MAKING GENDER QUOTA MEANINGFUL
Implementing 5% General Seat Quota

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Hassan Nasir Mirbahar

GENDER ACTION FOR ELECTIONS 2018
FROM ACCESS TO PRESENCE TO INFLUENCE

Discussion Paper
PUBLICATION SERIES “Strategising Women’s Political Representation in Pakistan” 2018
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Introduction

Women’s representation in Pakistan’s federal parliament has significantly increased over the years. Compared to only 1.8% members in 1995, women accounted for an aggregate of 20.7% of the total membership of National Assembly and the Senate in 2015.\(^1\) Within the National Assembly, compared to only two women directly elected in 1990, 70 women served as the Members of the National Assembly after the 2013 general elections, which accumulates to an increase of approximately 19.5% (see Table 1 below).

![Graph showing percentage of female parliamentarians between 1995 and 2015 in Pakistan's federal parliament]

Such a rise was mainly triggered by the reintroduction of reserved seats for women in the National Assembly through the Legal Framework Order of 2002, a law enacted by the then President General Pervez Musharraf.\(^2\) The reintroduction was coupled with a bump in the reserved seats as 60 seats were set aside for women while only 20 were reserved for women earlier. Women parliamentarians have shown consistently excellent performance in the two houses with most recent reports highlighting their superior performance when juxtaposed to the performance of their male counterparts in almost all elected houses.

Reserved seats are seen as a temporary special measure aimed at cultivating a culture where women’s participation in political affairs of a state is eventually normalised. However, they have run into two problems in Pakistan.

The first problem is observed with regards to the indirect election system used to elect women on the reserved seats. Under the system, political parties are allotted women’s reserved seats in proportion to the number of general seats they win through direct elections. This setup makes the women’s reserved seats dependent on the winning and losing of candidates of political parties, mostly male members, in general elections. As a result, women elected on these seats are often considered without a constituency and hence lesser in status compared to their male counterparts.\(^3\) The system also gives parties, rather than voters, more control over women elected on the reserved seats. Therefore, women chosen on such seats often feel more accountable to their parties than to the voters. With such issues involved in the reserved seats, women rights groups and parliamentarians have been demanding a revision in the reserved seats’ setup. The European Union’s Election Observation Mission to Pakistan’s 2013 General Elections (EU EOM 2013) had recommended reviewing “the system of reserved seats for women, in line with UN General Assembly Resolution 66/130 which calls on countries to review the differential impact on their electoral systems on the political participation of women.”\(^4\) In Pakistan’s context, the differential impact of reserved seats is evident from the problem highlighted above.

Secondly, the presence of reserved seats for women undermines their representation on general seats. Parties often consider that women can be elected through reserved seats, hence they tend to award general seat tickets to men, not realising that reserved seats are a temporary measure and women deserve equal treatment on the general seats as well. Part of this tendency is grounded in the patriarchal mindset that women cannot run
campaigns; hence, it's best for them to represent through reserved seats. In 2013 general elections, more women contested on general seats than ever before, but a good number of them ran as independent candidates. Besides, the number of women elected on general seats dropped compared to 2008 (nine women were elected on general seats in 2013 compared to 16 in 2008). On the other hand, women's appointment within ministerial and other vital public offices remains insignificant.

Therefore, it appears that such a setup of reserved seats has not achieved its objective of normalising a culture where women feel encouraged to run for legislative houses. This is despite the outstanding performance of women members in their legislative and ministerial portfolios and the fact that Pakistan boasts of first woman prime minister and speaker in the Muslim world. From this perspective, the role of political parties in promoting women's political participation has become all the more critical as highlighted in a study conducted by the Heinrich Böll Stiftung. The study suggests: "there is an increased acceptability and visibility of women politicians; while on the other hand, there is increased disagreement on the same and significant pressure from extremist and misogynist counter movements and veto actors/spoilers. It makes the role of political parties even more crucial when it comes to unseating political patriarchy, and to ensure women's political effectiveness."7

Considering these issues, the Women Parliamentary Caucus and women's rights groups demanded quota on party candidates for general seats. Demand for 10% women quota on general seats was put forward and a private member bill introduced in the National Assembly in this regard.8 The bill was referred to the Parliamentary Committee on Electoral Reforms, which was looking at holistic electoral reforms. As a result of the reform process, the Elections Act of 2017 requires political parties to award 5% general seat tickets to women for national and provincial assemblies.

While this reform is a positive step forward, whether or not the requirement increases women's representation on general seats depends on if and how the requirement is implemented. Some fundamental questions to look into this matter are:

1) What geographical areas would parties field women candidates on this 5% quota?
2) Whether or not women have adequate resources to run their election campaigns?
3) How far do women get coverage in print and electronic media?
4) What arrangements are made to provide women candidates safely and securely?

With these questions in mind, Heinrich Böll Stiftung organised two national level consultations across to gather opinions from different stakeholders about ensuring proper implementation of the 5% requirement. Representatives of civil society organisations, political parties, academic, youth, and Election Commission of Pakistan participated in these discussions. This paper discusses some of the key areas which require the attention of the Election Commission of Pakistan, political parties, media, National and Provincial Commissions on the Status of Women and civil society as highlighted during these consultations.


7. European Union Election Observation Mission to Pakistan 2013 General Elections also recommended that parties consider fielding more women to the general seats.

Table 1: Historical Trends in Women’s Representation in National Assembly of Pakistan

<table>
<thead>
<tr>
<th>Election year</th>
<th>Total seats</th>
<th>Women contestants on general seats</th>
<th>Women elected on general seats</th>
<th>Women on reserved seats</th>
<th>Women on seats reserved for minorities</th>
<th>Total women</th>
<th>% of total women members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977</td>
<td>216</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>0</td>
<td>11</td>
<td>5.1%</td>
</tr>
<tr>
<td>1985</td>
<td>237</td>
<td>15</td>
<td>1</td>
<td>20</td>
<td>0</td>
<td>21</td>
<td>8.9%</td>
</tr>
<tr>
<td>1988</td>
<td>237</td>
<td>16</td>
<td>3</td>
<td>20</td>
<td>0</td>
<td>23</td>
<td>9.7%</td>
</tr>
<tr>
<td>1990</td>
<td>217</td>
<td>12</td>
<td>2</td>
<td>No Reserved Seats</td>
<td>0</td>
<td>2</td>
<td>0.9%</td>
</tr>
<tr>
<td>1993</td>
<td>217</td>
<td>14</td>
<td>4</td>
<td>No Reserved Seats</td>
<td>0</td>
<td>4</td>
<td>1.8%</td>
</tr>
<tr>
<td>1997</td>
<td>217</td>
<td>35</td>
<td>5</td>
<td>No Reserved Seats</td>
<td>0</td>
<td>5</td>
<td>2.3%</td>
</tr>
<tr>
<td>2002</td>
<td>342</td>
<td>57</td>
<td>13</td>
<td>60</td>
<td>1</td>
<td>74</td>
<td>21.6%</td>
</tr>
<tr>
<td>2008</td>
<td>342</td>
<td>64</td>
<td>16</td>
<td>60</td>
<td>0</td>
<td>76</td>
<td>22.2%</td>
</tr>
<tr>
<td>2013</td>
<td>342</td>
<td>161</td>
<td>9</td>
<td>60</td>
<td>1</td>
<td>70</td>
<td>20.5%</td>
</tr>
</tbody>
</table>

Historical Context

Women have played a key role in Pakistani politics since the country’s independence. They were a core part of the movement for the creation of Pakistan with leaders like Fatima Jinnah and Raana Liaquat Ali Khan leading from the front. However, the country has struggled ensuring parity in women’s representation in the legislative houses and public offices.

During the first direct elections of the country in 1970, nine women contested on general seats. However, no women returned victorious on any of these seats. To encourage women’s representation, ten reserved seats were introduced in 1977 elections, having a sunset clause which required that reserved seats be abolished after 10 years or after three electoral cycles. The seats were later increased to 20 in 1985 and ultimately discontinued in 1990 after three electoral cycles (1977, 1985 and 1988), under the sunset clause. Therefore, women had to contest on general seats alone in the later elections. Twelve women ran on general seats, and only two of them won the elections in 1990. They accounted for only 0.9% of the total house strength.

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9. Sources: The Pakistan Election Compendium by Church World Service and Lok Sujag, Election Commission of Pakistan, Inter-Parliamentary Union’s parliamentary database.
Table 2: Timeline of Key Highlights for Increasing Women’s Political Participation in Pakistan

<table>
<thead>
<tr>
<th>Year</th>
<th>Key highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>Nine women contested the first direct elections, but none returned victoriously</td>
</tr>
<tr>
<td>1977</td>
<td>Ten reserved seats introduced for 10 years or three electoral cycles</td>
</tr>
<tr>
<td>1985</td>
<td>Reserved seats increased from 10 to 20</td>
</tr>
<tr>
<td>1988</td>
<td>Last elections with reserved seats</td>
</tr>
<tr>
<td>1990</td>
<td>No reserved seats; only two women elected to the National Assembly</td>
</tr>
<tr>
<td>2002</td>
<td>Reserved seats reintroduced</td>
</tr>
<tr>
<td>2008</td>
<td>The highest number of women in National Assembly; total 76 women elected, 60 on reserved seats, 16 on general seats</td>
</tr>
<tr>
<td>2017</td>
<td>Elections Act 2017 enacted requiring parties to give women 5% general seats for National Assembly and Provincial Assemblies.</td>
</tr>
</tbody>
</table>

After the 1999 coup by General Pervez Musharraf, general elections were organised in 2002 under a constitution amended through Legal Framework Order, an executive order issued by the military dictator. The order reintroduced reserved seats and also increased their number from 20 to 60. In addition to this, 57 women contested on general seats and 14 of them won as well. As a result 74 women represented in the National Assembly that emerged after the 2002 elections. With this change, General Musharraf’s regime also emphasised upon local government elections in Pakistan with a provision that women will get 33% representation in the local governments. While many quarters had seen the 33% reserved seats in local governments with scepticism, taunting that these seats will go unfilled, a sea of women contested the local elections as over 40000 women filed their nominations, and some 36000 won the local government elections, brushing aside all stereotypes against them.11

With the return to democracy in 2008, Pakistan saw a relative increase in women representatives within the National Assembly, with 76 women elected to the house, 16 through general seats, and 60 through reserved seats. Not just that, for the first time, a woman was elected as the speaker of the National Assembly, who also instituted the process of 18th Amendment to the Constitution. Enacted in 2010, the 18th Amendment preserved 60 reserved seats for women. Post-18th Amendment, the percentage of women’s reserved seats within local governments decreased with no province maintaining 33% reserved seats for women.

However, both for the National Assembly and most local governments, an indirect election system is used to elect women on these seats. The system of indirect elections comes with its problems as highlighted in the introduction.

While Pakistan has made substantial headway in increasing women’s political participation in public offices and elected houses, it still falls short of meeting the UN target of ensuring 30% women’s representation in the elected houses. Pakistan’s commitments under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other political commitments require further efforts to increase women’s representation at all levels and reach at least the 30% benchmark.

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10. Based on: *The Pakistan Election Compendium* by Church World Service and Lok Sujag, Election Commission of Pakistan, Inter-Parliamentary Union’s parliamentary database.

Pakistan’s Legal Framework for Women’s Political Participation

The Constitution of Pakistan provides some essential safeguards for women’s participation and equality. The Article 25 establishes equality among all citizens while prohibiting discrimination based on sex. It mandates the state to take extraordinary measures for the protection of women. Likewise, Article 34 of the Constitution mandates the state to ensure full participation of women in all spheres of national life.

In this regard, Pakistan has also made critical international commitments under CEDAW to promote women’s participation as voters, in elected houses and public administration. The Elections Act 2017 has introduced essential reforms to this end:

- Election Commission of Pakistan will provide gender disaggregated data for voters’ turnout.
- ECP to take measures for increasing women’s registration as voters.
- ECP mandated to nullify election results if women’s turnout is lower than 10% or if there are reports about forced disenfranchisement of women.
- Parties are required to give 5% tickets to women on general seats for the National Assembly and Provincial Assemblies.

Making the 5% Quota Work: Potential Issues and Recommendations

While 5% quota on general seats is a significant development, it may not substantially increase the number of women contesting on general seats, especially from the party platforms. It is because, in 2013, major political parties gave at least 3-4% general seat tickets to women as shown in the table below. However, the quota will at least ensure that women get at the minimum 5% general seats from different party platforms.

Women Candidates on General Seats in 2013 General Elections

<table>
<thead>
<tr>
<th></th>
<th>Total Candidates in 2013</th>
<th>Men</th>
<th>Women</th>
<th>Total % of women in 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political parties</td>
<td>2119</td>
<td>2053</td>
<td>66</td>
<td>3.11</td>
</tr>
<tr>
<td>Independent candidates</td>
<td>2343</td>
<td>2248</td>
<td>95</td>
<td>4.05</td>
</tr>
<tr>
<td>Total</td>
<td>4462</td>
<td>4301</td>
<td>161</td>
<td>3.60</td>
</tr>
</tbody>
</table>

A meaningful impact of the quota, however, requires some essential initiatives which the Election Commission of Pakistan, political parties, media and civil society must undertake. These are briefly listed below as discussed during the consultations:

Ensuring that parties give 5% tickets to women for general seats of the National Assembly and Provincial Assemblies: Laws generally suffer from lack of implementation as people lament in Pakistan. To reduce the risk this

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13. Chart made from the data available on ECP’s website accessed on 13 June 2018
time, the Election Commission of Pakistan which is responsible for implementation of the Elections Act 2017 has positively taken many initiatives to ensure the law’s proper implementation. With regards to ensuring the 5% requirement, the Commission may consider developing a certification system whereby political parties are required to certify that they have issued 5% seats to women under Section 206 of the Elections Act 2017.14 Positively, the ECP has announced a mechanism that it will not allot symbols to parties not complying with the 5% requirements as per Section 215 of the Elections Act 2017 and has required parties to submit an affidavit in this regard in advance as well.15 The requirement for submission of affidavit, however, happened much before the nomination process which takes place in June.16 Therefore, additional checks from the Commission may be required during the nomination process that parties have indeed complied with the Section 206 and have awarded 5% general seat tickets to women. Moreover, the punishment for not allotting election symbols to parties may run counter to other competing rights. If candidates are not allowed to run on their party symbol, they will lose their right to party affiliations which runs against Pakistan’s Constitution. It may also affect the competitiveness of the electoral process if candidates are not allowed to run using their party symbols. Besides, while ECP may go ahead without allocating symbols to such parties, this may not ensure that 5% of tickets are awarded to women. Therefore, it may be prudent that the Commission should ensure certification from the parties, where a party is found non-compliant with the requirement, they may be asked to revise their list to ensure implementation of the 5% requirement.

### Number of Tickets Each Party Needs to Give to Women to Meet 5% Quota

If a party were to field candidates on all general seats in a house. All fractions greater than 5 rounded to 1.

<table>
<thead>
<tr>
<th>House</th>
<th>Total General Seats in the House</th>
<th>Tickets to Meet 5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Assembly</td>
<td>272</td>
<td>14</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
<td>99</td>
<td>5</td>
</tr>
<tr>
<td>Balochistan</td>
<td>51</td>
<td>3</td>
</tr>
<tr>
<td>Sindh</td>
<td>130</td>
<td>7</td>
</tr>
<tr>
<td>Punjab</td>
<td>297</td>
<td>15</td>
</tr>
</tbody>
</table>

*Based on Articles 51.3 and 106 of the Constitution and Section 206 of the Elections Act 2017*

### Parties to give tickets to women in their strongholds:

The primary purpose behind the imposition of 5% requirement was to bolster the number of women elected on general seats. It may only be achieved if parties prioritise to give women tickets in their strongholds. If a party has more chances of winning in a province, then women should get more tickets in such a province. For example, the Awami National Party has more chances of winning the National Assembly seats from Khyber Pakhtunkhwa when compared to the rest of the country. Therefore, it should consider

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16. Reportedly, parties were required to submit affidavits in May 2018.
fielding more women on general seats in Khyber Pakhtunkhwa. Pakistan Tehreek-e-Insaf appears stronger in Khyber Pakhtunkhwa and many parts of Punjab, whereas Pakistan Muslim League Nawaz (PML-N) seems to enjoy the most robust voting base in Punjab. Pakistan People’s Party has won seats from different provinces in the past, but it appears to have reliable and loyal voting base in Sindh. Therefore, these parties should give women general seat tickets in the areas where they have strongholds. Within provinces too, parties may have strongholds in some specific geographic locations. For example, PML-N seems stronger in central Punjab, whereas PPP has historically won more seats from South Punjab. Women from FATA, which now stands merged with Khyber Pakhtunkhwa, also deserve attention for the award of general seat tickets. They have historically remained underrepresented in the legislative houses.

**Ensure representation of women with disabilities and women from diverse faith groups:** Women with disabilities and women belonging to religious minorities often face double discrimination: First, because they are women; second, because they belong to disadvantaged groups like persons with disabilities or religious minorities. While the Elections Act 2017 does not explicitly require political parties to give women from these disadvantaged groups tickets on general seats, political parties should consider giving them tickets as well in the spirit of democracy and human rights.

**Parties to provide women adequate funds and resources for campaigns:** Campaigns are an essential part of any election. Through the campaigns, candidates and political parties develop and present their ideas and programmes to voters and seek their support. Campaigns contribute to informing and educating voters, helping them in making an informed choice. 

**Media to provide adequate coverage to women:** Media coverage remains skewed in Pakistan. Past media monitoring reports show that some parties got more coverage than others and media houses were more favourable towards bigwigs and male candidates. Women candidates received little to no coverage. The EU EOM 2013 highlighted: Pakistan Television (PTV) “devoted 4% of its election-related prime-time programming to female actors [candidates], ATV – 5%, PBC – 6%, Power Radio 99 FM – 2%, ARY TV – 5%, DawnNews – 6%, Express News – 8% and Geo TV – 3%.” In many cases, media’s coverage of women reinforces gender stereotypes; hence it could prove counterproductive for women.

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Therefore, media should give more coverage to women and avoid discrimination/stereotypical reporting when covering women candidates’ campaigns. Media houses and the Election Commission of Pakistan can consider adopting the code of conducts pledging to ensure balanced and non-discriminatory coverage to women candidates. State media, such as PTV and Radio Pakistan, should consider providing dedicated slots and time to women candidates.

**ECP, women commissions and other institutions to work for providing safe space to women:** Women are generally more vulnerable to violence and discrimination with Pakistan being ranked as one of the most dangerous places for women to live. Women’s vulnerability to violence may increase during election time. Therefore, ECP, commissions on the status of women and security agencies should provide women with adequate security. Early warning systems may be developed in hotspots where women have historically faced problems. Attention should also be paid to cyber harassment against women as recent reports have raised concerns about women’s privacy and safety in social media. Women commissions and citizens groups can monitor social media to detect and deter such issues.

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**Conclusion**

Pakistan has made substantial progress in increasing women’s political participation. While it still needs to make efforts to meet UN target by having 30% women represented in elected houses and public offices, the efforts thus made so far are encouraging. The introduction of 5% quota on general seats is a significant milestone. However, it can only be translated into meaningful results if implemented correctly. In this regard, the Election Commission of Pakistan, political parties, women’s rights commissions, civil society and media need to play an important role as highlighted in this paper. While in the short-term, efforts have to be concentrated on 2018 general elections, a long-term plan and strategy is required to promote a culture that enables greater participation of women at all levels across all key institutions of the country.

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