team analyze, cross-analyze and interpret the survey data in the most optimal and efficient form, based on the previously formulated analysis framework.

## **Phase two: In-depth Interview based qualitative study**

### **Design and planning**

The study selected 10 women mediators to conduct in-depth one-on-one interviews for a qualitative focus. These in-depth interviews aimed to supplement or stand in contrast to the findings of the questionnaire based survey, by engaging in a deeper level qualitative discussion on the study area. These mediators were purposively selected. Primarily, the selection process for the interviews was based on the nominations of the MoJ Mediator Trainers who provide training to mediators and monitor their performance and are thus familiar with each mediator in their allocated districts of work. Once the MoJ Mediator Trainers submitted their nominations along with a justification for each name selected, the team collected the list of names and submitted them to a secondary selection process. In the secondary selection process, the team subjected the nominations to a profiling system that aimed to encompass the widest possible representative cross section including district, age, religion, race, experience, background/profession and interesting stories/unique strengths. Based on these criteria, the team selected a diverse and representatively balanced group of 10 woman mediators for the in -depth interviews.

### **Conducting of the In-depth interviews**

In-depth interviews were conducted based on a basic guidance framework encompassing the different geographic areas and lines of questioning. Using this framework as a backbone, TAF visited each location and conducted one-on-one interviews with the entire sample group of 10 women mediators. Each interview lasted between 45-60 minutes and was audio recorded with the express consent of each interviewee. Each recorded interview was subsequently transcribed and ultimately utilized in the survey report as a qualitative supplement to the survey data.

### **Data analysis and report writing**

The analysis of data and information and writing of this report was undertaken by TAF with primary responsibility of analysis and writing placed on the authors. Guidance and feedback at different intervals from TAF's program staff enabled the finalization of the report.

## FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The study on women mediators brought in a substantive amount of data and information, both qualitative and quantitative. The analysis began as one of the first systematic attempts at exploring the profile of the Sri Lankan women mediator and how the participation of these women mediators impacts on community mediation boards of Sri Lanka.

The study sought to understand the profile of the woman mediator better, to identify the reasons for the low participation of women mediators and to develop strategies on what needs to be done to increase participation.

Prior to this study, the understanding of a woman mediator was mostly from observations, assumptions and perceptions of those associated

with the community mediation process in Sri Lanka. But this understanding was backed by little factual evidence except for limited information in micro studies.

Therefore, this report seeks to present concrete evidential data to contribute to a deeper understanding of women in the mediation process. Beyond this, the report compares the previous understanding of women in mediation with contemporary data, in order to gain a clearer understanding of women mediators in Sri Lanka. Some of the findings provide validation to previously held perceptions and assumptions, whilst other findings contained in the report may contradict previously held assumptions about woman mediators.



## Profile of Women Mediators

### Age, religion and ethnicity

The first part of the survey questionnaire sought to develop a clearer picture of a typical Sri Lankan woman mediator by putting together a basic individual profile based on the ethnicity, age and religion of the woman mediators, which would help to better understand their personal background. The study further sought to draw comparisons with national statistics on women’s participation and representation in many spheres, in order to identify whether the status of women in mediation is reflective of a larger picture of the status of women of Sri Lanka or whether it is distinct from this.

The age spectrum of women mediators supports the current consensus that the age group of

Religion	%
Buddhist	80.7
Hindu	11.2
Islam	4.1
Christian/ Catholic	4.0

current women mediators predominantly reflects an older demographic. While women mediators comprise adult women over the age of 20 years and extending to the age group of 80 years and above, the largest percentage is in the retired age category, with almost 80% being over the age of 50. Of the older mediators, 36.7% is aged between 60-69 years, whilst 22.6% are from the 50-59 year category. Sixteen percent (16%) of the women mediators are between 70- 79 years whilst those above 80 years are at 4.7%.

However, it is noted that 20% of all women mediators are from both the middle aged and

young categories. This challenges a common misconception that as a career choice, mediation is almost exclusively reserved for older women. Of the younger spectrum of mediators, 40-49 year olds make up 12.3%, while 6.5% are from the 30-39 year age category. Mediators between 20-29 years are only 1.3% of the total.

The percentage of Buddhist women mediators stands at 80.7%, whilst mediators of the Hindu faith are at 11.2 %. Mediators of the Islamic faith are at 4.1%, closely followed by Christian mediators who are at 4.0%.

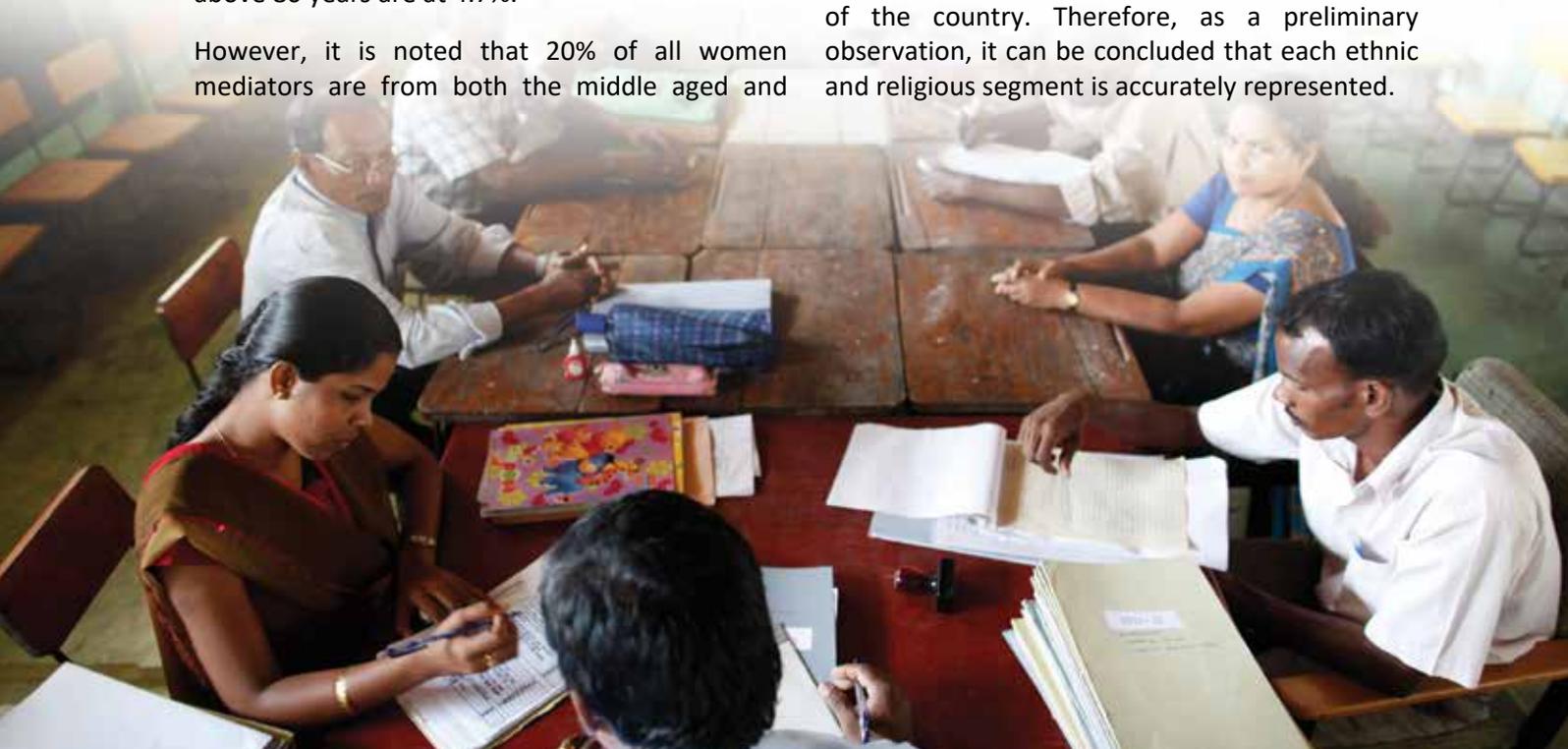
The ethnic concentrations show that 82% of all woman mediators are of Sinhala ethnicity. Of the remaining 18%, Sri Lankan Tamils make up 12.2 % whilst Tamils of Indian origin comprise 1.3%. Mediators of Muslim ethnicity make up 4.3% and the Burgher community is at 0.2%.

Age(Years)	%
20-29 years	1.3%
30-39 years	6.5%
40-49 years	12.3%
50-59 years	22.6%
60-69 years	36.7%
70-79 years	16%
80 years & above	4.7%

The religious and ethnic concentrations of women mediators are largely consistent with the religious and ethnic demographics

Ethnicity	%
Sinhala	82.0
Sri Lankan Tamil	12.2
Indian Tamil	1.3
Muslim	4.3
Burgher	0.2

of the country. Therefore, as a preliminary observation, it can be concluded that each ethnic and religious segment is accurately represented.





### Young women in mediation

During the in-depth interviews, the issue of participation of young women in mediation was repeatedly discussed. Regarding this, one woman mediator opined that the women mediator cadre predominantly consists of the older population. Whilst affirming that this is not necessarily negative, she went on to explain that despite there being women in the middle age range, there were very few young women mediators in active service. She pointed out that a number of older women mediators were inclined to offer prescriptive advice during the mediation process because of their perceived position in society, whereas it was important that a more facilitative role be played by mediators. She argued that an increase in young women mediators would make the mediator cadre more dynamic and adaptable to change. She also noted that the lack of young women in mediation was mostly due to a lack of awareness of the community mediation process amongst younger women in the community. According to her, women have moved out of traditionally accepted domestic roles to become more socially active members of society. This has resulted in many young women being keen to pursue participation in public processes such as mediation if they are aware of the process. She therefore concluded that a revamped awareness campaign to promote mediation at community level would inevitably see a rise in the participation of young women and, which would make the mediation boards more dynamic and adaptable.

Whilst affirming the above viewpoint, she also admitted that culturally constructed gender roles are still a strong reason for married women to avoid a more socially participative role in the community. She affirmed that a married woman has many commitments and expectations ranging from those of the husband and children to in-laws, as well as the expectation for her to take the lead in managing the household. But she agreed with the results of the study and stated that in reality most married women are not expressly discouraged by their families from choosing a career in mediation or from taking on any other socially active role. On the contrary, in most cases, married women are often supported by the family support structures, as has been illustrated in the results of this survey.

## Education and Occupation

The level of education is a visibly integral part of an individual's role as a mediator. The survey showed that approximately 71% of woman mediators had received education from between senior school level to the level of a university degree/professional qualification. Further, 16.2% of all women mediators have studied further and completed diplomas, whilst 8.2% have post graduate qualifications (a Masters or PhD). In contrast, the number of candidates who have only received primary and/or secondary school education is reasonably small, at 4.3%.

Level of Education	%
Primary only – 5 years of education	0.8
Secondary only – 6-10 years of education	3.5
Senior – 11-13 years of education	42.2
University degree/professional qualification	29.1
Diploma	16.2
Masters /PhD	8.2

Thus it is evident that the level of education of women mediators in active service is high, giving valuable proof of their educational competency and that their service reflects quality in academic and professional standards.

An analysis of women mediators' occupations is essential to understanding their professional backgrounds. The survey results reveal a diverse range of career backgrounds in both private and public sector institutions. The list of occupations that women mediators engage in or have engaged in prior to their current state of retirement is quite diverse. In fact, the findings reveal a myriad of occupations with a related range of learning and skills.

The largest segment (34.8%) is from the education sector with 23.4% are working as or have worked as teachers, teaching Instructors or lecturers. Approximately 5.5% serve or have served as school principals. A further 5.9% work or have worked as Montessori school instructors.



The current occupations of women mediators are listed below:

Current occupation		%
Education sector	Teacher/Teaching Instructor/Lecturer	23.4
	Montessori Instructor	5.9
	Principal	5.5
Management Assistant (Government)		12
Development Officer (Government)		7.6
Traditional Indigenous Doctor (private sector)		4.9
Self Employed/Business (private sector)		4.1
Farmer/Planter (private sector)		3.4
Registrar (Births, Deaths & Marriage) (Government)		3.5
Administrative Officer (Government)		2.9
Social Worker/Social Officer (private sector)		2.9
Dressmaker (private sector)		1.8
Housewife		1.8
Bank Executive/Manager (private sector)		1.6
Agriculture Research and Production Assistant (Government)		1.3
Training Consultant (private sector)		1.3
Financial Assistant/Insurance Agent (private sector)		1.1
NGO employee (private sector)		1.1
Nursing Officer (Government)		1.1
Office Assistant/Lab Assistant/Coordinating Assistant (private sector)		1.1
Rural Development Officer (Government)		1.1
Counselor (private sector)		1.0
Documentary Assistant/Secretary (private sector)		0.8
Program Assistant (Government)		0.8
Cultural /Sports/Religious Officer (Government)		0.7
Field Officer (Government)		0.7
Sub Post Mistress (Government)		0.7
Human Resource Manager/Officer (private sector)		0.5
Judicial Medical Officer (Government)		0.5
Marketing/Trade/Insurance (private sector)		0.5
Notary Public		0.5
Librarian/Library Assistant (private sector)		0.5
Personal Assistant/Secretary (private sector)		0.3
Promotion Officer/Project Officer (private sector)		0.3
Regional Environmental Officer (Government)		0.3
Accountant/Auditor (private sector)		0.3
Women's Banking Officer (private sector)		0.3
Pensions Officer (Government)		0.3
Senior Manager/General Manager (private sector)		0.2
Priest		0.2
Journalist		0.2
Armed Forces (Government)		0.2
Justice of Peace		0.2
Child Protection Officer (Government)		0.2
Matron (Government)		0.2
Deputy Director (private sector)		0.2
Jailor (Government)		0.2

Women mediators are in a wide range of occupations. Of those that are currently employed, 35% is in public educational institutions, closely followed by almost 21% working as government officers such as Management Officers and Development Officers. This validates the long standing assumption that most women mediators work in the public sector. Apart from this, the sheer diversity of women mediators' past and current occupations, both within the private and public sectors, is an important new finding. The women mediators are civil servants and professionals who are contributing to society through their engagement in the work force and through their interest in undertaking greater social responsibility as volunteer mediators.

### Income

The majority of women mediators receive a monthly income by way of salary, pension or income from assets and business. The survey shows that 89.5% of the

Source income	%
Pension	55.5
Other	44.5

women mediators receive a monthly income, while only 10.5% did not. Of the mediators who receive a monthly income, 55.5% receive their earnings from government pensions. This result is synonymous with the finding that the majority of women mediators are from the older population (retired from employment) and have previously held occupations in the public sector. On the flipside, 44.5% derive their incomes from other sources.

Another common perception is that the majority of woman mediators

Monthly Income	%
Received	89.5
Not Received	10.5

receive pensions from the government or public educational institutions. However, this study finds a more balanced representation of private sector and public sector income sources, with the significant representation of current/past occupations being from the private sector and the equally significant 44.5% with incomes from other sources



## Family and Support Structures

The family background of a woman mediator is important to contextualize the mediator’s origins and to explore the importance of family support for a woman serving as a mediator. Family background also provides information on the domestic responsibilities of women. The common perception is that women are burdened with family and domestic responsibilities, and are therefore reluctant to be part of the mediation system. To understand this perception, the survey analyzed information on the mediator’s marital status, children, dependent children and other dependents.

### Marriage, children and dependents

The majority of women mediators (at 73.5%) are married. Of those who are without spouses, 8.3% are single, 1% are separated and 16.7% are widowed. Furthermore, most women mediators have children. Forty nine percent (49%) of women mediators had between one and two children, 35% had between 3 and 4 children and 6.4% had 5-7 children. Only 9.7% of women mediators had no children.

Marital status	%
Married	73.5
Single	8.3
Separated	1.0
Divorced	0.5
Widowed	16.7

Children under 18	%
No children under 18	59.1
1-2	32.4
3-4	5.6
5-6	0.4
7+	2.5

In the context of their role in the mediation system, it is important to note that almost 60% do not have children under 18 years of age. In terms of their childcare obligations, most women mediators do not have dependent children, either under 18 years of age or children who need their support (such as differently abled children). A third (32.4%) has between one and two children dependent on them, while less than ten percent have more than two children dependent on them

However, some women mediators also support dependents other than their children. This includes grand children, aged parents, in-laws and other kin. The study findings show that almost half (48.6%) of women mediators have some kind of domestic

responsibility for caring for between one and two “other” dependents, and nearly a fifth (17.3%) are responsible for 3 to 4 “other” dependents.	Other Dependents	%
	0	28.6
	1-2	48.6
	3-4	17.3
	5-6	4.0
	7+	1.4

On the other hand, 28.6% stated that they have no “other” dependents.

***“Domestic responsibilities are not a constraint to active participation by women”***

The survey findings reveal that almost 75% of the mediators are married and that over 90% of them have children. Of the total population of women mediators, 40% have dependent children while 71% are responsible for dependents other than their children. This is a marked deviation from the widely held perception that most married women with children, irrespective of their age, are inclined to avoid serving as mediators due to the domestic responsibilities associated with their roles as a wife, mother, care-giver and homemaker.

The survey findings demonstrate a major contradiction to the previously held assumptions that education, the responsibilities associated with marital status and care of dependent children are significant impediments to a woman’s choice in becoming a mediator. On the contrary, the survey information shows that most women who undertake mediation are in fact educated, married, mothers and live with at least one other dependent in their households.

### Support for women mediators

The responses of family, extended family and the local community are integral to a woman’s choice in becoming a mediator and to her continued service as a mediator. The findings on the responses are divided between her husband, children, extended family and the local community.

### Family support

Women mediators were asked about the level of support received from their spouses. An overwhelming 95.5% of married women commenting on their husband's response state that they receive active support from their spouses. On the opposite side of the spectrum, husbands who were reported as actively discouraging the respondents from becoming mediators comprised only 2.7%.

Husband's support	%
Supportive	95.5
Indifferent	1.5
Not happy with it	0.1
Actively discourages it	2.7
Unsure/Do not know	0.3

Children's perception	%
Supportive	95.3
Indifferent	2.1
Not happy with it	0.5
Actively discourages it	1.0
Unsure/Do not know	1.0

Similarly, the responses from the mediators' children showed that the children of 95.3% of them actively supported their mother's

choice to pursue a career as a volunteer mediator, whilst only 1.7% remained indifferent to it. On the other hand, the number of children who were not happy (0.2%) or actively discouraged the choice (1.3%) was marginal.

This supportive trend is followed in the responses of extended family members, with 94.7% of the women mediators stating that family members actively supported their choice to become a mediator. Additionally, 1.7% of the mediators reported that their extended family remained indifferent whilst 1.3% said that their extended families rejected their choice.

Extended family's (parents, siblings) perception	%
Supportive	94.7
Indifferent	1.7
Not happy with it	0.2
Actively discourages it	1.3
Unsure/Do not know	2.2

### Community support

Looking at community support, 89.7% of women mediators believe that the local community stands

by and supports the participation of women mediators. Only 4.7% of the women mediators experienced active opposition to women's participation as mediators.

Women mediators say that currently held assumptions about immediate and extended family as well as community sentiments

Local community's perception	%
Supportive	89.7
Indifferent	0.9
Not happy with it	0.3
Actively discourages it	4.7
Unsure/Do not know	4.4

toward a woman's choice in becoming a mediator are mostly discouraging, but that this is inaccurate. These misplaced assumptions derive from the traditional norms that frame a woman's role around a few culturally acceptable responsibilities such as the keeper of the household, the responsible mother to their children and as a dutiful wife to their husbands. It is believed that any woman who conforms to these roles has more acceptance within society, whilst those that step out of this preconceived role in search of any form of achievement are quickly singled out as different and sometimes even viewed in a negative light. Despite changing attitudes, this outlook is still quite prevalent in some communities and is therefore easily transferred to the mediation process due to its public identity and heavy involvement within the local community.

Furthermore, mediation requires a high level of interaction with disputants, fellow mediators and other involved parties. It is often assumed that this level of interaction does not sit well with the preconceived norms for women, which are discussed above. The public persona that a mediator acquires generates a strong sense of discomfort and distrust amongst the husbands, extended family and the community in general is also assumed. This ideology has been deeply embedded within the culture of the local community and is therefore viewed as a major impediment for women who are seeking to pursue a career in mediation.

Given these sensitivities, along with ground-level experience, the mediation discourse among

policy makers and administrators of the system of mediation, including mediators themselves, had formed a calculated assumption that most women avoid a career in mediation due to the lack of support structures from their families, extended families and local communities.

The survey results not only refute this long held assumption, but go further to indicate the complete opposite. The survey shows a strong support structure from the women mediators' social networks, both personal and community based. Approximately 96% of women mediators state that their husband, children and extended family actively support her role as a mediator.

On the other hand, families that actively discourage a woman to become a mediator appear to fall into a significant minority, comprising less than 2%. This shows that understanding of a woman mediator's family background calls for a shift from the previous perception that it is the only major impediment, to being viewed as a possible positive driving force for encouraging women to play a more active role in mediation. This support is seen as a strength by almost all women mediators.

***“A supportive husband encourages wife to fulfill her role as a mediator”***

Illustrating the aforementioned support, a married woman mediator provided a powerful account of the extent of support she received from her family. .

She recalled that a few years back, her husband suffered a stroke and was rushed to hospital for treatment on a Friday. The woman mediator accompanied her husband and made sure that all his needs were taken care of, expecting to stay by his side during his treatment. Yet, in the midst of this crisis, her husband had called for the woman mediator, and asked her to take the next bus back home, in order that she will be there in time for the next mediation session, expressing how important her participation in this community dispute resolution process is and reassuring her that he will be alright as other family members had taken on the responsibility of his care.

The assumption that women are burdened by domestic roles is shared by women mediators themselves. Many women mediators cite it as an



explanation for the low numbers of women mediators in the system, although they themselves are pioneers in refuting this common assumption. The in-depth interviews largely affirmed the existence of patriarchal attitudes within families. Working women are given the impossible load of singlehandedly taking on household responsibilities along with employment. This point was taken up strongly by one woman mediator. She opined that married women who work have little choice but to take on the dual duties of the house and work. Due to this, they are discouraged from seeking socially active roles. Using herself as an example, she stated that she was only able to be actively involved in mediation because she was unmarried, and, therefore, free from such commitments.

On the other hand, woman mediators who are single by choice, separated or divorced comprise a little over 10% and 16% are widows. Comparing the small number of single women to the majority of married women further challenges assumptions made in the past, specifically that married women avoid a career in mediation due to their commitments to marriage and children.

However, it is noteworthy that the information gathered during the in-depth interviews affirmed both the existence of traditional norms and the marginalization of women mediators as discussed above. It is then reasonable to conclude that although marginalization through norms of gender inequality still exists within communities, there is a transition toward more supportive attitudes for women mediators from the family, extended family and the community.

The survey thus strengthens the hypothesis that family and community backgrounds are proving to be strong motivational drivers rather than major impediments for women to serve on mediation boards. This finding also stands at odds with the general understanding that there are somewhat oppressive patriarchal norms against women that reduce the importance of this issue in local communities.

Although marginalized in the findings, it must be mentioned that some family and community level discouragement does exist, and is still a barrier to participation. The issue arose during the interview-based qualitative component. Most interviewees discussed the existence of such patriarchal norms and their strong influence within the culture of local communities. Despite this, the very same interviews also recognized a possible family and community level shift towards more supportive and motivational attitudes towards women's equality and, in particular, towards a woman's choice to become a mediator.





## Women Mediators’ role in community mediation

### Service period of women mediators

Mediators are appointed for three-year cycles and at the end of each cycle of service they are eligible to be re-nominated and re-interviewed. After successfully completing this process, the selected candidates are trained, tested and, appointed as mediators.

Duration of service (Years)	%
Less than 1 year	14.4
1-4 years	34.2
5-9 years	23.1
10-14 years	12.6
15-19 years	5.5
20-24 years	4.9

The survey shows that the majority of women mediators have served for more than one three-year cycle. Their service record shows a strong commitment overall, with average service periods averaging between 3 to 9 years and a significant 23% going beyond the 10-year service mark. The low turnover, coupled with a significant number of woman mediators in long-term service, suggests a strong job commitment and satisfaction across the woman mediator cadre.

The service period of women mediators is highest between 1-4 years at 34.2%, but is closely followed by 23.1% for 5-9 years. Service duration between 10-19 years is at 18.1%, whilst 20-24 years is at 4.9%. Those who have been in service for less than a year are at 14.4%.

### A woman mediator’s role in the community

Beyond the specific profile and family background, the survey also focused on the mediator’s role within the community. This was to test the current perception that all serving women mediators are socially active members of the local community. This hypothesis was strongly affirmed with the survey results showing a majority being involved in a combination of charity work (83.2%), religious activities (88.9%), and community associations (72.8%).

Despite mediators being required to be politically impartial and uninvolved in political activity, a small number (1%) stated that they were involved in politics. It must be observed that when compared with the heavy politicization in all public processes, such a low level of political involvement is a positive sign indicating the political neutrality of the mediation process. Thus, the level of community involvement results in a strong sense of social activity and responsibility as characteristics common to most mediators, which seems to be a primary driving force in their choice to become a mediator.



### “A lifelong legacy of social service”

Mediator S (69 years) has had a lifelong experience in the area of social service. She was educated in Colombo and subsequently moved to an urban location in the Eastern Province after her marriage. Due to her interest in social work and writing, she started writing newspaper articles addressing social issues such as women’s empowerment and child development. In 1969, she went on to be recognized as the first Muslim woman to enter the print media industry in Sri Lanka and was later appointed as the sub-editor of a popular newspaper during the time.

During her career, Mediator S had worked for numerous civil society organizations and had collective experience of overseas training and implementation of community programs driven by state and civil society groups. During the 2004 tsunami, she worked tirelessly with civil society organizations such as Save the Children, International Doctors’ Associations and Islamic Relief Association, to provide relief to the unfortunate victims and widows of the tsunami.

She was later appointed as a Regional Director for the government in her area of residence during which time she conducted several multi-cultural programs that sought to strengthen unity and goodwill amongst communities. During her career, she was also appointed as the Chief Warden of a senior school. After retirement, she is now working with an international educational institution in the area to empower the educated youth of the community.

Mediator S is now recognized and respected within the community, as a symbol of fairness and inspiration. As such, people within the community seek her guidance and advice for their concerns and disputes. Therefore, when we asked her as to why she chose to become a mediator during her years of retirement, her answer was instant. “I’ve had a lifelong legacy of social service and empowerment, so it is only natural for me to become a mediator so I can continue to provide a better service to my community”.

### Women as Chairpersons

Chairpersons of mediation boards are responsible for all mediation activities, management of the mediation board and supervision of mediators within a given mediation board. Chairpersons are selected during the training stage. The nominee that secures the highest marks at the final test of knowledge and aptitude is appointed Chair of a respective mediation board. Only 2.3% of the entire cadre of mediator Chairpersons have ever been women. The explanation behind this is simple: trainers say women nominees do not secure the highest marks and, thus in the gender-neutral process, they do not get appointed as Chairpersons.

The small percentage of chairwomen shows that 97.7% of the women mediators have never been appointed as Chairperson. Subsequently, this percentage has a negative connotation for the status of gender neutrality within mediation. Furthermore, this discrepancy raises serious questions about women mediators’ opportunities to become a Chairperson.

The figures on the duration of service as a woman Chairperson demonstrate a strong commitment to the position of Chairperson by those women who have received the opportunity to be Chairpersons,

Duration of service as a Chairperson	%
1-3 years	40
4-6 years	25.7
7-9 years	5.7
10-12 years	5.7
13-15 years	11.4
16-18 years	2.9
19-21 years	2.9
22-24 years	5.7

with more than 60% of the Chairpersons having held the position for longer than a single tenure. The results also show a considerable number of women Chairpersons maintaining the position for over 10 years.

Of the 14 women appointed as Chairperson, 40% have served between 1-3 years. Three years of service represents a single tenure. A quarter (25.7%) of the candidates have served between 4-6 years and 5.7% of the candidates for 7-9 years, while 5.7% have served between 10-12 years. A little over one fifth (11.4%) of the candidates have held the position of Chairperson for 13-15 years,

with 2.9% serving 16-18 years and 19-21 years each. Finally, 5.7% of all women Chairpersons have served between 22-24 years.

These results signify the standards and competence of the women mediators as Chairpersons. The fact that Chairpersons appointed by the MBC based on the highest marks received based on the examination and appraisal process regardless of gender, begs the question as to why 97.7% of

all women mediators has not had the opportunity to become Chairpersons despite the strong commitment shown amongst those women mediators that held the Chairperson position. This question requires the MBC to investigate whether this is due to an issue of capacity, or if the reasons for the lack of women chairpersons are derived from a deeper gendered issues such as the examination and aptitude testing process being more male focused than neutral.

According to the study findings, only 2.3% of the entire woman mediator cadre has ever been appointed as a chairperson. This single statistic is symbolic of the extent of the existing disproportion between male and female mediators. To understand this issue better, we travelled to the Eastern Province to speak to a woman mediator (24 years) who was recognized as the youngest woman mediator chairperson in the country. She is an intelligent woman with strong opinions about community mediation services in the country. She agreed that there was an immediate need to increase participation of woman mediators in the country, citing a serious lack of representation for woman disputants. She also voiced the importance of woman mediators in resolving sensitive women's issues.

As for the chairperson position, she felt that it is a more challenging and time consuming role than that of an ordinary mediator. As such, she feels that most women shy away from it due to their primary household and childbearing duties or a lack of support from the household. Referring to herself, she stated that she would not have been able to perform her duties as a chairperson if not for the support and cooperation she received from her own husband and family.

Moving beyond this, she went on to state that once mediators are selected and sent out into the community, the level of interaction between them, the trainers and the MBC is quite poor. She opined that there is no proper monitoring mechanism to oversee the operations of the mediation boards. Furthermore, she felt that there was little recognition of mediators within the community and advised that such recognition is crucial to both motivate the mediators and improve the community respect for mediators. To this, she suggested a small-scale public event with the trainers coupling mediator recognition on the community level with much needed awareness of mediation as a dispute resolution mechanism.

During the interviews conducted with selected mediators, one woman mediator suggested that the lack of woman Chairpersons was due to the fact that the position of the Chairperson is viewed as a male-centric role. She cited that Chairpersons' duties involve a higher level of involvement with the process and interaction with the Ministry of Justice, both of which require more liberty than some women in these communities feel comfortable taking. She claimed that it was not a suitable position for women to occupy, given their personal family obligations and social constraints that might make it difficult for married women to engage on such a level.

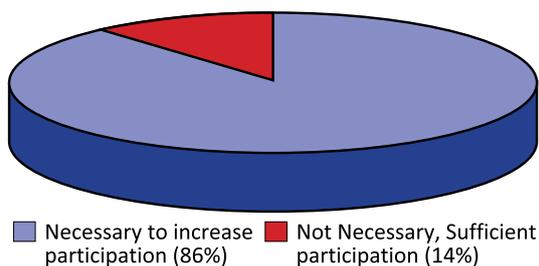
### **Participation of women as mediators**

The participation of women as mediators is the core focus of this study. To explore the low numbers of women in community mediation, it was essential to hear women mediators' views and sentiments on women's participation and increased participation.

According to the women mediators in service, 86% of all woman mediators believe that the number of women mediators is insufficient and that there is a need for more woman mediators. Therefore, they support the increased participation of woman as mediators. This finding is in line with the mediation and women's equality discourse in Sri Lanka, which also makes a strong case for greater participation of women. However, it is interesting to note the



### Women mediator views on participation of women as mediators



perceptions of the 14% of women mediators who believe that increasing the number of women mediators is unnecessary.

There is two ways to interpret the “not necessary” response. First, it is possible that currently-serving women mediators feel that increasing the number of women mediators would create a dissatisfaction among serving male mediators, who would feel threatened about losing their position as mediators to make way for more women. This resentment could result in women mediators in service facing difficulties in their work in mediation boards.

Another interpretation would be that this perception of not needing more women in the mediation process could be the result of gender insensitivity and non-recognition of gender equality, which is embedded within the community. Although a mediator is a woman, she may not be immune from gender insensitivities acquired from the community. Such beliefs show that insensitive patriarchal ideologies find their way into the mediation system and are accepted as the norm by both female and male mediators alike.

Thus the study illustrates the importance and value of gender sensitization that must confront deeply ingrained patriarchal norms that run deep in the community. These ingrained norms, values and practices are extremely difficult to weed out through sensitization programs alone. Women from these communities can be equally resistant to sensitization ideologies that challenge the patriarchal norms.

The qualitative interviews shed some light on this issue. Women mediators described having mixed feelings on the subject of increased women’s participation. Some women mediators did not believe that increasing participation is the answer to making the process gender equal and cited various reasons for this opinion. In one such case, one

interviewee believed that increasing participation of women mediators was of little use without first improving the poor quality of the current women mediator cadre. Another interviewee stated that increasing women mediator representation could turn the mediation boards into “*woman’s councils*,” which would compromise the gender neutrality of the process. Another stated that some disputants place less value on women mediators as compared to men. Finally, another respondent stated that the value placed on mediation boards as a dispute resolution mechanism could drop in the eyes of the disputants if women’s participation was increased.

### Equal opportunities to pursue a vocation in mediation

The discourse on mediation activities in Sri Lanka has a general understanding that participation in community mediation is more challenging for women than men. This understanding is based on observations by researchers of mediation activities, reflection of general challenges faced by women mediators and the low numbers of women in mediation.

Despite this, women mediators do not perceive gender inequality in the process of community mediation. According to the survey, 94.2% of women mediators

Is it easier for men than women to become mediators?	%
Yes, of course	1.5
Sometimes	3.6
Rarely	0.8
No, it is the same for both men and women	94.2

perceived that there were equal opportunities to pursue work in mediation for both sexes. Those who saw gender inequality at varying levels amounted to 5.1%, only 1.5% saw gender inequalities that favour men in the recruitment and training process and 3.6% claimed that inequalities merely occur occasionally.

Whilst acknowledging the challenges that women face, the interviewees of the in-depth discussion agreed with survey findings that women have equal opportunity to become mediators. Hence this study demonstrates that current women mediators see neither obstacles nor gender discriminatory attitudes or practices that prevent women from becoming mediators.

Yet, gender inequalities that hinder women in

becoming mediators can be found when one looks deeper into the local community. For instance, there is a prevailing sentiment that working women have more freedom to work and be involved in more socially active enterprises. Despite this, it is still generally expected that such women should also singlehandedly take on household and family responsibilities, rather than share responsibilities with her husband. Most women who have lived in this background do not see it as an inequality, but as the duty expected of a woman, especially of a wife and a mother. This reinforces the fact that women mediators themselves, once appointed, do not adequately recognize inequality. Additionally, they acquire their concepts of gender equality from accepted local patriarchal norms.

*The topic of shouldering dual responsibilities was discussed by one of the women mediators who is a highly accomplished doctor now retired from practice. She gave us a detailed account of the services she had provided to Sri Lankan communities during her professional career. Throughout this account, she spoke of how she had to single handedly balance household responsibilities with her professional life leaving her with little or no time for herself. This account is symbolic of the plight faced by the majority of employed married women. Most of these working women have accepted this as a part of the local culture and are simply grateful to have the opportunity and freedom to be socially active/employed while meeting their perceived domestic obligations*

The survey sought to explain why 5.1% of women indicated that gender inequality made the mediation process easier for men. Of the sub-sample, 77.8% identified family obligations as a source of major impediments. Over 9% stated that disputants favored male mediators to female, and another 8.3% said that fellow mediators/chairpersons preferred male mediators to female. A small percentage had more negative perceptions about the ability of women to become mediators. 2.8% said that women had less skills in alternative dispute resolution, and 1.4% thought women cannot be as objective as men in a dispute resolution system.

Why it is easier for men than women	%
Women have more family obligations	77.8
Fellow mediators/chairpersons prefer male mediators to women	8.3
Disputants prefer male mediators to women mediators	9.7
Women mediators are less skilled in dispute resolution than men	2.8
Women cannot be as objective as men	1.4

**Key motivators for women to pursue a career in mediation**

An analysis of the key motivators is integral to a deeper understanding of what drives women to pursue participation as mediators. The survey showed that 89.4% of all woman mediators stated that they became a mediator to provide a service to the community.

Motivators	%
To provide a service to the local community	89.4
To be recognized within the community	28.9
For the love of mediation itself	45.4
Encouraged by another	7.9
To be a representative for women	25.9

Giving multiple reasons, 45.4% stated that it was for the love of mediation itself; 28.9% of the women joined in the hope of being recognized within their respective communities; 25.9% became mediators to represent women and 7.9% claimed to have joined through the encouragement of another.

This study thus affirms conclusions in other writing on women in community mediation boards in Sri Lanka. Furthermore, it shows that the key motivators that drive women to participate on mediation boards are service provision and the fulfillment brought on by this social and community service.

These motivators were reflected during the in-depth interviews, where women mediators spoke about their passion for providing a service to the

community in general. Despite having to single-handedly take on household responsibilities, the women showed a high level of motivation and ambition to provide the best service possible as a mediator. The manner in which they balance these communal aspirations with their own household responsibilities—with little concern for themselves—can be viewed as nothing short of inspirational.

*“This is my community and I therefore have a responsibility to it”*

*During our journey to interview Mediator V (age 43), we visited a remote part of a Northern Province district. The tough terrain was riddled with broken roads and a dense bush backdrop. The team navigated through 8 km of heavily damaged roads before finally reaching the mediator’s house, nestled amongst a small cluster of houses built by the Red Cross.*

*We were later informed by Mediator V that access to the main road is only by way of foot or a three wheeler which costs approximately Rs. 250 per ride. Public transport cannot access these locations.*

*Furthermore, residents in the area have been warned by armed forces to not commute on foot after 5pm, due to the nearby presence of wild elephants. She herself is a victim of war, for she had lost one of her sons in the war. On a daily basis, she bears the responsibilities of the family amidst a complicated web of financial and social difficulties.*

*Despite this challenging background, Mediator V travels approximately 8-10 km (at her own cost) to preside at the mediation board every Sunday.*

*She is actively involved in proceedings and stands as an ambassador for women in the village. Beyond this, she stands as an activist for her community, giving voice to a plethora of social issues that persist in this area following the conflict.*

*We asked her what drove her inspirational sense of determination to play the role of a mediator and activist for her community, amidst the personal challenges she faces on a daily basis.*

*She simply said “this is my community and I therefore have a responsibility to it... we understand the issues of our community better than any outsider or policeman....and I hope to leave behind a legacy for others to follow and for women to look up to...after all a legacy is all we leave behind in this world”.*

## Perceptions of duty toward female disputants

Theoretically, the gender dynamics of the community mediation process introduce the possibility of women mediators being advocates for and therefore owing a special duty towards women disputants. The theory stems from the fact that women in local communities are more susceptible to marginalization and must be afforded a higher degree of concern. Therefore, it is perceived that a woman mediator might recognize such community level marginalization and stand against such inequality as an advocate for women and a purveyor of social justice.

In practical terms, when asked if they have a duty towards woman disputants, 76.8% of woman mediators agreed whilst 23.2% remained opposed. These results can be seen as indications of the gender insensitivities discussed previously, which seem to have worked their way into the mediation system. Simultaneously, it may be a matter of personal preference.

## Feeling appreciated and accepted

Women mediators feel that they are well accepted by the Ministry of Justice for the services they render to the public. Three quarters (73.2%) stated that overall acceptance has improved over the years, while only 3.7% felt that the level of acceptance by the MoJ lessened. Notably, 23.1% opted not to respond to the question.

Perceptions of acceptance (multiple answers)	%
Improved acceptance by Ministry of Justice	73.2
Improved acceptance by Mediation Boards Commission	75.7
Acceptance by fellow mediators	96.1
Acceptance by the Public	97.6

The women mediators also reported increasing levels of acceptance from the Mediation Boards Commission. Over three quarters (75.7%) of the women mediators felt that the MBC increasingly appreciated their service, while only 3.6% felt the acceptance was dwindling. Yet again, a significant 20.7% chose not to respond.

Acceptance of women mediators by fellow mediators and the public at large is at high levels. The majority of women mediators feel there is

increasing acceptance by fellow mediators (96.1%) and by the public (97.6%). Meanwhile, those that believe that there is a decline in the level of acceptance amongst fellow mediators and the public sit at 3.9% and 2.4% respectively. During in-depth interviews, it was mentioned that the rise in acceptance and respect by the public is relatively recent and had much to do with more awareness

on mediation as an effective means of dispute resolution.

These results registering a considerable improvement in terms of acceptance with a relatively low decline rate proved contradictory to previously held perceptions about the lack of acceptance of women in mediation.

### **“Women play a pivotal role in mediating disputes”**

During our field visit, we visited the sleepy town of Hatton, situated above the beautiful mountain ranges of the Central Province. After what seemed like an hour long climb up a heavily broken road, we found ourselves overlooking a tiny village perched on the edge of a valley and surrounded by misty hills. At the very center of this little village were a school and a sizeable playground. The scene conveyed an unmistakable sense of peace and tranquility.

We made our way down the hill and towards the school. We were eager to meet its Principal, who was a highly respected individual in the area and a woman mediator (58 years). The ensuing discussion with the Principal unveiled ugly secrets of domestic abuse and violence that lurked beneath the peaceful exterior of this village. Describing these cases, she emphasized the significance of dispute resolution mechanisms and law enforcement to these areas. She stated that mediators play an essential role in maintaining peace in the community and nipping causes for domestic violence and abuse in the bud.

During this discussion, she stated “people from our area have good hearts but they are also very tough. They have a short temper and quickly resort to arms if they feel wronged”. However, she also revealed that mediators in this area have garnered respect and acceptance from the community as purveyors of peace. In an otherwise somewhat volatile environment, this is significant. “When I attended a wedding once, I witnessed a disturbance in the crowd. When I went to investigate, a gangster in the area stood by me and declared to everyone that I was a mediator and to give me the due respect I deserve”

When we asked her about a woman’s role in mediation, she opined that women play a pivotal role in mediating disputes, especially sensitive cases involving female disputants or domestic violence. However, when asked about the participation of woman mediators, she professed that she does not fully support an increase in women mediator participation.

## Satisfaction and morale

The level of satisfaction and morale among women mediators is an important factor in sustaining their involvement in the mediation system. The study registered a good level of satisfaction and morale among women mediators. Over forty percent (41.5%) stated that they are highly motivated, whilst 54.9% had registered an improvement in their level of satisfaction and morale. On the flipside, only 0.3% stated that their level of satisfaction and morale had dropped due to feelings of discrimination or inadequate preparation and training. An additional 3.3% have noted that their level of satisfaction and morale had remained the same.

Level of satisfaction and morale	%
Very good	41.5
Improved	54.9
Remained the same	3.3
Worsened	0.3

## Issues at the Nomination Stage

### Being nominated to become mediators

Nomination plays an important part in the process of selecting a person to the position of a mediator. An individual or organization in the community may nominate a person and the only qualification required by law to be eligible for nomination is that the person resides in an area a mediation board is being established. In practice, people are usually nominated by existing mediators, local-level government officials and distinguished individuals in the community. Women mediators were asked about their perceptions related to those persons currently nominating candidates. It was revealed that women mediators perceived most nominations to come from government officials – Grama Niladhari (39.3%) and the Divisional Secretary (38.1%)—and from village leaders and village elders (22.8%). Non government organizations nominated a paltry 3% of candidates.

Nominated by	%
Divisional Secretariat	38.1
Grama Niladhari	39.3
Mediators	20.2
Village leaders	19.3
Village elders	3.5
NGO	3.0

## Why some women are nominated

The survey also sought to investigate women mediator perceptions about why they were nominated. A majority, 78%, suggested that they were nominated for being active members of the community. Around a fifth, 18.7%, cited the need for more women mediators as the motivation. Low numbers, 2.6%, stated that they were nominated because the nominator knew them personally. Even a smaller number, 0.7%, claimed that they requested to be nominated.

Perceived reasons to be nominated	%
Because I am active in the community	78.0
Because the person who nominated me knows me personally	2.6
Because I asked to be nominated	0.7
Because there is a need for more woman mediators	18.7

Most women mediators perceived that they were nominated due to the recognition of their active service in the community. Interestingly, only 18.7% of the women recognized the need for more women mediators as a reason for their nomination. However, this need not be necessarily indicative of a lack of understanding of the low participation of women, but it still begs the question whether the level of awareness about the lack of women mediators among mediators, community members and women mediators themselves is low.

## Gender equality during nomination

Gender inequality and bias during nomination has been another popular topic when discussing possible reasons for low participation. On the one hand, it is argued that women have less opportunity to be nominated in comparison to men within the current status quo, due to elements of gender inequality transferred from the community to the mediation process. On the other, many people cite the aforementioned perception that women themselves are reluctant to be nominated, due to personal considerations.

It is therefore particularly interesting to observe that most women mediators stated that they do not see the nomination process as being biased or unequal. In fact, 72.1% affirmed that they believe that the nomination process is equal and unbiased. Only 9.3% recognized a positive bias toward male

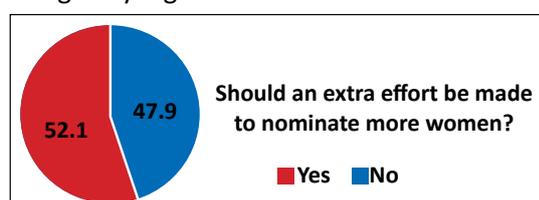


mediators, whilst a mere 1.2% cited a similar bias toward women mediators. Thus, the widely held assumption that gender inequality and bias are a factor in the nomination process is contradicted by the survey results. These findings report that most women mediators perceive the nomination process to be equal and unbiased. However, it is noteworthy that 17.1% of the candidates did not express a view on this matter.

Perception on nomination process	%
Unbiased and equal	72.1
More biased towards men	9.4
More biased towards women	1.2
I don't have a view	17.3

The obvious bias towards nominating men or the lack of emphasis on nominating equal numbers of women and men witnessed in the practical functioning of the mediation boards nomination process is not seen by sitting women mediators. This inconsistency between practice and perception may be subjected to two widely different hypotheses and varied scenarios between them. On the one hand, it could be that the preliminary reading of gender inequality during nomination has been given too much weight, as evidenced by the survey data on perceptions held by women mediators. On the other, it could yet again raise the question as to whether the woman mediators adequately recognize gender dynamics. If not, they wouldn't be able to effectively identify any gender inequality present within the current system. As discussed before, mediation is a community driven initiative, and, therefore, it has a high risk of acquiring the gender insensitivities prevalent within the community. Presently, it may be challenging to recognize gender inequality for women mediators, given the current state of affairs that has been accepted as the norm.

However, when asked if nominators should make an extra effort to nominate women mediators, close to half the women mediators (47.9%) were of the view that an extra effort should be made. However, the numbers that disagreed were marginally higher at 52.1%.



## Issues in the Selection stage

### Gender bias in the selection process

Gender bias in the selection process	%
Unbiased and equal	83.1
More biased towards men	4.8
More biased towards women	0.4
I don't have a view	11.8

When women mediators were asked to identify any bias in the selection process, a majority (83.1%) claimed that the selection process was unbiased and equal. Those women that reported a positive bias towards men comprised of 4.8%, whilst those that identified a positive bias towards women was 0.4%. In comparison, the in-depth interviews indicated the existence of some bias based on personal relationships rather than on gender.

### Reasons for being selected as a mediator

Once the nominations are submitted, the Mediation Boards Commission interviews nominees and makes a primary selection of suitable candidates. Selected candidates are then trained in mediation skills by MoJ Mediator Trainers, and subsequently appointed as mediators following an examination and test of aptitude by the Trainers.

It is important to analyze women mediators' perceptions of what compelled their selection and appointment as mediators.

According to the results, 55.9% believed they were selected because they excelled during training and examination. 47.9% thought they were selected because they were socially accepted members of the community. 17.6% of women mediators cited their previous job experiences to be a reason. Finally, 15.3% believed that they were selected to fulfill the need of women mediators in mediation boards.

Reasons for being selected as a woman mediator	%
Because I excelled in the training and examination	55.9
Because I am a woman and there is a need for more women in mediation boards	15.3
Because of my previous job	17.6
Because I am a socially accepted member of the village	47.9
I don't know	3.6

Predictably, the two most commonly cited reasons for selection were the mediator’s performance during training and examination and their social acceptance at the village level. 15% of the women mediators stated that their selection was in recognition of the need for more woman mediators.

**Issues in the Training Stage**

Once persons who are nominated to a mediation board are interviewed and selected in the initial round, they follow a five day comprehensive mediation skills training program on all mediation related content and activities. Mediation trainers from the MoJ usually conduct these training programs, but the Centre for Mediation and Mediation Training (CMMT) run them in Tamil speaking areas of the Northern and Eastern Provinces of the country.

Most women mediators (84.4%) stated that they were highly prepared for the training and very small numbers said they were poorly prepared or not prepared at all. Slightly over fifteen percent (15.4%) claimed to be moderately prepared

<b>Preparation to attend training programs</b>	<b>%</b>
Highly prepared for training	84.4
Moderately prepared for training	15.4
Poorly prepared	0.1
Not at all prepared for the training program	0.1

<b>Gender equality in training programs</b>	<b>%</b>
Women are equally trained and treated as men	97.6
There is more attention and support towards men	1.0
There is more attention and support towards women	0.1
I don't have a view	1.3

The survey also canvassed women mediators’ views on the gender sensitivity and integration in the training programs. It was found that 97.6% of the women mediators believed both sexes were equally treated and trained. Conversely, those who acknowledged a positive bias toward male candidates constituted only 1%.

**Views on the structure of the training**

Women mediators expressed several opinions about the structure of the training they received. Half the women mediators (53%) felt that including a visit to a mediation board during the training program would have been helpful. Such a visit was not part of the training at the time of this survey. Over forty percent (40.8%) said that such a visit could be useful but were unsure about it. A small number (6.2%) of the candidates rejected the idea of a visit entirely.

<b>Would a mediation board visit be helpful?</b>	<b>%</b>
Yes most definitely	53.0
It could be useful/ unsure	40.8
Waste of time, won't be of any use	6.2
I don't have a view	1.3

The survey included a question about introducing a basic guidance program on mediation (similar to an orientation program) for women, which would prepare women for the general training. 64.2% of the women mediators supported the idea. Another 31% stated that it could be useful, but were unsure about it. 4.8% believed it to be of no use.

<b>Would a basic guidance program be helpful?</b>	<b>%</b>
Yes most definitely	64.2
It could be useful /unsure	31.0
Waste of time won't be of any use	4.8

Despite the majority affirming that they were highly prepared for training, it is interesting that this majority also accepted that a pre-training preparation, including a mediation board visit and a basic guidance program, would be useful for the women candidates. This finding entertains the possibility that most woman mediators would find additional preparatory assistance useful and be beneficial during the training stage.

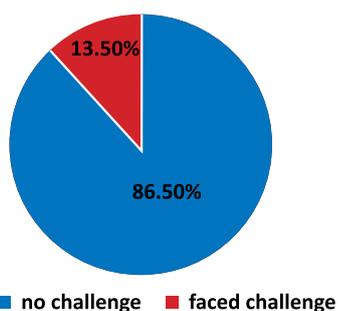
In both their responses to in-depth interviews and the survey, women mediators supported the inclusion of a basic guidance program and a visit to a mediation board in the training curriculum. The interviewees further stated that currently training is only provided before the mediator assumes duties, and that there is no provision for

training once service has begun. Some of them go further in saying that once service commenced; communication links with MoJ Trainers and the MBC diminish considerably. The interviewees recommended that there should be a training and updating session once every two years. They also insisted that the MoJ Trainers and the MBC should establish better communications with fellow mediators. Concerning the basic guidance program, the women mediators supported the idea, but unanimously requested that such a guidance program be provided to mediators of all genders. One of the interviewees went further, pointing out that a basic training program targeting only women mediators could cause a rift between the genders and, therefore, a basic training program should be available for all mediators.

### Challenges faced by women mediators during training programs

The majority of women mediators (86.5%) said they faced no challenges at all during the five-day mediation skills program.

Of those who acknowledged that challenges existed, 9.7% cited difficulty in understanding certain aspects of the training. An additional 4% held the sheer workload liable. An even smaller number (2.3%) claimed difficulty in attending training programs due to personal obligations.



Commenting further upon the delivery and methodology of the mediation skills training program, a majority (55%) stated a method that was a mix of lectures and presentations in addition to interactive learning would be the ideal. 33.9% suggested using exclusively interactive learning, while 11.1% opted for a solely lecture/presentation training format.

### Issues at the Service Stage

Once training is completed, the mediators go through a selection process by MOJ Mediator Trainers. The process is made up of a written test

and a test of aptitude. Once Trainers propose candidates suitable for selection as mediators, the MBC appoints them as members of a particular mediation board. Once appointed, they start working as fully fledged mediators. According to the current understanding in the mediation discourse, it is during service that women mediators sometimes face the most serious challenges from disputants, fellow mediators and the community.

### Challenges faced by woman mediators during service stage

During service, women mediators face a wide range of challenges from both the disputants and fellow mediators. The study explored the nature of these challenges to identify challenges that may be possible barriers to increased participation and representation of women in mediation. For these reasons, identifying these barriers remains integral to understanding the reasons behind the low participation rates of woman mediators.

A first round of exploration requested women mediators to set out the first challenge they faced in their role as mediators. 88.4% responded that they faced no challenges at all. Of those who mentioned challenges, the main challenges were a lack of acceptance from disputants (male and female) and the lack of capacity/authority compared to male mediators.

On a second round of explorations, women mediators were asked to state a second challenge they faced. 94.2% stated that they did face challenges. Of the challenges mentioned, the key challenge was the perceived lack of capacity/authority compared to male mediators (29.6%).

In service challenges faced by women mediators	%
Lack of acceptance from male disputants	15.5
Less acceptance (compared to male mediators) by male mediators	12.1
Lack of acceptance from female disputants	11.7
Lack of acceptance from all disputants (male and female)	9.7
Less attention (compared to male mediators) by Chairperson	7.8
Less acceptance (compared to male mediators) by other female mediators	7.8



Other challenges were as follows:

As mentioned before, certain areas of the survey proved to be more positive than expected. This observation was especially true for the challenges faced by women mediators during service. Previously held assumptions stated that challenges faced during service were possibly a major factor behind low participation rates. A surprising 88% of women mediators first selected that they faced “no challenges” during service. On a second exploration, only 5.8% said that they faced no challenges and the challenges faced by those who articulated such were many.

One challenge, the lack of acceptance of women mediators from disputants, can be connected with the traditional patriarchal norms still prevalent in most local communities of Sri Lanka. According to this, women are still envisioned as child bearers and mothers despite any additional role they may play within the community. Similarly, the patriarchal system looks at men as the dominating sex, breadwinners of the family and leaders of the community. It is useful to add that issues such as caste, class, ethnic and religious differences may well have an impact on disputants’ acceptance, but these issues have not been explored in the study. It is clear that disputants of both genders, who hail from such a patriarchal system, are inclined to choose male mediators over female mediators.

Such disputants believe male mediators to be better at the settlement of disputes.

It was particularly alarming that on the selection of the second challenge 29.6% of women mediators quoted a lack of capacity and authority in comparison to male mediators. As for authority, it must be observed that most female mediators are also from the same patriarchal backgrounds. Given such norms, they may believe that the male mediators have more authority over disputants. In reference to the lack of capacity, this finding seems to co-relate with the need for preparation for training (basic guidance program) as discussed earlier in this study.

During the in-depth discussions with selected women mediators, it was observed that there were no major challenges constituting gender inequality in respect to how the mediation boards work. Most of the women mediators insisted that they received proper respect and acceptance from their male counterparts during service. When delving deeper to investigate if the 88% majority of candidates actually had no challenges of inequality during service, it was found that most women mediators did not recognize certain aspects of gender inequality to be challenges. There is a general acceptance amongst women mediators that “*such is the state of things*”.



*In the hill country, we sat down with mediator U (65 years) to discuss at length the woman mediator discourse, including the wider background of women's equality in Sri Lanka. During this discussion, she expressed her views on gender equality for women, both generally and within the mediation context. She observed that despite valid presumptions of gender based discrimination, women mediators in her local community are treated equally and respectfully by their male counterparts, disputants and the community. She further opined that the local community neither discriminated against women mediators nor excluded them in any way based on gender.*

*Despite this, she acknowledged that people also respect the woman mediators due to the important or dignified positions they hold within the community but outside of the mediation role. For instance, in her case, she is a highly accomplished medical practitioner with a lifelong legacy of providing medical aid to rural communities across Sri Lanka. She has an extensive track record for social service. Her record includes helping eradicate a variety of water borne diseases from different rural localities, giving free medical advice to those in need and providing free medical procedures to the less fortunate and the vulnerable. Beyond this, she is a dedicated Buddhist, a caring mother, responsible wife and individual for her community.*

*It was discussed that in the past, women in local communities were culturally discouraged from seeking active roles in the community. Instead, they were encouraged to be only responsible for their husband and family. This local, patriarchal norm was even reflective of the political discourse in the country at the time, where women were framed as mothers and family bearers. The political discourse of the time sidelined any conversation about women taking on socially active roles in the community. Despite this history, there has been a major shift in perspective of women in Sri Lanka in the recent past, with the community recognizing and being more encouraging of women taking on economically and socially active roles in the community. This may also be partly attributed to the global shift towards strengthening discourse around women's empowerment.*

*It seems that during Sri Lanka's shift to embrace gender equality, the issue of marginalization, within mediation and in the wider context, has sunk to a deeper level and thrives as part of culture, without being recognized for what it truly is i.e. gender based discrimination.*

*Elucidating this point, she expressed that although the community has now adapted to be more accepting of women's freedom to pursue a career, the notion of women's rights and freedom has evolved into a new type of issue. Under this change, in most cases, it is expected that those women that choose to have careers are expected to take on a dual responsibility of being employed and taking on the entire responsibility of the household duties. Women are still tasked with most of the aforementioned household duties but with the added responsibility of managing a career or a socially active role. Rather than a sharing of the roles and responsibilities between spouses or other family members, the woman is still the primary caretaker. In most cases, the community still doesn't expect the husband to contribute to the household duties as long as he is the breadwinner of the family.*

*Naturally, it is tough to handle the pressure and responsibilities that are associated with taking on this dual responsibility. Most women naturally choose to avoid pursuing careers, choosing instead to stay home and fulfill the responsibilities of the household. This invisible barrier is a primary reason for marginalization of women within local communities. Hence the marginalization is not visible on the surface, but has been integrated and accepted as part of the Sri Lankan culture at the community level. Accordingly, men are still seen only as breadwinners, whereas women are mostly responsible for taking care of the household responsibilities. However, it must be expressly noted that there is also a significant proportion of women that independently choose to play the traditional homemaker role.*

## Women’s participation for more effective mediation

The importance of women’s participation in community mediation is undisputed in mediation discourse. Without women’s participation, the community mediation system would be riddled with serious issues of gender inequality and bias. However, the participation of women mediators cannot only be seen as the right to representation for women. Disputes are more likely to reach just and fair resolutions when women mediators are engaged in the mediation process.

Given this importance, the study explored women mediator’s views on proactive measures to increase the number of women in the mediation process. The majority (70.7%) supported increasing participation through affirmative action programs, whilst a considerable number (29.3%) were opposed to any such program. The rationale for support is obvious—such increases ensure women’s equality in the mediation process. However, the study was more interested in the considerable opposition to the idea of increasing women’s participation.

This point was explored with ten selected women mediators. Four of these mediators stated that they did not believe that an increase in women mediators was the solution problems in the process. They explained their position by offering several reasons, ranging from the belief that too many woman mediators would undermine the people’s perception of the mediation board to views that the current level of participation of women mediators was adequate. These statements must not be generalized. Seen holistically, such statements may be viewed as reflecting the views of many women mediators who oppose any affirmative action to increase women in the mediation process.

Since participation is at the heart of this study, the study sought to identify women mediators’ own reasons for the lack of women’s participation and to identify issues from a firsthand, ground-level perspective. 44.7% identified a lack of awareness amongst women as such a reason. Over one third (36.2%) cited a general lack of women mediators to be the primary reason for poor participation of women in mediation which points to the fact that the community mediation process does not display or encourage women’s participation. Additionally, 8.4% of the women mediators cited a lack of

opportunities for women to become mediators and 9.5% cited family related issues.

Women mediator views on reasons for lack of women’s participation	%
Due to a lack of awareness among women on becoming a woman mediator	44.7
Due to a lack of woman mediators	36.2
Women have more family related issues	9.5
Due to the lack of opportunity given to women to become mediators	8.4
Women are less vocal than men and do not speak or give opinions	0.8
Women do not take firm decisions like men	0.3
Due to the process of becoming a mediator being too biased	0.2

The shows that if provided greater exposure and opportunity, women would choose to participate in mediation. Interestingly, although family related issues were indicated, they were secondary to the aforementioned issues of awareness, opportunity and lack of mediator representation. This indicates that, despite family and domestic commitments and given awareness and opportunity, women may readily consider participation in mediation. This sits well with the previous finding that families of women mediators are largely supportive of women in mediation, and, therefore, are not a hindrance to women mediators.

### Disputant response to woman mediators

Mediation is a means of negotiated settlement between disputants, as opposed to a source of decisive justice. A mediator takes on the role of an independent, third-party facilitator who helps disputing parties to reach their own resolution. A mediator’s role furthers the process of dispute resolution by asking questions, generating options, and providing the space to speak and negotiate. In light of the role that mediators play and their relevance to disputing parties, the study explored women mediators’ views on the responses and reactions of disputing parties to women mediators.

Women mediators’ views on disputants’ responses are optimistic. An overwhelming majority responded that disputants listen to mediators equally, irrespective of gender differences. Interestingly, 3.6% of women mediators go further, stating that women mediators have a higher level

of disputant acceptance than male mediators do. Only 0.8% believed that disputants are less likely to listen to women mediators.

<b>Women mediator views on disputants response</b>	<b>%</b>
Listen to all mediators equally, irrespective of gender differences	93.6
Accept women mediators more than male mediators	3.6
Women disputants listen to woman mediators whilst male disputants listen to male mediators	1.8
Listen less to women mediators	0.8
Completely disregard women mediators	0.2

The fact that the majority of women mediators feel that there is no gender difference in acceptance of women mediators by disputants contradicts previously held, but unsubstantiated, notions. Namely, the survey goes against the notion that women mediators have a lesser degree of acceptance and response from disputants in comparison to their male counterparts. This previously held notion was gleaned from informal discussions with communities, and is based predominantly on two facts. First, it is built on the understanding that patriarchal attitudes ingrained within certain communities have in many instances have served to sideline women’s views in respect to men’s views. The absorption of such patriarchal attitudes by disputants is seen as natural, given that disputants are from the same local community and directly acquire such community held beliefs.

The second fact relates directly to the inadequate representation of women mediators. The lack of women mediator participation can easily be translated into a lack of voice and representation of women, and may lead to a perception of weaker disputant acceptance.

This disjunction between study findings and previously held assumptions leaves a critical need to further investigate reasons for such an outcome. If the study sides solely with numbers, it can be established that gender equality on disputant responses largely exists. Therefore, we could dismiss any idea of sidelining women’s views and inequality. When this finding is read in tandem with the other findings of this study, particularly those concerning gender equality within mediation

boards, it is more difficult to interpret. The gender equality results in this study show highly positive perceptions on gender equality. These perceptions are contradictory to many other sources: other survey sections, in-depth interviews academic and practitioner writing, and anecdotal information on the lack of women’s equality as mediators. It can be concluded that women mediators themselves do not appear to fully grasp or consider all of the complexities of women’s equality. One explanation is that many women mediators may not have reflected on the issue. Another explanation is that women mediators’ ideas regarding gender equality and women’s right to participation are influenced by ingrained gender unequal attitudes and perceptions of a patriarchal society.

**The role that only women mediators can play**

One point raised during all 10 in-depth interviews was the significance of the unique role women mediators play. Women disputants are perceived to be more comfortable voicing “sensitive issues” to women, and, furthermore, are often unable to do so amongst men. It is believed that women disputants have a higher propensity to not divulge information and facts in a male-dominated environment. This is especially true when the matter is a sensitive one, such as a domestic dispute or family matter. Therefore, it can be observed that a woman mediator’s participation is essential to properly represent and understand the views of female disputants in local communities.

**Problems faced by women mediators**

Regarding the general problems faced by women mediators, the study captured an interesting range of issues. The majority (50.8%) cited issues stemming from a lack of acceptance from different stakeholders, including fellow mediators, mediator chairpersons, disputants, trainers or local communities.

Additionally, 22% complained that their board had neither a permanent meeting place in which to conduct mediation sessions nor adequate resources. 14.9% cited issues that come up when working with a male majority within the boards. Regarding training, 6.6% claimed that there was a lack of subject-specific information and training, whereas 3.2% cited more general issues relating to training. Concerning personal difficulties related to their role as mediators, 5.5% cited difficulties

relating to travel and 5% complained of working hours, working on the weekends and family related commitments. Another 2.4% identified language and writing issues, brought on by various causes, including old age.

Problems faced by women mediators	%
Lack of acceptance from either fellow mediators, chairpersons, disputants, trainers or community	50.8
Not having a permanent place and resources (documents and stationery)	22.0
Issues working with a majority of men	14.9
Lack of subject specific information / training	6.6
Difficulty of travelling	5.5
Working on weekends/ working hours/ family bonds	5.0
Other various problems: <i>Sickness/fear 0.3%</i> <i>Not having openness/transparency among women disputants/awareness among people/delays to mediate/violate the mediation agreement 2.8%</i> <i>Lack of government intervention/poor communication through police/poor support from financial institutions 0.7%</i>	3.8
Issues and problems related to the training	3.2
Problems with Chairpersons/heavy work load	2.9
Language issues/ unable to write due to old age	2.4
Lack of incentives/not having a uniform	1.2
Lack of communication between trainer	0.4
No issue/less number of mediators	0.3
Lack of contact with the Ministry of Justice	0.2

On the operational side of the mediation boards, 2.9% of mediators described heavy workloads and issues with the Chairperson. 2.8% identified issues such as a lack of transparency amongst woman disputants, lack of awareness among people, procedural delays and violations of the mediation agreement. Additionally, problems were voiced about communication and support-related issues. 0.4% cited a lack of communication with their trainer and an additional 0.2% identified a lack of communication with the MoJ. Another 0.7% referred to a lack of government intervention, poor communication with the police and poor support from financial institutions.

The results above highlight the prevalent lack of acceptance from fellow mediators, Chairpersons, disputants, trainers or the communities. In addition, 14.9% stated that they have issues working with a majority of men. It must be observed that these findings concerning the lack of acceptance of women mediators are in contradiction with other sections of this survey where women mediators reported both acceptance and equality. For instance, 93.6% of all women mediators stated that disputants listen to all mediators equally, irrespective of gender.

On the survey question about acceptance, approximately 95% of all women mediators insisted there was an improvement in acceptance by fellow mediators, the MBC and the MoJ. When asked whether it was easier for men than women to be mediators, a majority (94.2%) insisted that the experience was the same irrespective of gender. The contradiction with the data discussed above further fortifies the previously held hypothesis: that the majority of women mediators remain relatively unfamiliar with the concepts of gender equality and marginalization.

**Women mediator recommendations to improve the status quo**

It remains essential for the discourse surrounding the participation of women as mediators to expressly recognize that women mediators, although a small percentage of mediators, sit at the frontlines of the mediation process. Therefore, the women mediators’ own recommendations about the process were seen as core components of the study.

In the results, 34.1% called for greater awareness of community mediation, with awareness-raising being conducted by the police, CBOs, media and school curriculum. 29.3% made recommendations for different types of specialized training, whilst another 9.6% called for general improvement of the training program. 19.5% of the women mediators made requests concerning infrastructure development, permanent building space and more financial resources for board operations. From the entire sample, 14.5% of the women recommended an increase of women mediator participation, whilst 8.4 % called for an improvement in gender sensitivity. 7.1% suggested strengthening legal support of mediation, with some of mediators requesting police supervision. Regarding mediator

recognition, 3.6% requested a uniform, incentive, official badge and leave, and 2.3% suggested recognition of appointment by a Justice of Peace.

Concerning personal needs, 4.5% of the candidates requested an increased travel allowance, transport facilities and road development. Another 1.8% called for more excused leave and changes in the times of mediation sessions. With regard

to the operation of the boards, 1.6% requested ad hoc inspections and an increase in discipline. Furthermore, 1.8% recommended better time management, quicker case resolution, appointing multi skilled mediators and language specific actions. Amongst other recommendations, counselling services for disputants (0.9%) and a change in the nomination system (3.4%) were included.

To improve the mediation process	%
Conduct community awareness through police, CBOs, media, school curriculum	34.1
Provide different types of training or specialized training	29.3
Provide permanent building and infrastructure/photocopy machine/financial resources for stamp fee/ forms with enough space to write	19.5
Increase women mediators	14.5
Provide better training	9.6
Improve gender sensitivity of mediators	8.4
Strengthen the mediation law/enable police supervision of selected mediations	7.1
Increase the transport allowance/provide motorbicycles/provide vehicles	4.5
Provide a uniform and a badge/provide other incentives and provision to take leave	3.6
Change the nomination system	3.4
Give recognition to mediators by appointing them Justices of the Peace	2.3
Provide provisions to record excuses for absence/ change the times of mediation sessions	1.8
Ensure timely solving of disputes/ provide support for time management/appoint multi skilled mediators (with language and writing skills)	1.8
Conduct ad hoc inspections/facilitate better discipline	1.6
Provide counseling service for disputants	0.9
Issue a “no-mediation” certificate	0.7
Appoint a model board	0.1

During our visit to Galle, we met up with Mediator E (42 years) at a timeworn government office nestled within the picturesque backdrop of the City Fort. Her enthusiasm and passion for mediation as a means of dispute resolution stood out almost immediately and stayed there throughout the entirety of the discussion. She expressed her utmost faith in mediation as the answer to resolving community level disputes. E had translated this belief into 10 years of dedicated service as a mediator. She observed that the members of the community best recognize the nuances and individualities of their community. As such, mediators who are selected from within the community and mediation boards based in the community make up an excellent system to resolve local level disputes.

She keenly offered a few suggestions on possible ways to improve the mediation experience in Sri Lanka. One was to encourage the younger demographic to become mediators. Whilst she places high value on the more aged mediators for their experience and dedication to the field, she believes that higher participation of the younger demographic is crucial for the development of mediation boards. She went on to explain that the younger demographic is more adaptable to change and forward thinking, and, therefore, can help further raise the standards of mediation services.

For the purposes of monitoring, she also proposed the use of voice recording to monitor and ensure that the proceedings comply with the principles of mediation. She added that this could also aid trainers, who may then provide more focused training. Furthermore, she supported an increase in participation of women mediators, stating that most woman disputants are unable to speak to male mediators on many issues and that most mediation boards have few to no women mediators. As such, it is very hard to cater to the needs of women disputants in certain instances.

She also noted that there was inadequate awareness about mediation services, and knowledge is often restricted to past and present disputants. Those who have experienced the mediation process value it as the one place they can express their anger and frustration in exchange for some peace. The disputants find a degree of peace from the mediation proceedings, and, therefore, accept mediation as a valuable service. However, a large portion of the community remains unaware of the benefits of mediation. To rectify this, she recommends for greater awareness-raising to help people realize and utilize “this invaluable service.” “The happiness I derive from mediation is even more than my own career, the reason being all the merit we receive from mediating issues of the community”.

### **The need for awareness of community mediation services**

All in-depth interviews confirmed the survey data in stating that there is high respect and acceptance of community mediation services amongst the disputants and some segments of the local communities. However, as interviewees aptly pointed out, this level of acceptance of mediation services is restricted to a limited segment of the community. Support for the mediation boards is highest with community segments that have some knowledge about mediation as an informal dispute resolution mechanism. On the other hand, all the in-depth interviews unanimously agreed that the level of awareness about mediation services is weak amongst the larger community. This point is illustrated in the recommendation of 34.1% of women mediators to increase community level awareness of mediation services.

Women mediators believed the formal justice systems to have a plethora of issues, ranging from corruption, delays and a lack of efficiency to cost, bias and gender insensitivity. They stated that, to a great extent, mediation boards do not have many of the issues seen in the formal justice mechanisms. Mediation boards are a means of negotiated settlement that does not exist in the formal adjudicatory justice system. Hence, women mediators concluded that raising awareness of the workings of such an alternate dispute resolution mechanism would inevitably increase the use of mediation services in the resolution of local level disputes. It is noteworthy to mention that such an awareness campaign would also serve to mobilize socially-active women in these communities. As anecdotal evidence has shown, such women are keen to participate in community mechanisms, such as mediation boards, despite the challenges placed before them.

### Increasing women mediator participation

Women mediators who advocated for an increase in the participation of women on mediation boards provided interesting views on how best to achieve this goal.

Women mediators suggested multiple ways of increasing women’s participation in mediation boards. 46.2% of women mediators stated that an increase in the nomination of women would improve the number of women appointed as mediators. A similar number (44.1%) suggested the use of sensitization and mediation training programs for women prior to being nominated.

How best to increase woman mediators	%
Have an official quota for women	23.6
Provide sensitization and mediation training to women prior to being nominated	44.1
Facilitate Mediator Trainers to specifically suggest women (at the 5 day mediation skills training) to be appointed as mediators	16.1
Nominate more women	46.2
I don’t know	3.0

Furthermore, almost a quarter of the women (23.6%) mediators supported an official quota system for women mediators, and 16.1% of the mediators believed that it is best for the trainers to make an effort to select more woman mediators during the mediation skills training.

The suggestion of providing training and sensitization to women prior to nomination suggests that women at community level are currently inadequately sensitized about mediation and mediation boards. The lack of sensitization includes the roles and responsibilities of mediators, and, therefore, most women are relatively unprepared for nomination and the subsequent process. Such a finding strengthens the conclusion that male candidates have a higher chance of being nominated. An unequal outcome like this must be rectified. Such a desirable result can be achieved by placing female candidates in a stronger position for nomination through the activities suggested in the second proposition.

### A temporary quota for women mediators?

The implementation of a quota system to ensure the nomination of a greater number of woman mediators has long been a topic of discussion within the mediation discourse. Despite expressions of doubt about quota systems and their impact on women’s participation, an explicitly-defined temporary quota for women at nomination level is believed to be a straightforward method to increase nominations in the short-term. It could provide women with a much-needed opportunity to secure better representation. Additionally a temporary quota could also serve to rectify any inequalities of opportunity that may exist within the current selection and nomination framework.

Apart from the quota system, there are other conventional methods of increasing participation. Another method involves cross-strata gender sensitization and training, ranging from the community level to the policy-making level. Such a method challenges traditional norms and creates a supportive space for more women to participate in the mediation process. However, this method will take a much longer time for effect changed. Due to the length of time necessary to change gender norms that prevent more women from participating in the mediation process, a temporary quota system is seen as an effective response to ensure representation in the interim. Additionally, it is one that can help pave the way for long-term ideological changes in the community.

### The way forward

Comparing previous understandings and assumptions with the quantitative and qualitative data from this survey, we are provided a complex and varied picture. Viewed holistically, all evidence points toward the need for more women mediators, not only for better representation and participation of women, but as an overall improvement of mediation boards as an alternative and easily accessible dispute resolution mechanism. The conclusions of this study also show that the call for increased participation of women is long overdue.

The poor participation of woman mediators is connected with a range of issues, which includes a lack of general awareness of mediation and a lack of focused awareness about the importance of women's roles in mediation. Additionally, the study recognizes the "dual responsibility" issue of balancing productive and reproductive functions as another major barrier for women to take up socially active roles such as mediation.

The recommendations in this study along with the study findings, aim to address these issues and be a first step toward the better representation of women mediators in the country.

In the background of the findings of the study, key recommendations are identified in order to advocate for more women mediators in mediation boards.

- **Increase public awareness of mediation:** The first and most important recommendation is a need to **raise awareness**. The study finds that one of the key causes of poor representation of women mediators is a serious lack of awareness about mediation within local communities. Additionally, this lack of awareness is also one of the primary reasons for a lack of knowledge about mediation boards within communities. As such, the study makes a two-step recommendation to remedy this issue to address both aspects.



- **Improve public understanding of the role of women in mediation:** In order to increase women mediator participation, the study recommends the design and implementation of a **focused awareness program dedicated to the women of the community** on opportunities to become a woman mediator. The study further suggests that an essential part of this awareness campaign should be specifically designed and targeted at young women.

The study believes that the above-mentioned focused awareness program for women must consider the general background of the need for a **wider level awareness of mediation in the community** in general. Awareness for women should be integrated into awareness targeted at communities comprising both men and women. Such an approach would address the lack of knowledge in communities about the existence and understanding of the State sanctioned dispute resolution system of community mediation.

Relative to the above recommendations, the study believes that such an awareness program should also **promote the unique role played by women mediators**, so as to cater to the needs of women. The fact that women disputants are often only willing to share sensitive information with woman mediators needs to be communicated to women. The women mediator cadre featured in this study play important roles of representation, advocacy and leadership not only for the women, but also for the broader community in general. Promoting the roles played by these woman mediators within the community would no doubt motivate more women to join ranks as mediators, and further improve the representation, reputation and motivation of woman mediators.

Presently, freshly-selected mediators receive a 5-day training program to equip them with the necessary knowledge and tools to become a mediator. The survey results show that woman mediators find this training to be inadequate and request pre-training preparation and more training. Therefore, the study recommends **the introduction of pre-training preparation** via mediation board visits and basic guidance programs. Furthermore, the study sees value in providing a bi-annual training update for the mediators (both women and men) and calls for specialized training on focused areas. The study further recommends the use of a mixed method of training, including both interactive learning and lecturing techniques.

Certain survey results indicate a lack of recognition and sensitization to the more embedded issues of gender inequalities and marginalization discussed in this study. For example, the dual responsibility issue discussed in this study is not widely recognized as an invisible barrier for women to become mediators. Whilst it is recognized that there is no single panacea to eradicate deeply embedded norms of gender inequality, **gender sensitization** is an essential step for better recognition of the issue. Such sensitization should be provided across the entire project spectrum, from disputants to Mediator Trainers, MoJ, MBC, and both women and men mediators.

Whilst the quota system is not a long term solution for ensuring women's representation, the study views a **temporary quota system** as an essential step to ensure representation of women mediators in the short to medium term. This step is vital to adopt more sustainable methods of increasing participation in the long term.

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**Survey of Women Mediators in Community Mediation Boards**

**Questionnaire**

1. Basic profile

1.1 How long have you been a mediator:		1.2 What is your age?		1.3 What is your religion?		1.4 What is your ethnicity?		1.5 Your Education	
3 - 6 years		18-30		Buddhist		Sinhala		primary only – 5 years	
9 - 12 years		31-40		Hindu		Tamil		secondary only – 10 years	
12 - 15 years		41-50		Islam		Muslim		senior – 13 years	
15 - 18 years		51-60		Christian/ Catholic		Burgher		diploma/university degree/ professional qualification	
Over 18 years		61-70						masters /PhD	
		71-80							
		over 80							

2. Family profile

2.1 Marriage status		2.2 Dependants					
		2.2.1 Children		2.2.2 Children under 18		2.2.3 Dependants <sup>7</sup>	
Married		1-2		0		0	
Single		3-4		1-2		1-2	
Separated		5-6		3-4		3-4	
Divorced		7+		5-6		5-6	
Widowed				7+		7+	

3. Occupational profile

3.1 Current occupation	3.2 If retired, previous occupation	3.3 Do you receive a monthly income		3.4 Source of income	
		Yes		Pension	
		No		other	

4. Mediator’s Participation in other community activities (please tick)

Membership in Associations	Charity work	Religious activities	Politics

7 DESCRIPTION OF DEPENDENTS : SPOUSE/MOTHER/FATHER/MOTHER IN LAW/ FATHER IN LAW/ EXTENDED FAMILY MEMBER OR MEMBERS

5. Mediator’s experience of reactions of others to her participation as a mediator

	Supportive	Indifferent	Not happy with it	Actively discourages it	Unsure/ Do not know
Husband’s perception					
Children’s perception					
Extended family’s (parents, siblings)					
Local community’s					

6. Mediator’s Perception on her participation as a mediator

6.1 Do you think it is easier for men to be mediators than it is for women?

Yes, of course		Sometimes		Rarely		No, it is the same for both men and women	
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6.2 If your answer is “Yes, of course” or “Sometimes” to the previous question, why do you think it is harder for women to be mediators?

Women have more family obligations	
Fellow mediators/chairpersons prefer male mediators to women mediators	
Disputants prefer male mediators to women mediators	
Women mediators are less skilled in dispute resolution than men	
women cannot be as objective as men	

7. Experience

7.1 Are you or have you ever been a chairperson for a mediation board?											yes	no	
7.2 If so, For how many years?													
1-3		4-6		7-9		9-12		12-15		15-18		Over 18	

8. Participation

8.1 What are the key motivators for women to be part of community mediation boards?

To provide a service to the local community	
To be recognized within the community	
For the love of mediation itself	
encouraged by another	
To be a representative for women	

8.2 Do you think there are sufficient women mediators in the community mediation boards?		Yes	No
8.3 If no, how do you think more women could be made mediators?			
By having a official quota for women			
By giving some sensitization and mediation training to women prior to being nominated			
By Trainers specifically selecting women at the 5 day mediation skills training			
By nominating more women			
I don’t know			

9. Acceptance

9.1 Over the last 5 years do you think the acceptance for woman mediators among the following has improved or worsened:

Stakeholder	Improved	worsened
Ministry Of Justice		
Mediation Boards Commission		
Mediators		
The Public		

10. Satisfaction

10.1 As a woman, Do you feel like you have a duty towards women disputants in particular?	yes		no	
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10.2 How is your level of satisfaction and morale since you first became a mediator?

Very good		Improved		Remained the same		Worsened	
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If your level of satisfaction and morale has dropped. then why?

Discrimination against women at the mediation boards		Lack of recognition		Lack of preparation and training		Lack of belief in the mediation process	
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11 Nomination and Selection stage:

11.1 Who nominated you to become a mediator?

Divisional Secretariat		Village leaders	
Grama Niladhari		Village elders	
NGO		Mediator	

11.2 Why do you think you were nominated?

Because I am active in the community	
Because the person who nominated me knows me personally	
Because I asked to be nominated	
Because there is a need for more woman mediators	

11.3 What are your views on the current nomination process?

More biased towards men	
More biased towards women	
Unbiased and equal	
I don't have a view	

11.4 Do you think people who nominate should take an extra effort to nominate more women?	yes		no	
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11.5 Why do you think you were selected as a mediator?

Because I excelled in the training and examination	
Because I am a woman and there is a need for more women in mediation boards Because of my previous job	
Because I am a socially accepted member of the village	
I don't know	

11.6 What are your views on the selection process?

More biased towards men	
More biased towards women	
Unbiased and equal	
Do not have a view	

12 Training stage:

12.1 How do you rate your level of preparation to attend the training programs as against men

Highly prepared for training	
Moderately prepared for training	
Poorly prepared	
Not at all prepared for the training program	

12.2 As a woman, what are your views on the overall training program in its existing state?

women are equally trained and treated as men	
There is more attention and support towards men	
There is more attention and support towards women	
I don't have a view	

12.3 Would a visit to a mediation board before the 5 day mediation training be useful?

Yes most definitely	
It could be useful unsure	
Waste of time won't be of any use	

12.4 Would a basic guidance program on mediation before the 5 day mediation training be useful?

Yes most definitely	
It could be useful unsure	
Waste of time won't be of any use	

12.5 What are the key challenges you faced during training

difficulty understanding certain aspects of training	
difficulty attending training programs due to personal and other obligations	
sheer workload during training	
no major challenges worth mentioning, smooth training.	

12.6 What are the most effective forms of training

interactive learning	
lecturing/presentations	
a mixed method	

● **Service stage:**

13.1 What are the key challenges face by women working as mediators on the mediation board level?  
(Mark top reasons as 1, 2 and 3)

Lack of acceptance from disputants(male and female)	
Lack of acceptance from male disputants	
Lack of acceptance from female disputants	
Less attention (compared to male mediators) by Chairperson	
Less acceptance (compared to male mediators) by other male mediators	
Less acceptance (compared to male mediators) by other female mediators	
Lack of capacity/authority compared to male mediators	
No challenges	

13.2 Do you think there is a lack of participation of women as mediators, in the community mediation process?	yes		no	
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13.3 IF the answer to the previous question was “yes”, why do you think this is the case? Give top 3 reasons.

Due to a lack of woman mediators	
Due to a lack of awareness among women on becoming a woman mediator	
Women are less vocal than men and do not speak or give opinions.	
Women do not take firm decisions like men	
Women have more family related issues	
Due to the lack of opportunity given to women to become mediators	
Due to the process of becoming a mediator being too biased towards men.	

13.4 Do you feel that disputants (men and women)

listen less to women mediators	
accept women mediators more than male mediators	
completely disregard women mediators	
Listen to all mediators equally, irrespective of gender.	
Woman disputants listen to woman mediators whilst male disputants listen more to male mediators	

● **Open ended questions**

14.1 Briefly state what you think is the main problem for you as a woman mediator in exercising your duties

2 How it can be addressed in the future.



