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Civil society celebrates ECP decision

Barring women from casting vote in by-polls of Lower Dir PK-95 resulted in a landmark decision by Election Commission of Pakistan (ECP) declaring the elections null and void.

In its short order announced on Tuesday, the ECP has directed for re-elections in the said constituency. The decision was widely celebrated in the civil society and was termed as judicial and political victory for women after 49 years, when in 1966 women were barred to cast their vote in Karachi and a petition was filed in Sindh High Court against this political discrimination.

Women's right to vote has been denied in many areas of Pakistan. The ECP took suo moto notice of the violation of fundamental right of women,

when they were barred from voting on May 7, 2015 by-polls in PK-95, Lower Dir-II, on the basis of media reports and requests filed by various women's rights activists demanding that the election be declared null and void.

The case was heard by ECP under the Chief Election Commissioner retired Justice Sardar Raza Khan. Seven women's rights activists appeared as petitioners, including Shabina Ayaz from Aurat Foundation, Bushra Goher, MNA ANP, human rights activist Tahira Abdullah, Chairperson National Commission on the Status of Women (NCSW) Khawar Mumtaz, Irshad Begum from ABKT, rights activist Farzana Bari and

Sikandar from SAP-PK.

"This decision will go a long in ensuring women political participation in the true sense and would set a precedent for future. We welcome this just decision," said NCSW Chairperson Khawar Mumtaz.

"This is a historic decision towards women's political empowerment", said Shabina Ayaz, the resident director of the Aurat Foundation in Peshawar. She also valued the timing of the decision in the context of complaints from women against denial from voting during recent local government elections held in Khyber-Pakhtunkhwa. "The decision would encourage the women voters and candidates to file

their complaints where they were denied of casting vote," she said.

Eminent human rights activist Tahira Abdullah said that this decision will set a benchmark for all subsequent petitions on preventing women from contesting or voting in elections. "More importantly, it will act as a strong deterrent to any illegal actions by political parties or illegal 'jirgas' and 'punchayats' to even think of coming to a mutual agreement disenfranchise women in any constituency in future in any part of the country" she said.

She termed the decision historic, precedent-setting judgment on the constitutional principles of equality, justice, and

participatory democracy for all. "We salute the ECP on this decision in the several human rights petitions (clubbed together) and its suo moto notice regarding disenfranchisement of registered women voters," she said.

Director Advocacy Rabeea Hadi said that they have forwarded the observations and evidence collected from different sources on women voting in KP local bodies elections and they expect just decisions on those evidences as well. She said that if Jamaat-e-Islami challenges this decision in Supreme Court, the civil society and right based organisations will fight the case.

Members of the Women's

Parliamentary Caucus (WPC) also lauded the decision. Secretary Women's Parliamentary Caucus MNA Shaista Pervaiz Malik hailed the decision on behalf of the Caucus while stating that "if only the decision was taken earlier on, it would have saved time and hassle." She said that such decisions must be taken prudently and timely under the laws, especially if the evidence is clear.

PK-95 is one of the four constituencies, PK 94-97, of Lower Dir which are part of the Provincial Assembly (PA) of Khyber-Pakhtunkhwa (KP). By-election in PK-95 was held on May 7, 2015 after the seat was vacated by Jamaat-i-Islami (JI)

chief Sirajul Haq who was elected to the Senate.

According to given statistics a total of 85 polling stations had been set up for the by-election process consisting of 266 polling booths. Out of this 90 polling booths had been specified for female voters alone. According to the Election Commission of Pakistan (ECP) the total number registered voters in the constituency is 127,096, including around 47,282 women (FAFEN), which is 37% of the total. In the by-election as many as 47,282 women in Lower Dir were barred from voting in the by-election to the provincial assembly seat PK-95 (Lower Dir-II) under a tacit understanding among contesting candidates.