

Asking the Woman Question of Constitutions: Insights from Sri Lanka

Anna Dziedzic and Dinesha Samararatne

Why has constitutional text/ institutions failed to deliver substantive equality for women? '**Proximate Institutions**' help to clarify why.

Sri Lanka: *Universal franchise since 1931, Strong welfare, formal equality, High HDI (77/189) BUT Very low political representation, Low levels of substantive equality Barriers: family, exploitative work conditions, religious institutions, military+ militarization*

Proximate Institutions: non-state/state institutions not typically directly regulated by the constitution BUT might have a role in constitutional governance because Proximate Institutions:

- are deeply embedded within constitutional institutions;
- are carved out and left to operate alongside constitutional institutions, or because they stand in the place of constitutional institutions in the provision of governance;
- may be recognised or presumed by the constitution, but do not derive all of their authority from it.

Proximate Institutions

- are barriers to women's access to constitutional institutions and protection of constitutional rights
- have the effect of overriding or denying constitutional values
- pose a challenge for reform

Assessment of constitutional

proximity, considers an institution (based on context), such as the family, or religious body, or the military:

- in terms of its relationship to the constitution; and
- proximity provides a measure to help to identify those institutions that are closest to the constitution, and which matter most in the lives of women.