

Facilitating the voting rights of Out of the Country Voters

Facilitating the Voting Rights of Out of the Country Voters

At present we are in the ninth decade since universal suffrage was introduced to Sri Lanka. The said advent has undoubtedly been able to steer the socio-political paradigm towards a new dimension. Regardless, upon closely examining the balance sheet of representative democracy in Sri Lanka, one could comprehend that there are two distinct problematic areas which have not yet been properly addressed thus far.

1. Lack of facilitation for the persons with disabilities to exercise their right to vote.
2. Lack of facilitation for the migrant workers to exercise their right to vote.

The number of Sri Lankan citizens who are thus deprived of the opportunity to cast their votes, is approximated as three million people. At a glance such a number of potential voters can be observed as a significant proportion that can considerably influence the final result of just about any election.

Yet however, it is not fair to consider both these populaces as persons who have been deprived of their right to vote. The reason for such a conclusion is that the adequate flexibility is available in the enumeration process that's conducted annually with regard to the voter registration by the Election Commission of Sri Lanka on the grounds of having disabilities, living overseas, temporarily away from home. Although the people have thus been availed of their rights, the issue that's in focus is the fact that the necessary steps have not yet been taken to ensure that such people are properly facilitated to cast their votes sans any difficulty. It must be stated with immense gratitude and appreciation that the Election Commission of Sri Lanka has taken a number of very progressive measures with regard to addressing one of the aforementioned key issues at present.

Asserting the Voting Rights of the Persons with Disabilities

This process includes a range of facilities starting from the establishing of model polling stations for all persons with disabilities up to the extent of availing the persons

with visual impairments with ballot papers in Braille during all the elections in the future. One of the primary mottos of the Election Commission of Sri Lanka is "An Electoral Process where No Elector is to be Left Behind".

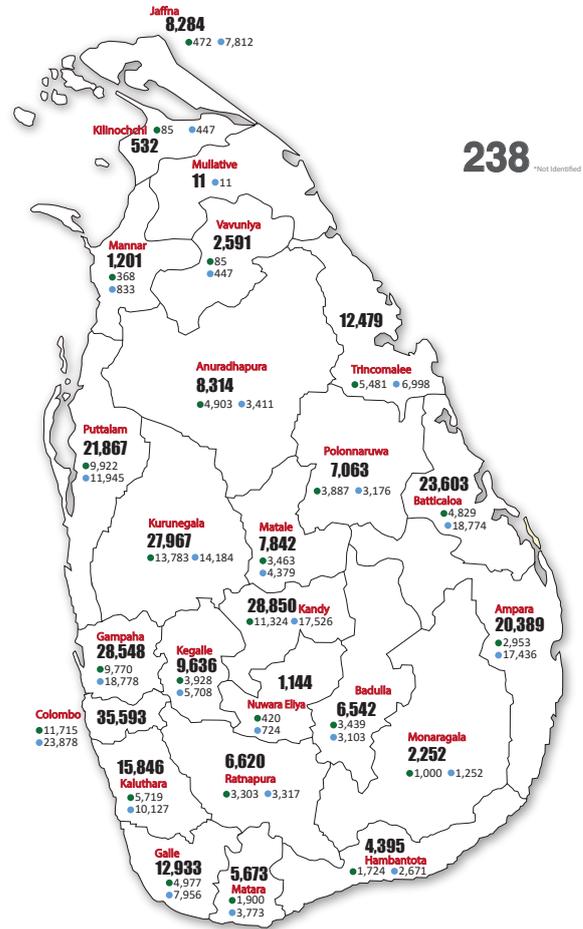
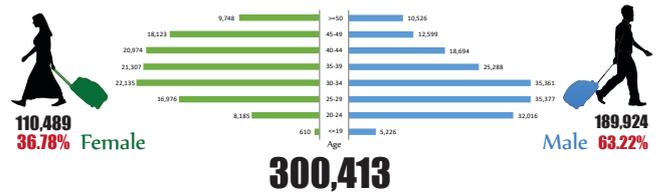
Voting Rights of the Sri Lankan Migrant Workers

As a matter of fact, the number of migrant workers from Sri Lanka that amounts to over two million persons, whose votes are not counted in every election due to their being away from the country could not be regarded as a trivial omission in terms of facilitation of their rights in determining their choice in the political decision making process. Upon taking the emerging global trends into account, one couldn't escape noticing the fact that a large number of people all over the world are migrating by both legal and illegal means in search of employment prospects in developed countries. Subsequently, a significant number of diasporas which consist of migrants who are eager to play their role in the decision making process in their respective motherlands, are being emerged in many developed countries. The Sinhalese persons working in countries like Australia and the Sri Lankan Tamils employed and residing in Canada can be regarded as apt instances concerning this trend. The majority of these migrant workers are either under the temporary visa or have obtained dual citizenship. Although they could contribute to the decision making process as political activists, the lack of



facilities for them to get involved as voters in their home country is a challenge that's posed for the representative democracy. On the other hand, the chief source of income not only in Sri Lanka but also in many other South Asian countries, largely comprises of the foreign revenue generated by the female individuals who serve in middle eastern countries. Managing the services of such expatriates and recognizing the value of the revenue that they generate for its worth, is the duty and responsibility of a government. In that regard, the countries like Philippines adopting measures like signing bilateral agreements in regards to the services offered by their citizens in other countries, can be identified as a praiseworthy measure. Yet however, in the Sri Lankan context, a consistent policy could not be observed to have been adopted by the duty bearers.

Departures for Foreign Employment by Age Group and Gender 2014



International Context

One of the proposals made in the National Migration Policy that was adopted in the year 2008 in alignment with the relevant international treaties, is to ensure the voting rights of the Sri Lankan migrant workers. However it must be stated that facilitating the out of country voters to vote from the countries to which they have migrated, is a fairly expensive endeavor. The majority of the developed countries have not provided such facilities. Even the ones which have availed the migrants with such facilities, have done so after experimenting with it for several years. For example, Philippine which can be cited as one such country that facilitates its migrated citizens to vote from abroad, has initiated the process of making such facilities available, way back in the year 1987. And it has been only in the year 2004 that a full scale deployment of voting facilities for the expatriates has been implemented.

Numerous methodologies utilized to facilitate the out of country voters by many countries in the world, have been mentioned below.

Return voting: By the strictest of definitions, this methodology is not considered as Out of Country Voting. This can be facilitated by the establishment of polling stations at major airports in the country or major land entry points. This aids the expatriates to return to the country where they are employed right after casting their votes at a polling station established at an entry point of their home

country. It is apparent that such voting methods can be deployed in a way that's affordable and beneficial only for the migrant workers in countries where there's a considerably lucrative employments are available.

In-person polling stations: This will inevitably require the establishment of polling stations outside of embassy and consulate premises because such are the locations wherediaspora populations are concentrated. However, the implementation of this system still remains challenging since such a mobilization requires inter-governmental negotiations with the host country to allow the establishment of such polling stations within their territory.

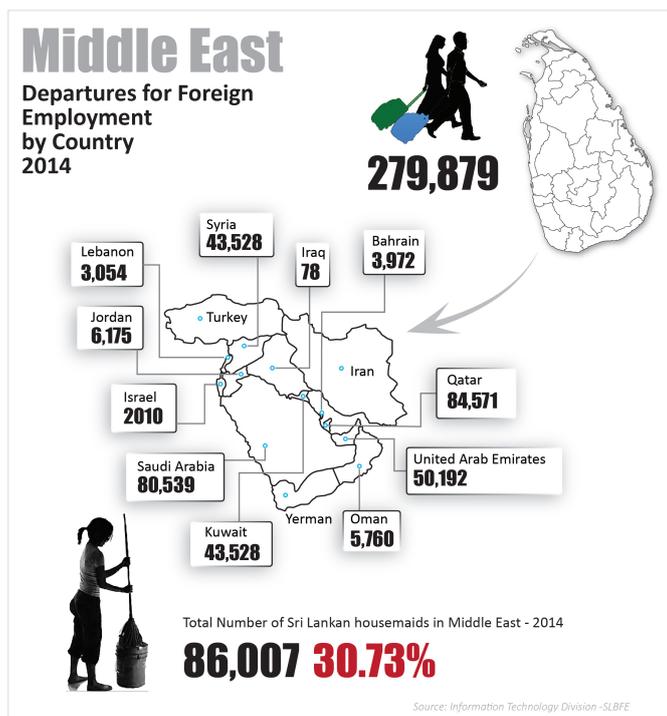
Embassy voting: This is similar to in-person polling stations in many ways, but less complex in terms of operationalizing. And yet, the difficulties which might have to be undergone by the voters in respective countries to invest on time and travelling expenses to visit the embassies could deter the diaspora from proactively partaking in voting. Particularly in the middle eastern countries where Sri Lankan women are

employed as house maids and domestic workers, a cumbersome procedure is involved which consists of seeking the approval of their masters, travelling a long way to the embassies for the voter registrations as well as for voting.

Postal voting: Under this methodology, ballots are mailed out to registered out-of-country voters and need to be completed and returned by mail for counting. They can be returned to collection points in host countries or directly back to the country. Yet when the situation of the secretary of the ministry of postal services was transferred to another ministry by the Election Commissioner back then owing to the revelation of partialities towards certain political parties, is taken into consideration, doubts can possibly arise in regards to the security and reliability of involving postal service for such a sensitive and responsible affair like voting at an election.

Internet voting: Internet voting is one of the novel methods that addresses many of the complexities involved in voting that takes place in physical form. The technological advancement in this regard is still at the earlier stage and hence this system is not recommended to be adopted in a national level election without proper methods of security and voter identification in place. Upon looking at the Internet security compromises which were reported lately even in the countries like the United States where the most advanced technological means are available to accomplish such a task, there could be a certain level of reluctance to deploy such systems in countries like Sri Lanka. In addition, the method of fax-based voting which was implemented with regard to the expatriate workers in countries like New Zealand and Australia as of late can also be considered in this regard.

Proxy voting: This system employs a proxy who resides in one's home country that's chosen by the registered out of country voter to cast the vote on his or her behalf. Many countries seem to have not placed much faith in this system and hence it could be concluded that such a system will not be suitable for a country like Sri Lanka apparently.



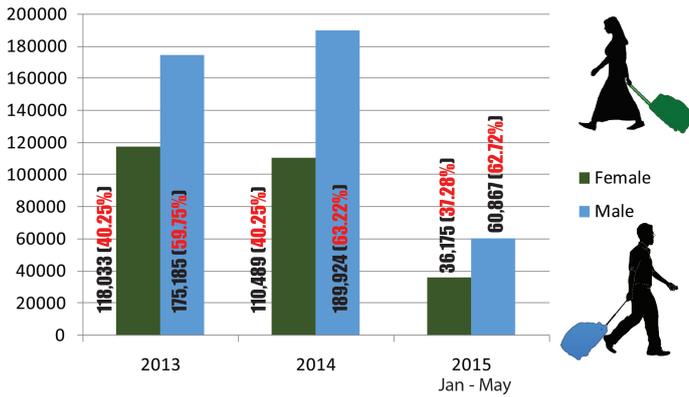
Prior to considering any of the aforementioned methods proposed to conduct out of country voting, it is important that the reforms be brought forth for the existing legal provisions related to the electoral process. A special select committee has been appointed by the parliament upon taking the lobbying of civil organizations made with this regard into consideration. The said committee was appointed on the 6th of April in the year 2016. Although six months have elapsed since its inception, the members of the said committee are yet to propose a properly formulated set of recommendations with this regard. Subsequently, an inquiry was made with regard to the delay mentioned above, from the honorable speaker of the parliament of Sri Lanka, by the Election Monitoring Organizations. As a result of this particular intervention, a new committee has been appointed which is chaired by Thalatha Athukorale, the minister of foreign employment.

The way forward

It is obvious that the process of facilitating out of country voters with the services required to enable the casting their votes, possibly incurs a colossal cost. Perhaps, such a cost could not be afforded by a country like ours which has not yet been able to reach a higher level of economic prosperity. Yet however, upon taking the enormous amounts of public funds squandered by the government into account, a responsible government can never get away from an obligation like the need to facilitate requirements of this nature. Therefore, the topmost responsibility of a select committee that has been specifically appointed for this purpose, should be able to devise the most appropriate method that can be adopted by a country like ours. The proactive efforts which are made with this regard by the Election Commission of Sri Lanka must hence be appreciated immensely.

Furthermore, if the attempt to provide this facilitation to all the migrant workers from Sri Lanka at once is not possible, it could be implemented gradually in a segmented manner. As a pilot project, voting facilities can be made available only for the Sri Lankan armed forces deployed overseas, in a similar manner that has been undertaken in India in relation to polling stations established in respective embassies and consulates. The next greatest challenge is to devise a program through which the relevant out of country voters could be made aware of this entire process. The unavailability of such a comprehensive program will result in lack of

Comparison of Female and Male Migrant Workers 2013, 2014 & 2015 (Jan-May)



awareness in out of the country voters about the free and fair electoral process and would lead to a chaotic diffusion of votes based on extremist grounds like religion, nationalism etc. In this day and age where social media is widely utilized for political lobbying and manipulation of the general public, the politicians are sure to make use of extremist nationalist and patriotic sentiments to scavenge votes and make their respective voter bases larger by undemocratic means. Yet another inevitable issue would be the politicization that has seeped into almost every sector. Yet another challenge that's need to be considered in this regard is the existence of an opportunistic diaspora that's looking out to point at the shortcomings that might

possibly occur with regard to such a complex procedure and thus to level baseless allegations against Election Management Bodies. The view of the majority of scholars who are paying attention with this regard is that, prior to initiating the process of facilitating out of country voters with a proper system to vote, the relevant authorities and stakeholders need to be subjected to a thorough vetting process that includes de-politicization of the entire system. The appointment of diplomats as political favors for various friends and acquaintances of politicians, has been taking place as an unacknowledged tradition of sorts. We strongly believe that the members of the special parliamentary select committee who have been appointed to investigate and propose appropriate mechanisms with this regard, will take necessary actions sans political biases, to make sure that the right of a populace who are shouldering a greater portion of economic burden in this country, are bestowed with adequate and reasonably fair means to engage in the decision making process as voters.

Special Parliamentary Select Committee

Following are the names of the members appointed for the said special parliamentary select committee that has been instated to devise the programs, mechanisms and strategies to effectively mobilize a system in order to facilitate the voting rights of the expatriate workers from Sri Lanka and to conduct necessary investigations and identifications on related issues with that regard.

Chairperson Hon. (Mrs.) Thalatha Atukorale
 Hon. A. D. Susil Premajayantha
 Hon. Dilan Perera
 Hon. (Dr.) (Mrs.) Sudarshini Fernandopulle
 Hon. Faizal Cassim
 Hon. (Dr.) Harsha De Silva
 Hon. Ranjan Ramanayake
 Hon. Douglas Devananda
 Hon. Gamini Lokuge
 Hon. Mahinda Yapa Abeywardena
 Hon. Keheliya Rambukwella
 Hon. Sunil Handunnetti
 Hon. Bimal Rathnayake
 Hon. J. C. Alawathuwala
 Hon. S. Shritharan
 Hon. M. A. Sumanthiran
 Hon. A. Aravindh Kumar
 Hon. Nalaka Prasad Colonne
 Hon. Chandima Gamage
 Hon. Mujibur Rahuman
 Hon. Gnanamuthu Srinshan

If there are any feedback or comments that you wish to make in relation to the contents of this publication, please contact us via:



Editor : Manjula Gajanayake
 Publisher: Center for Monitoring Election Violence

Tel: 011 3010664/011 2577334, Fax: 011 2577117, E-mail: cmev@cpalanka.org Web: www.cmev.org

Special note: In collating and organizing the facts on international context and best practices for this document, numerous publications compiled by International Foundation for Electoral Systems and "International IDEA" were utilized as reference material.