



LEGISLATIVE WATCH



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EDITORIAL

With less than one year left to general elections, a long-standing matter of critical concern that needs to be immediately addressed by the government is the issue of women's legislative representation. The Ministry of Women's Development has already held a national consultation on this subject earlier this year, resulting in very strong recommendations, and the matter is now reportedly with the National Reconstruction Bureau (NRB). What conclusions, if any, the NRB has reached are not yet matters of public knowledge. But it would do well to remember that substantial work on this key issue has already been done in Pakistan, both at official and non-official levels. This is what the NRB must be guided by in making any decision, rather than repeating past mistakes or trying to re-invent the wheel.

The struggle for women's effective political representation has a long history and, during the past decade, extensive deliberations on the subject have taken place between a large number of women's rights groups, civil society organisations and women in political parties. These have culminated in a broad consensus on some basic principles:- (i) women must be represented in all legislative bodies; (ii) the proportion of representation must be at least 33%; and (iii) women's seats in the national and provincial assemblies must be filled in on the basis of direct, constituency-based elections by a joint electorate of men and women. These principles were also reflected in the recommendations of the official Report of the Commission of Inquiry for Women in 1997.

Some of these recommendations were incorporated by the government in the recently-held local government elections. Thus, the proportion of women's representation at the union council, tehsil and district levels was substantially increased; and, at the union council level, the system of direct elections to women's seats by a joint electorate of men and women was also introduced. Unfortunately, the much-criticised previous system of indirect elections to women's seats was retained for tehsil and district council elections, thereby depriving women of the opportunity to gain a foothold in electoral politics at these levels. It is imperative that this mistake not be repeated at the legislative level.

It must be emphasised that a major objective of affirmative action measures is to strengthen women within the mainstream system, so that the need for special measures can gradually be reduced. It is obvious that the previous system of reserved seats failed to achieve this objective, and this is what those at the helm of affairs must reflect on when devising a new system. Above all, they must not again fall into the trap of providing 'easy' or 'protective' mechanisms for bringing women into legislative bodies. This will only result in perpetuating women's subordinate status in politics, rather than promoting their emergence as equal partners, and will thus defeat the entire purpose of the exercise.

The critical issue of women's legislative representation has already been treated far too casually, for far too long. We hope that this time around it is addressed with the seriousness it deserves. The experience of local government elections has shown that women of Pakistan are more than ready to take up the challenge of mainstream politics. They only have to be given the opportunity.

WOMEN'S RESERVED SEATS: PERSPECTIVES AND PROSPECTS

The system of reserved seats for women in the legislatures which had existed in Pakistan's constitutional framework since Independence, came to an end after the 1988 elections. As a result, women's representation in legislative assemblies diminished drastically thereafter. For example, the proportion of women's representation was just 3.2% in the last National Assembly; 2.4% in the Senate and only 0.4% overall in the four Provincial Assemblies.

Even while it existed, the system of reserved seats had been subjected to severe criticism on several grounds: (i) that the proportion of reservation was totally insufficient; (ii) that the reservation did not extend to the Senate; and (iii) that the indirect system of election to the reserved seats by already-elected members made women accountable to the male-dominated assemblies rather than the electorate. Several recommendations for improving the system had been made over the years at governmental and non-governmental levels, but no serious official efforts had ever been undertaken to examine or implement them.

However, once the constitutional provision for reserved seats expired and it became apparent that there was going to be no collaboration between the major political parties to restore the seats, several women's rights groups began active and systematic efforts to address the issue. These included advocacy initiatives to highlight the importance of women's

political representation; serious deliberations to understand the various dimensions of the issue and find appropriate solutions; and efforts to develop a broader consensus.



It is these efforts which have kept the issue of women's political empowerment alive during the past decade. A brief description of some of the initiatives undertaken follows:

Election Campaigns, 1993 & 1997: Women's rights organisations launched advocacy campaigns during general elections to bring women's issues onto the agendas of political parties. These included a demand for 33% reservation of seats for women in all legislative bodies.

Roundtable Discussion, 1995: Several advocacy organisations arranged a roundtable discussion with representatives of the PPP, PML-N and ANP on the issue of women's reserved seats. This resulted in the signing of a joint declaration by the party representatives to restore women's reserved seats and extend the provision to the Senate.

Internal and External Deliberations, 1994-1997: Women's rights and human rights organisations held several deliberations to understand the dimensions of the reserved seats issue and the implications of the various recommendations which had been made. Discussions were also held with women from political parties, and representatives of the Election Commission were consulted. These resulted in a broad consensus on the basic principles of reservation.

Report of Commission of Inquiry for Women, 1997: The Commission, set up by the government, endorsed the principles of reservation and recommended 33% reservation of women's seats in all elective bodies, as also a system of direct, constituency-based elections by a joint electorate of

PERSPECTIVES AND PROSPECTS

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women and men.

Campaign for Women's Reserved Seats in the Legislatures, 1998: A country-wide signature campaign was undertaken by advocacy organisations to secure support for the principles of reservation. Massive endorsements were received e.g. from more than 1,500 civil society organisations; thousands of individuals; leaders and legislators of 19 political parties; some ministers; and office-bearers of several women's wings.

Coalitions of Women Political Workers, 1998: Forums of women across political parties were set up in Balochistan and NWFP; and women from several parties joined solidarity fronts with women's rights groups in Punjab and Sindh. They actively collaborated with civil society organisations in their advocacy efforts relating to reserved seats.

Political Party Responses, 1993-1999: The two major political parties (PPP & PML-N), through their alternate proposals, supported the enhancement of women's representation to 20%, the PPP also favouring reservation in the Senate. However, the election modalities suggested by them were not in accordance with the principles of reservation. Three newer political parties (Pakistan Tehreek-Insaf, Millat Party and Pakistan People's Party - SB), officially endorsed the demand for 33% reservation.

Resolutions by Provincial Assemblies, 1998-1999: As a result of intensive lobbying, all four Provincial Assemblies passed unanimous resolutions urging the Federal Government to restore and enhance women's reserved seats in all legislative bodies.

Enhancement of Women's Reserved Seats in Local Bodies, 1998: Women's reserved seats in partial local body elections in the Punjab were raised from 9% to 12.7%, and in Balochistan from 16.4% to 25.8%. In Sindh and NWFP, though elections were not held, women's seats were raised from 12.7% to 23%, and from 1.2% to 2.9%, respectively.

33% Reservation of Women Seats in Local Government Institutions, 2000: In the local government elections of 2000, the military government raised the proportion of women's reserved seats to almost 33% at the union council, tehsil and district levels; and, in union councils, introduced the modality of direct elections by a joint electorate of women and men.

Citizen's Campaign for Women's Representation in Local Government, 1999-2000: A coalition of civil society organisations undertook a country-wide campaign to maximise the participation of women voters and candidates in the political and electoral processes at the local level. Despite several constraints, the percentage of women's seats filled grew with each phase of elections. Several women also contested nazim and naib-nazim seats which, since they were not reserved, involved direct election contests with men. Overall, almost 36,000 women have come into local government through this process.

National Consultation, 2001: At a national consultation organised by the Ministry of Women's Development earlier this year, the overwhelming majority endorsed the view that 33% seats in all legislative bodies be reserved for women; and that elections to these seats be on the basis of direct elections by a joint electorate of women and men.

PRINCIPLES OF RESERVATION

When affirmative action or special measures are undertaken to enhance women's legislative representation, certain principles must be observed to ensure that the measures are effective. These basic principles have emerged out of the experiences of several countries in this regard, including Pakistan.

1. The proportion of reservation must be substantial enough to have an impact. Experiences from all over the world have shown that unless there is a critical mass of women in elective bodies, they tend to get marginalised and are unable to significantly impact the culture of laws and policies. The minimum proportion considered necessary for women's representation to become effective is an overall one-third (33%) of the strength of the elective body. However, in recent years, there has been a growing demand for equal or 50-50 representation of both women and men, in proportion to their ratios in the population.

2. The reservation should be through the provision of additional seats or slots. It has been seen that where measures have sought to allocate existing seats or slots to women, there has been a lot of resistance from those who have traditionally held those positions. This also creates hurdles for women later on, whether in their constituencies or parties. Therefore, it is advisable to create new spaces for them.

3. The reservation must cut across all categories and levels. This implies that if, apart from general seats, the elective body has different categories (e.g. based on region, profession or religion) or that there are different levels within the elective body (e.g. mayors, deputy mayors), the proportion of women's representation must be observed in each of these. It also means that the reservation must extend to all the legislative bodies in the country. Otherwise, women's representation would remain uneven and ineffective, and they could also remain excluded from key decision-making positions.

4. The election methodology must be in accordance with the electoral system. Affirmative action measures, such as reservation or quotas, are intended to be temporary measures to facilitate the mainstreaming of women within the political system. To achieve this, the methods of election must be in

accordance with the existing electoral system in the country, rather than employing totally different modalities which result in further isolating them from the mainstream system. Thus, for example, in countries with a direct election (first past the post) system, a similar method must be adopted to bring in women, rather than an indirect or proportional representation modality; in those with a proportional representation system, women should be brought in through the same method; and if there are mixed electoral systems or different election methods for different legislative bodies, the methods for bringing in women must be adapted accordingly.

5. The system of reservation must ensure that women also reach elective bodies. While it is important for women to participate in the electoral process, it is equally essential to ensure that the measures undertaken result in women actually getting substantial representation in the elective bodies. This can be achieved either through reserving an actual number or proportion of seats for women; or, if the methodology is that of increasing the number of women candidates, by ensuring that the proportion is substantial enough and they are also given winnable positions or constituencies.

In the context of **Pakistan**, this means that:

- There should be a minimum overall **33% allocation of seats for women in all the legislative bodies** i.e. the Senate, National Assembly and Provincial Assemblies.
- The target should be achieved through the provision of **additional seats**.
- The reservation must **extend to all categories** within the legislative bodies (regional, professional, religious etc.).
- The election of women to **Senate** seats should be through the **existing indirect modality**; while elections to seats in the **National and Provincial Assemblies** must be **direct, constituency-based and by a joint electorate of men and women**.

OFFICIAL CONSULTATION ON WOMEN'S LEGISLATIVE REPRESENTATION

On 8 May 2001, the Ministry of Women's Development organised a one-day consultation in Islamabad on the issue of women's legislative representation. It included government representatives, women nazims/naib nazims and former legislators, some women from political parties and NGOs, as well as concerned individuals. Some of the recommendations, approved by the overwhelming majority, were as follows:

Proportion of representation

- There should be an overall 33% representation of women in all legislative bodies (Senate, NA & PAs).
- In the NA and PAs, this should be ensured through increasing the number of seats and allocating them to women.
- In the Senate, this should be achieved through increasing provincial quotas, and allocating

one-third seats in every category to women.

- The reservation of seats for women would not affect their equal right to contest open/general seats.

Time-Frame

- The reservation should be for a period of 25 years or 5 general elections.
- However, if parliament is unable to take any decision about it within 60 days of the expiry of the provision, it would be extended for a further period of 10 years or 2 elections.

Modalities

- For the Senate seats, the existing system of election should be maintained.
- For the NA and PAs, the modality should be through establishing double-candidate constituencies, and direct elections to these seats by a joint electorate of men and women.

PROPOSED NUMBER OF SEATS FOR WOMEN

The proposed number of seats for women in the different legislative bodies of Pakistan are based on the principle of overall 33% representation of women, through the provision of additional seats. This results in a 2:1 ratio between general seats and women's seats, which follows the pattern established in union councils under the Devolution Plan (8 general/Muslim seats: 4 women's seats). The tables below also indicate what changes are required to achieve these proportions. [Note: no specific numbers have been proposed for non-Muslim seats in the provincial assemblies, since more work on this needs to be done by the Election Commission].

FEDERAL PARLIAMENT

National Assembly

Existing seats	Change required
207 general Muslim (total 207)	Add 103/104 for women
10 non-Muslim (total 10)	Raise to 15, allocate 5 of them to women (total 15)
	Total: 325 or 326, of which 108/109 (33% of 325/326) are allocated to women

Senate

Existing seats	Change required
14 per province (total 56)	Add 7 per province for women (total 84)
8 FATA (total 8)	Reduce to 6, allocate 2 to women (total 6)
3 federal capital (total 3)	Allocate 1 of them to a woman (total 3)
5 technocrats per province (total 20)	Raise to 6 per province, allocate 2 per province to women (total 24)
Total: 87	Total: 117, of which 39 (33% of 117) are allocated to women

PROVINCIAL ASSEMBLIES

Existing seats	Change required
Punjab Assembly	
240 general (total 240)	Add 120 for women
8 non-Muslim (total 8)	Raise & allocate 33% of them to women
Sindh Assembly	
100 general (total 100)	Add 50 for women (total 150)
9 non-Muslim (total 9)	Raise & allocate 33% of them to women
NWFP Assembly	
80 general (total 80)	Add 40 for women (total 120)
3 non-Muslim (total 3)	Raise & allocate 33% of them to women
Balochistan Assembly	
40 general (total 40)	Add 20 for women (total 60)
3 non-Muslim (total 3)	Raise & allocate 33% of them to women

POSSIBLE ELECTION MODALITIES

As discussed earlier, elections to seats reserved for women in the Senate should be in accordance with the existing modalities. But for elections to reserved seats in the National and Provincial Assemblies, the method has to be based on the principle of direct, constituency-based elections by a joint electorate. This is the only way women will become strengthened at the community-level and be able to effectively come into mainstream politics. However, it must from the outset be kept in mind that since the reserved seats for women are in addition to general seats, which cover all the constituencies, some overlapping of constituencies for both types of seats is inevitable.

This section briefly describes two optional election modalities which appear to be most appropriate and have gained the widest support among concerned circles. Both modalities meet the criteria given above and are based on the principle of an overall 33% representation of women.

Modality One : Rotating Double-Member Constituencies

This modality envisages a rotational system in which alternating constituencies are declared double-member constituencies to accommodate women's seats. More specifically:

- In each election, every second constituency will be designated a double-member constituency.
- In each designated constituency, there will be one general seat (open to both men and women) and one seat reserved for women.
- All eligible voters (men and women) in these constituencies will have a double vote, one for the general seat and one for the reserved seat.
- The double-member constituencies will rotate after each election, thus all constituencies will be covered over two elections.
- This rotation will continue till the expiry of the provision for reserved seats.

Example of NA

- ⇒ For the first election, every second constituency (NA-1, NA-3, NA-5 etc.) will be declared a double-member constituency. Thus, 104 (out of 207) NA constituencies will be covered.
- ⇒ In the second election, the remaining 103 constituencies (NA-2, NA-4, NA-6 etc.) will become double-member constituencies. In this way, all 207 constituencies will be covered over two elections.
- ⇒ Thereafter, the same process will continue to be repeated as long as the provision for reserved seats remains.

The major **advantage** of this modality is that women will have normal-sized constituencies to deal with. Moreover, if they perform well during their term on reserved seats, they stand a better chance of getting a ticket for the general seat in the next election, when the reservation passes on to the next constituency. The **disadvantage** is that, at any one time, only half the constituencies will have double representation. [Note: It must also be pointed out that if the proportion of reserved seats is reduced to less than 33%, it will take more elections to cover all the constituencies.]

Modality Two: Enlarged Constituencies For Women

This modality envisages a system in which the constituencies for women's seats will consist of two normal-sized constituencies. More specifically:

- In every election, the country or concerned province will be divided into enlarged constituencies (consisting of two normal-sized constituencies), only for the purpose of elections to women's reserved seats.
- The constituencies for elections to general seats will remain as they are.
- All eligible voters (men and women) will have a double vote, one for the general seat in their normal constituency, one for the reserved seat in the enlarged constituency.

Example of NA

- ⇒ For each election, every two adjoining constituencies will be combined into enlarged constituencies (e.g. NA-1+NA-2, NA-3+NA-4 etc.) for the purpose of elections to women's seats.
- ⇒ This system will continue as long as the provision for reserved seats remains.

The main **advantage** of this modality is that the entire country gets covered in every election. The **disadvantage** is that women will have double-sized constituencies to deal with, both during and after elections. In the case of NA elections, there could also be a problem because of the uneven number of constituencies. [Note: It must also be pointed out that if the proportion of reserved seats is reduced to less than 33%, the size of the constituencies would become even larger.]



SOME COMMON CONCERNS ABOUT WOMEN'S POLITICAL REPRESENTATION

In recent years there has been a growing acceptance of the idea of increased political representation of women. However, there are still several concerns expressed at different levels of society about the importance of the issue, the proportion of representation being demanded and the methods for achieving this. This section responds to some of the questions most commonly asked in this context.

Q. *Why do we focus so much on the issue of women's political empowerment? Shouldn't we be paying more attention to the real issues which affect the overwhelming majority of women e.g. education, health, employment, discriminatory laws, violence against women etc.?*

A. It is precisely because of the importance of these real issues, which have suffered gross neglect in the past, that we focus on the issue of women's political empowerment. We must understand that decisions about these issues are made in political and legislative forums. Therefore, unless women gain access to these bastions of formal political power and the resources they control, and become a part of the decision-making process, the situation of women's inequality will never begin to get effectively addressed and reversed. Furthermore, it is equally important for women's views and concerns to get reflected in all other matters of public policy, since these also equally affect women as citizens of Pakistan.

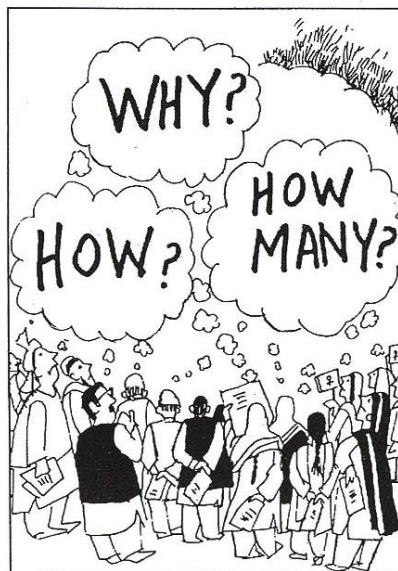
Q. *But why is it important for women to actually be there in legislative forums? Can't the legislators, regardless of their sex, represent women's interests and concerns? After all, they are brought in by the vote of both women and men.*

A. In theory, of course, the legislators are meant to represent the interests of both men and women, but the reality is far different. Studies have shown that women's concerns, interests and priorities can be very different from those of men. However, male legislators largely tend to reflect male perspectives, even in their articulation of women's concerns. Nor are women's issues ever a priority for male legislators. As we know from our own experience, the highly discriminatory laws affecting women have not even been touched by our male-dominated legislatures, despite recommendations made in official reports; and we have also, in recent years, had to witness the shameful spectacle of a resolution against honour killings of women being thrown out by the Senate with barely any dissenting voices. We are also aware that Pakistan's gender-development and gender-empowerment indices continue to remain amongst the lowest in the world. All of these reinforce the point that the reflection of women's perspectives can only be ensured if women themselves are actually there in the legislative bodies.

Q. *Getting representation for women at the local government level makes sense. This is the level at which issues relating to their daily lives are dealt with, and women could make a positive contribution. But what will they really be able to do at the legislative level, for which they have neither the necessary knowledge nor experience?*

A. Firstly, it is important for women to be represented

at all levels, since each body has its own role and area of responsibilities in the country's governance structure. Thus, for example, the legislatures are responsible for making decisions about laws and budgets, which have macro-level impact, while local government deals with more micro-level decision-making and implementation. Both levels are important if significant impact is to be achieved, and both are of very direct relevance to women's lives. As far as knowledge is concerned, of course there may not be that many women with knowledge about legislation or the legislative process, but this is something they can learn as they gain experience. It may be pointed out that the vast majority of men in the legislatures also lack this knowledge, and several come in without any experience, but this is never held against them or used as a reason to exclude them from these bodies.



Q. *When women have equal political rights, why do we demand special privileges to get them into legislative bodies? Isn't this against the principles of equality?*

A. Equality today is no longer understood as just formal equality, but as real or substantive equality. Experience from all over the world, including Pakistan, has shown that merely giving equal political rights on paper, when there is inequality in all other spheres, is never enough to bring about actual equality in fact. Special measures, therefore, have to be undertaken to overcome the numerous constraints which prevent women from being able to avail their rights. Thus, affirmative action measures are not 'special privileges' or against the principles of equality, but a means of achieving real equality by reversing the imbalance caused by centuries of discrimination. It must also be emphasised that these are meant to be temporary measures to facilitate equality, and have also been used to boost the participation of other disadvantaged sectors of society.

Q. *Can we really expect to get such a high proportion of representation for women in a*

country like Pakistan, where women lag so far behind men in other respects? Even in most of the modern countries in the West, where women have achieved equality in almost all other sectors, they have not yet managed to attain a very high representation at the legislative levels.

A. There may still be some countries in the West where the proportion of women at legislative levels has not reached very high levels, despite equality in other areas. However, the trend is rapidly changing, not just in Western countries, but across the world. Thus, today there are significant proportions of women in the parliaments of a fairly large number of countries, and efforts towards this are being made in several others. In any event, women's strategies can vary in different parts of the world, according to their own needs and circumstances. Where there is equality in other sectors, the need for equal legislative representation may not be considered that critical. However, in countries like Pakistan, where the pace of women's development over the decades has been unacceptably slow, the attainment of political representation is increasingly being viewed as the only strategy through which the process of addressing women's critical issues can be expedited. Substantial representation of women in legislatures, therefore, is not just an end in itself, but the means of effectively reversing the trends of women's inequality.

Q. *Wouldn't it be simpler to revive the old system of indirect election to women's seats by already-elected members, or to bring them in through a proportional representation system, rather than introducing a system of direct elections?*

A. As explained in an earlier section, the goal of affirmative action for women's reserved seats is to mainstream women in the political system; and this can only be achieved if the method of bringing them in is similar to the mainstream electoral system. This is why the previous indirect election modality, which was totally different from general election system and kept women isolated from the constituencies in which they could have built up political strength, failed to achieve its objective. The same problem will arise by introducing the proportional representation modality, which visualises the allocation of women's seats to political parties in proportion to the votes received by them in the elections.

Q. *If women are to be brought in through direct elections, wouldn't it be better if political parties were made to allocate a certain proportion of tickets for general seats to women, rather than reserving seats for them?*

A. This could be done in addition to reserving seats for women, but should not be considered as an alternative, since the method cannot ensure that women would actually win those seats and reach the assemblies. Our own experience has also shown that when political parties feel obliged to give tickets to women, they usually do so in losing constituencies. Moreover, this system is also likely to meet with the most resistance from political parties, since it means that a significant

proportion of politicians or political families with 'traditional' seats would have to give these up to accommodate the women candidates.

Q. *Wouldn't it be better if women on reserved seats were brought in by the vote of just women? Surely this would be the only way of ensuring that they represent women's interests and concerns.*

A. When women are brought in on reserved seats for women, they will always be conscious of the fact that they must represent women's interests, regardless of whether they are voted in by just women or not. But there are two reasons why women's groups are today demanding that the electorate for women's seats must comprise both women and men. Firstly, it must be remembered that the women on reserved seats will also be dealing with other issues of concern to their entire constituency, both women and men, and should therefore be voted in by both. Secondly, since the idea of reserved seats was to bring women into the political mainstream, and they will eventually have to start contesting general seats when the provision of reserved seats expires, they must learn

to deal with and build support among both their male and female constituents.

Q. *The modality of direct, constituency-based elections to women's seats may be the best way of mainstreaming women in the political system, but won't it create problems for them? Most women neither have the financial resources or experience required to contest direct elections, and it may be difficult for them to reach out to the entire constituency of women and men.*

A. While women will obviously face some problems in contesting direct elections, the reality is that they will have to learn to face them if they want to enter mainstream politics. It must also be pointed out that the problems are not as acute as they may seem: (i) Women will contest these seats against other women, who will also be subject to the same disadvantages, so the contest will not be an unequal one; (ii) There will also be a general seat (or seats) from their constituencies, therefore women will be able to join up with these candidates, particularly from their own parties, to run their election campaigns. This will help to cut down on financial

costs and problems of outreach; (iii) Political parties, most of which do not provide any financial support to candidates, may also feel compelled to provide some measure of support to its female candidates, especially if the proportion of women's representation is large enough to affect their majority in legislative bodies. Many women political party workers have already expressed their readiness to contest direct elections. In fact, since they are the ones with experience and support at the grassroots level, they feel that they stand a better chance of getting party tickets if the elections are direct.

Q. *Where will we find the women to contest such a large number of seats?*

A. Finding women willing to contest these seats will never be a problem. This is what the politicians used to say about local bodies, but look at the thousands upon thousands of women who came forward to contest elections at this level. Several women also contested nazim and naib nazim seats, which involved direct contests with men. Even in the past, we have seen that a significant number of women apply for party tickets to general seats, and some have even contested them as independent candidates.

METHODS OF RESERVATION IN OTHER COUNTRIES: SOME EXAMPLES

Several countries, across the world, have undertaken special measures to ensure women's increased representation in elective bodies. Some examples of the different methods adopted for the purpose are as follows:

Statutory Quotas for Women's Seats

In some countries, the constitution or national legislation provides that a *specified number or minimum proportion of seats in elective bodies are reserved for women*. This method ensures the presence of a certain number of women in elective bodies.

- **India:** 33% of the seats in local bodies are reserved for women; and the same method has been proposed for the central and state legislatures.
- **Eritrea:** 30% of the seats in the national and regional assemblies are reserved for women.
- Parliamentary seats for women have also been reserved for women in other countries e.g. **Uganda, Bangladesh and Tanzania.**

Statutory Quotas for Women as Election Candidates

In some countries, the electoral law establishes a *compulsory minimum quota for women as election candidates*. This system ensures women's participation in the electoral process. However, unless the quota is substantial enough or there is a provision that women's names must be placed in winning positions on lists (in the proportional representation system), it does not necessarily ensure that women will reach elective bodies.

- **Italy:** 50% of the proportional representation ballot must consist of women.
- **Argentina:** Women must make up 30% of the ballot and must be placed in 'winnable' positions on the party list.
- **Brazil:** Women must make up 20% of the proportional representation ballot.

Quotas Set by Political Parties

In several countries, some *political parties have themselves established internal quotas for women as election candidates*, even though there is no law which makes this mandatory. As with the previous method, where the quotas are high enough or women are placed in winning positions, this has significantly increased their representation.

- **Norway:** In 1983, the Labour Party decided that both sexes must be represented by at least 40% at all elections and nominations.
- **Denmark:** In 1988, the Social Democratic Party established the rule that each sex had the right to at least 40% representation as candidates for local and regional elections, unless there were insufficient candidates.
- **Sweden:** In 1994, the Social Democratic Party introduced the principle that every second person on the party list of candidates must be a woman.
- **South Africa:** In 1994, the African National Congress fixed a quota of 30% seats for women on party lists for national and provincial elections.
- **United Kingdom:** In 1995, the Labour Party decided that 30% tickets for national elections would be allocated to women. This decision was later challenged in court and abolished. The government is shortly planning to introduce legislation which will allow political parties to have these quotas for the next general election.
- **France:** In 1999, the constitution was amended and a new law passed in 2000, which made political parties legally obliged to put up an equal number of male and female candidates for local government, regional and European elections. In parliamentary elections, parties will suffer a cut in their state funding if they do not put up equal numbers of male and female candidates.

COUNTRIES WITH THE HIGHEST REPRESENTATION OF WOMEN IN PARLIAMENT

Today there are several countries in the world where women have managed to achieve high levels of representation in their national parliaments. These include countries from across all the continents. Following is a list of the countries in which women have more than 20% representation in parliament or one house of parliament.

Country	Lower House	Upper House	Country	Lower House	Upper House
	% W			% W	
Sweden	42.7	--	Seychelles	23.5	--
Denmark	37.4	--	Belgium	23.3	28.2
Finland	36.5	/ --	Australia	23.0	30.3
Norway	36.4	/ --	Switzerland	23.0	19.6
Netherlands	36.0	/26.7	Tanzania	22.3	--
Iceland	34.9	--	Monaco	22.2	--
Germany	30.9	24.6	China	21.8	--
New Zealand	30.8	--	Lao PDR	21.2	--
Mozambique	30.0	--	Canada	20.6	32.4
South Africa	29.8	31.5	Croatia	20.5	6.2
Spain	28.3	24.3	DPR Korea	20.1	--
Cuba	27.6	--	Bahamas	15.0	31.3
Austria	26.8	20.3	Jamaica	13.3	23.8
Grenada	26.7	7.7	T. & Tabago	11.1	32.3
Argentina	26.5	2.8	Barbados	10.7	33.3
Turkmenistan	26.0	--	Malaysia	10.4	26.1
Viet Nam	26.0	--	Belarus	10.3	31.1
Rwanda	25.7	--	Belize	6.9	37.5
Namibia	25.0	7.7	Lesotho	3.8	27.3

The data in the table has been provided by Inter-Parliamentary Union on the basis of information provided by National Parliaments as of 1 July 2001.

HISTORY OF WOMEN'S RESERVED SEATS IN LEGISLATURES IN PAKISTAN

The system of reserved seats for women in legislative assemblies has existed in Pakistan, in one form or another, since its creation.

1947: After Independence, the Government of India Act 1935, which Pakistan adopted with some changes to serve till the formation of the constitution, contained provisions for reserved seats for women.

1956: The 1956 Constitution provided for 10 reserved seats for women in the NA, in addition to the 300 general seats equally divided between East and West Pakistan; and 10 seats in each of the PAs, in addition to the 300 general seats (about 3%). The seats were to be filled in through the vote of women in selected territorial constituencies. However, no elections were held under the 1956 Constitution.

1962: The 1962 Constitution provided for 6 reserved seats in the NA [3 from each wing] out of a total of 156, later increased to 218 (3.2%

1985: Through an amendment to the Constitution, the number of reserved seats for women in the NA was raised to 20 (almost 10%) and the period of reservation extended to 10 years or three general elections whichever came earlier. The system of separate electorates for minorities was also introduced.

1988: The constitutional provision for reserved seats, with the increase introduced in 1985, stayed in force for the 1988 elections, but expired thereafter. This was justified on the basis that three general elections (1977, 1985 & 1988) had been held, despite the fact that the 1977 elections had been declared null and void

1989: The PPP government moved a bill for extension of the existing provision for reserved seats and tried to secure consensus on the issue, since a two-thirds majority was required for a constitutional amendment. However, the government was dismissed in 1990 before any result could be achieved. The IJI government

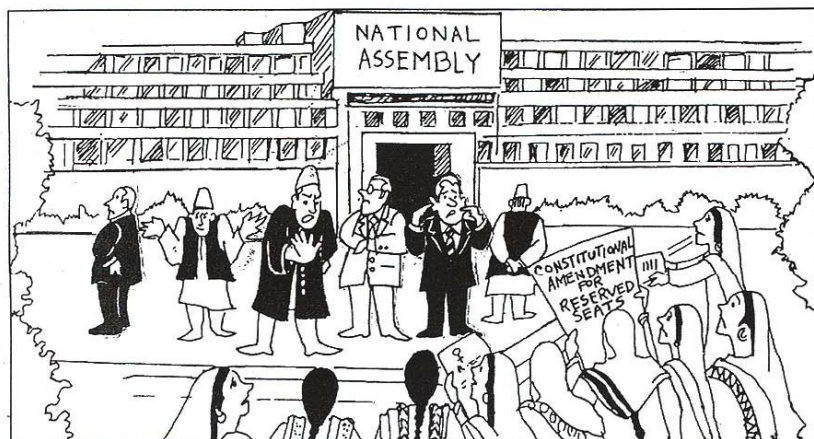
the subject. There had been no further progress on the issue when the assemblies were suspended in October 1999.

Equal participation of men and women in decision-making is a prerequisite for effective and genuine democracy.

The importance of the issue cannot be minimised. The women of Pakistan have been virtually unrepresented in the past.

There is no justification for any further delay. The sooner strong action is taken, the sooner will it be possible to gradually phase out the system of special reservation, which is only meant as an interim measure till its objectives have been achieved.

Extracts from the Report of the Commission of Inquiry for Women - August 1997



reduced to 2.7%); and 5 seats in each of the PAs out of a total of 155 (3.2%). The method of direct election was changed to indirect, by making members of the NA and PAs the electoral college.

1970: The Legal Framework Order reserved 13 seats for women in the NA [7 from East Pakistan, 3 from Punjab and one each from Sindh, NWFP and Balochistan], in addition to 300 general seats (4.15%), to be elected through the vote of NA members from the respective provinces. In the PAs, 21 seats were reserved altogether [10 in East Pakistan, 6 in Punjab and 2 each in Sindh and NWFP and one in Balochistan], to be voted in by members of the respective PAs.

1973: The 1973 Constitution reserved 10 seats for women in the NA (almost 5%), in addition to the general seats and seats for non-Muslims; and a number equal to 5% of the general seats in each PA, in addition to the general and non-Muslim seats (less than 5%) for 10 years or two general elections whichever was later. The reserved seats were to be filled in by votes of the already-elected members of the respective assemblies, seats in the NA being proportionally allocated to the provinces. No seats were reserved for women in the Senate.

which followed (1990-93) made no effort in this regard.

1993: The PPP government prepared another bill when it returned to power in 1993. This provided for 9 reserved seats in the Senate (for the first time), 25 seats in the NA (an increase of 5 seats), and the same 5% reservation in the PAs, with no time limit for such reservation. However, the method of election remained the same. The PML-N in opposition countered this with alternative proposals and also demanded that the issue be addressed as part of a larger constitutional package. There was no progress on the issue till 1996 when the PPP government was again dismissed.

1999: In January 1999, the PPP introduced a bill in the Senate, proposing 9 reserved seats for women in the Senate, 40 in the NA (double the previous number) and 20% in the PAs (four times the previous reservation). It also provided for the seats to be distributed proportionately among political parties in the concerned assembly, according to the number of votes secured by them in elections. The bill was referred to the standing committee, and the PML-N government stated that it would soon be introducing its own bill on

WOMEN IN PARLIAMENT: PAKISTAN

National Assembly

Election Year	Total Members	No. of Women	%
1985	237	23	9.7
1988	237	24	10.1
1990	217	2	0.9
1993	217	4	1.8
1997	217	7	3.2

Senate

Election Year	Total Members	No. of Women	%
1985	87	0	0.0
1988	87	1	1.1
1990	87	1	1.1
1993	87	1	1.1
1997	87	2	2.3

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