

ENGENDERING POLITICAL PARTICIPATION AND ENHANCING INCLUSION

THE RATIONALE

Equal opportunity for participation in a country's democratic processes is universally acknowledged as every citizen's human and democratic right. It is deemed the State's responsibility to give every citizen a voice and freedom of choice, regardless of sex, religion, sect or socio-economic status. Access to this right promotes a sense of belonging, feelings of self-worth, and achievement of national goals. Women's meaningful participation in decision making in the political and other public spheres is the most potent contributor to, and reflection of, women's empowerment and gender equality and a major driving force for overall national development. It is also a proven means to ensure the appropriate reflection of their views and concerns in legislation and public policy, and thus for improving multiple dimensions of their lives.

Key Messages

1. Priority to restoration and reinforcement of the local government system.
2. Move from symbolic presence of women and representatives of disadvantaged groups towards more meaningful and inclusive participation, and a level playing field.
3. Direct elections on reserved seats to generate a wider acceptance of women's role in political and parliamentary spheres and that of legislators and councilors representing other special groups.
4. Enhanced capacity of youth through quality and inclusive education, increased awareness of civic and political rights and responsibilities, gender sensitivity and respect for diversity, results in responsible, politically aware and engaged citizens.

DRIVERS OF POLITICAL PARTICIPATION

The fundamental pre-requisites for effective political participation include:

- ❖ the constitutional right to participate in all political processes and structures.
- ❖ an enabling environment which makes this participation possible and effective; and
- ❖ citizens access to pertinent information, knowhow and skills, and freedom of association to effectively influence these processes.

WOMEN'S POLITICAL PARTICIPATION – THE CURRENT CONTEXT

Pakistan's Constitutional Article 25 guarantees equality of citizens and non-discrimination on the basis of sex. Women have equal rights to

vote, be educated, participate as members of elected political bodies, and enter public and private sector employment and be promoted to senior positions. Affirmative action includes their inclusion in legislative assemblies and local government (LG) councils through allocation of reserved seats. Strategic Objective 2 of the National Policy for the Development and Empowerment of Women (NPDEW) includes a clear emphasis on: women's political empowerment, with key measures outlined to strengthen their role in power sharing and decision making at all political levels, besides enhancing the representation of minorities. Yet, disparities remain between the actualization of constitutional

rights, and legislative provisions, due to impediments imposed by discriminatory societal norms, and traditions, besides the absence of equality of opportunity and an enabling environment.

Pakistani women have excelled in varied fields. Yet, on aggregate, girls and women are in a less advantageous position compared to their male counterparts in all aspects of life - socio-cultural, economic, legal and political. The patriarchal concept of women's role in life accords them a lower, dependent status, secondary to male relatives, confines them largely to childbearing and rearing, restricts their agency, mobility and access to education, gainful employment, and other opportunities outside the home. Few are encouraged to engage in organized community activities. Besides their own lack of awareness about the benefits of a legal identity, low value is accorded to this by families.

Administrative, fiscal and infrastructural issues further impede women's access to decision making at all levels – family, community, local government in the assemblies, and in public service at appropriate levels. Given the opportunity, Pakistani women have proved their potential through positive contributions to the country's politics, but women have generally been kept away from the political scene. Affirmative legislative action, long term advocacy of women's rights activists, the Women's Commissions, human rights organizations, and the recent proactive approach of the Election Commission of Pakistan (ECP) are yet to achieve optimum results. Low priority for women is also demonstrated in the prolonged delays in empowering the Commissions on the Status of Women, (CSWs) given that the National Commission has been without a Chairperson since November 2019 and the Punjab provincial one since early 2019, and despite its notification in late 2020, the Balochistan CSW still awaits regularization and the Chairperson's appointment.

EXCLUSION OF SPECIAL SUB-GROUPS FROM DECISION MAKING FORUMS

Some population sub-groups, and particularly females among them, face additional disadvantages contributing to their continued marginalization. These include, for instance, persons with disabilities (PWDs), transgender individuals (TGIs), those belonging to religious and ethnic minorities, those living in rural and remote areas, and those affected by conflict related enforced displacement or environmental disasters. Article 25 of the Constitution, and more explicitly Article 37, profess non-discrimination against minority communities, while the State's ratification of the Convention on the Elimination of All Forms of Discrimination of Women (CEDAW), the Convention on the Rights of Persons with Disability (CPRD), besides the 2018 Transgender Protection Rights Act, place further obligations to ensure protection of the citizenship rights of PWDs and TGIs.

CITIZEN ENGAGEMENT – PRACTICAL CONSTRAINTS

Women and special groups face significant identity registration problems due to complex documentation requirements - such as birth records, marriage and divorce certificates and other family documents, to be provided to obtain Computerized National Identity Cards (CNICs) from the National Database Registration Authority (NADRA), which is not legally obliged to register all citizens. Financial and opportunity costs exist for peasant women, and labourers because of inadequate outreach and gaps in the design of the mobiles services. Some minority communities do not have marriage certificates. PWDs require an additional disability registration certificate by the Social Welfare Department, while TGIs are unable to provide birth and family certificates having been abandoned by their families, at birth, or in early childhood. The loss of original documents by those fleeing conflict and disaster situations results in them remaining unregistered for years. The non-availability of CNICs further deters voter registration by the Election Commission of Pakistan (ECP).

Successive elections have seen somewhat increased percentages of registered women voters. There were 105.99 million registered voters for the 2018 elections. 59.22 million (55.87%) men and 47.73 million (44%) women – a gender gap of 12.5 million less women than men. The ECP's post-election voter registration acceleration campaign was unable to keep pace with the additional population reaching the eligible age, and by October 2020 the electoral rolls had a total of 115,749,753 voters, with a gender gap of 12.4 million and a male/female ratio of 55%: 45%. This does not reflect the percentages of registered voters compared to the actual number of men and women in the population. Registered TGIs are 0.003%, but there is no disaggregation as per PWDs, religious minorities, or according to major age groups, despite the importance of furthering political participation of youth.

Women's overall turnout in the 2018 General Elections, was 10% lower than men, but no information is available on turnout by major age groups, or that of PWDs, minorities or TGIs. Besides cultural constraints, conditions at some polling stations (PS) were not conducive in terms of location, physical design, access, long delays due to overcrowding with some PS catering for voters exceeding the stipulated 300 voters limit, inadequate numbers of female polling staff and police, insufficient facilities for voters and female staff, and/or insensitive staff handling, lack of security, and inadequately segregated services. Many voters lacked awareness of voting procedures and some staff were found to be untrained having been hired at the last minute. PWDs reported having faced obstacles in getting permission for postal balloting. Even some accredited Observers, were turned away, and TGI Observers and voters faced stigmatization and ridicule.

Affirmative electoral reform to enhance women’s participation in political and public spheres is yet to yield optimum results. Over the last 20 years the quota for women’s reserved seats has remained at 17% in the National and Provincial Assemblies 5% for religious minorities and none for women in the ICT, or for PWDs and TGIs. Legislators on reserved seats are selected by political parties and not directly elected by women or minorities. Their outreach and public contact are restricted by lack of allocation of constituencies, reducing their respect in the eyes of their colleagues elected through constituency based direct elections. Minority seats are filled through a priority list of candidates submitted to the ECP by the political parties in advance. This process is highly centralized, and not based on a clear criterion. Among 157 Political Party nominations for reserved NA minority seats in 2018, women got seven tickets and only one won.

Political Parties are reluctant to include women in their ranks, award them tickets for general seats, or provide them core committee membership. The Elections Act 2017 bound Political Parties to allocate women a minimum of 5% of tickets for general seats. Most assigned a bare minimum (5.2% overall), mostly for non-winnable seats, without support for their electoral campaigns. Increased fees for filing Nominations discouraged lower income women, PWDs, minorities and TGIs, from competing as Independents for general seats.

Male: Female Ratio in Key Parliamentary Positions*

	Federal	Balochistan	KP	Punjab	Sindh
Ministers	8:48	0:24	0:14	2:36	2:31+ Deputy Speaker
Standing Committee Chairs	NA 1:33, Senate 5:34	6:12	3:31	10:14	2:17
Parliamentary Secretaries	12:23				

* Post 2018 Elections

Despite demonstrated benefits for local communities when women councilors deal with local women, LG representation options for women have declined. While the Islamabad Capital Territory (ICT) and all new provincial LG Acts included 33% seats for women, except for Balochistan, provincial Acts do not ensure this at all tiers. Sindh has this only at the top tier, in Punjab and KPK elimination of the district tier reduced the overall number of women councilors. Among the 5% seats allocated for representatives of religious minorities, youth and peasants/workers, there is no specific quota for women anywhere. LG elections have been delayed for over two years in Balochistan, KP and Punjab.

POSITIVES OF THE 2018 ELECTIONS/EMERGING OPPORTUNITIES

In the run-up to the elections the ECP collaborated closely with the NCSW and key election related networks. An active and forward-looking Gender and Disability Wing was set up within the ECP. National/inter-provincial and inter-agency consultations were held involving CSOs and a variety of shareholders to review pre-polls issues and develop remedial strategies.

Though not perfect, the 2017 Electoral Reform process resulted in adoption of several positive clauses. Observer groups identified several shortcomings in the polling process, but there was general agreement about several improvements. There was a stepped-up voter registration campaign by the ECP with a particular focus on low performing districts, and establishment of supportive district committees. An increased number of national and international institutions, and CSOs including Human Rights, Women's Rights, Disabled Persons Organizations, representatives of transgender and minorities were involved in community mobilization for registration, voter education, and election observation. There was some improvement in NADRA's mobile registration services and post the General Elections some simplification of CNIC registration requirements.

For the first time PWDs, Transgenders participated as candidates and Observers, and the Free and Fair Election Network (FAFEN) set up a network named Trust for Democratic Education and Accountability –Coalition for Inclusive Pakistan (TDEA-CIP), comprising PWD, TGI, Minority support CSOs.¹

RECOMMENDATIONS

1. Universal birth registration to be ensured.
2. Accelerated and improved NADRA-ECP gender gap reduction CNIC and voter registration campaigns to be continued seamlessly.
3. Electoral Reform undertaken to amend the Elections Act 2017 to:
 - i. Institute the direct mode of elections for all reserved seats.
 - ii. Increase reserved seats in all assemblies – one each for women and men with disabilities, and a transgender person; minority seats stipulating a percentage allocation for women; one in the National Assembly for ICT women.
 - iii. Legally bind political parties to allocate 15% tickets for general seats to women; include - 33% women in all organizational structures at all levels; and at least 33% women in the

¹ Comprehensive insightful reports/ recommendations are available in the election reports of FAFEN, TDEA-CIP, NCSW, CSWs, and the European Union.

- list of 2,000 members required by the ECP at the time of their enlistment; preparation of lists of nominees for all reserved seats six months prior to the elections and arrangement of a campaign fund for such candidates. The recommended priority lists for reserved seats to be based on the results of an intra-party elections.
- iv. Make NADRA legally responsible for ensuring CNIC registration of all eligible citizens, further simplification of its related requirements, besides extension and gender and disability sensitivity of its static and mobile services, assign transgender persons an X category in their NICs.
 - v. Include a column for registering transgender turnout.
 - vi. Adopt provisions for strict enforcement of clauses of the 2017 Electoral Reform Order including penalties for non-compliance.
 - vii. Reduce or drop the fee for filing nomination papers.
 - viii. Simplify the requirements for the Postal Ballot for PWDs and extend this facility to pregnant women with a medical certificate.
4. ECP to rename the Gender and Disability Wing to add Transgenders and Minorities in the title, establish similar wings at its provincial and district offices, and improve the female ratio among its staff
 5. ECP and Local Administrations to institute timely measures to ensure better access for women, PWDs, and TGIs at future polling stations based on Election 2018 monitoring reports.
 6. Federal and Provincial LG Acts to be amended to raise the number of women and special interest seats, expedite elections, institute direct elections at all levels.
 7. Federal and Provincial Governments to:
 - i. Empower LGs with resources and facilities to build Capacity of Union Councils to streamline birth records to facilitate follow-up on CNIC registration at age 18; and partner with political training institutes and CSOs to empower these councilors with knowledge, and skills.
 - ii. Adopt inclusion of voter education in all high schools as part of civic education classes
 - iii. Spread awareness through radio, TV channels.
 8. Media to ensure extended and improved media awareness campaigns using languages, messages and mode of delivery suited to the needs of diverse interest groups including persons with sight and hearing disabilities.

9. ECP and local administrations to adopt and enforce administrative measures, to ensure physical accessibility of PWDs to educational institutions, public buildings and modes of transport.
10. CSOs to: promote establishment of women's committees and caucuses at sub-regional levels; include election related education in their women and community development programmes; and engage in civic awareness activities with children and youth.
11. National and Provincial Governments to empower CSW's to operationalize the strategic aspects of the NPDEW's Strategic Objective 2, in partnership with the ECP, and other relevant agencies.
12. Local administrations to adopt and enforce measures to ensure physical accessibility of PWDs to educational institutions, public buildings, and modes of transport.
13. Engaging Youth - Imperatives
 - i. Measures to be adopted to ensure that all girls and boys aged 5—16 years receive their right of education as per Constitutional Article 25-A
 - ii. Age-appropriate concepts of civic responsibility, democracy, political processes, voting rights and obligations to be included in secondary, high school, and college curriculums.
 - iii. Bi-Annual voter registration camps to be organized in high schools and colleges to include youth reaching the voting age into the electoral rolls.

This Policy Brief is prepared for Awaz-e-Niswan, by Naheed Aziz with inputs from Yasmin Zaidi, and Rabeea Hadi, and support from Urooj Obaid and Viqar-un-Nisa Syed, draws selectively upon the following:

Election Commission data, Reports of the 2018 Elections by the NCSW, provincial CSWs, FAFEN, TDEA-CIP, EU, and CSOs, the Aurat Foundation led NGO Alternate Report to the CEDAW Committee (2020) Taabeer/DAI. Charters of Demands of the Women's Action Forum, the Parliamentary Women's Caucus, and National and International Women's Days, Female Councilors' and Articles/Seminar Recommendations of Disabled Persons Organizations, the Centre for Social Justice and other Minority and Transgender Persons Organizations, and the Awaz-e-Niswan Policy Briefs on Women's Political Participation, and Young Women.



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