



Legislative Quotas for Women

A Global & South Asian Overview
of Types and Numbers

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**Published under
Legislative Watch Programme for
Women's Empowerment**

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Introduction

Years of struggle and experience by women's rights groups and activists across the globe have reinforced the belief that democracy cannot fully be realized unless there is equal participation of women and men in political and legislative process and decision-making.

One critical way of removing historical discriminations against women and mainstreaming them into politics is to introduce legislative or political quotas for them through affirmative action measures by the governments and political parties.

There are numerous studies conducted in several countries which indicate that quotas set the numbers and gender balance right in political and legislative institutions. These studies establish that quotas, as one of the mean for change, help women in acquiring influence in political sphere and elected forums.

Commitment by political parties is considered one of the biggest benchmarks of success for women's effective political & legislative representation. Political parties hold the key to the equal participation of women in political life. Political culture responsive to women's needs and aspirations within political parties make them a recognizable factor. In countries where political climate remains unfavourable to women's concerns, women usually face a lot of challenges and constraints in their journey towards women's empowerment.

Some experts on quota systems think that types of quota system also matter. Quotas do have an impact, whether they are voluntary or binding. However, some quota systems are not effective. Equally important is the modality of elections on quotas.

The indirect modality of elections on reserved seats for women in Pakistan is one such example where a particular modality has resulted in one huge disadvantage i.e. it deprives women from having constituencies and as such, they cannot establish contact with the electorate and remain dependent on their male-dominated political hierarchies. The issue has been dealt in detail in the book.

For some experts, types of electoral system also matter. There are electoral systems which are more likely to produce better results. For example, international experience tells us that ‘first past the post’ electoral systems are less likely to get women elected than proportional systems.

Last but not the least, women’s rights movement matters: the presence and influence of women’s rights movement and groups contribute towards an enabling and supportive environment for political party women.

Women’s political participation is one of the key areas of Aurat Foundation’s work for decades. We believe that women’s representation in legislative and other decision-making forums certainly make a difference, both in quantitative and qualitative terms, in advancing women’s human rights and enhancing women’s status in society.

We are publishing this booklet with the earnest hope that this would facilitate in developing better understanding of the rationale behind affirmative action measures for quotas for women in legislatures; different types of quotas and some best practices vis-à-vis these quotas in various countries, including Pakistan.

The information and analysis in this booklet is the result of collective effort by Legislative Watch Programme staff and a few friends of Aurat Foundation outside the organization. We are also grateful to the Norwegian government for their development assistance to this programme and publication of this booklet.

Naeem Ahmed Mirza
Chief Operating Officer
Aurat Foundation
June 2012

1 Background and Context

Background

Women have historically been kept away from power structures everywhere in the world. Though they constitute almost half the population of every country, yet they have little say in the affairs of governance in their respective countries. After the advent of democracy it was expected that interests of different groups in society including women would now be safeguarded but that has not happened. It remains an elusive dream and even in democracies women continue to suffer, the main reason being their failure to get a fair share in decision-making structures.

That is why the proponents of women's rights have argued that concepts such as democracy, citizenship and nationalism though considered neutral, are in fact, in practice extremely gender biased. They argue that a democracy to be effective and stable must have true representation from all the segments of society including that of women. They further advocate that "Political rights for women are basic human rights, and human rights are an integral part of democracy. Thus the involvement of both women and men in the decision making process is a *sine qua non* in democracy".¹

In democracies, parliament is the forum where a country's policies are discussed and formulated. Ideally a democratically elected parliament should reflect the views and interests of the society from which it is drawn and it should allow those perspectives to shape the society's social, political and economic systems. But in practice this is not the case and women representation in the parliaments is only marginal. So it can rightly be said that those parliaments cannot be called inclusive which do not have the full participation of women. Societies become more equitable when women participate in all aspects of their political lives

¹ Mar'iyah, Chusnul. The Political Representation of Women in Indonesia: How Can It Be Achieved? The Implementation of Quotas: Asian Experiences, Quota Workshops Report Series, International IDEA, Stockholm, 2003

including the parliaments, and democracy is both strengthened and enhanced.

The Universal Declaration on Democracy adopted by the Inter-Parliamentary Council at its 161st session in Cairo on 16 September 1997 states:

*"The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences".*²

Struggle for achieving due representation of women in the power structures is as old as that of women's rights. However, it gained momentum in the early 20th century. It was during this period that the issue of separate political reservation for women was first raised in the Indian sub-continent during the course of the Nationalist Movement in the 1920s, as a result of which women of urban areas were given a right of vote.³

As the modern women's rights movement gained strength the world over during the second half of the 20th century the demand for women's due share in the decision making processes was raised with a new vigour.

The advocates of women's rights re-emphasized that: "There is a fundamental link between democracy and a genuine partnership between men and women in the management of public affairs and that the equal participation of women in parliamentary processes not only benefits society, but is required in legitimate democracies".⁴

It was in this background that the first United Nations World Conference on Women was held in Mexico City in 1975. Since then the international community has started paying more attention to women's representation

² <http://www.ipu.org/cnl-e/161-dem.htm>

³ Raman, Vasanthi. *The Implementation of Quotas for Women: The Indian Experience*. International IDEA, Stockholm, 2003

⁴ Johnsson, Anders B. *Foreword*, Equality in Politics: A Survey of Women and Men in Parliaments, Inter-Parliamentary Union, Geneva, 2008

in and its impact on political decision-making structures. The commitment to ensure the equal participation of women and men in political sphere has also been vividly expressed in the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, which has received near universal endorsement. The Fourth United Nations World Conference on Women held in Beijing, China in September 1995 was a major milestone as far as the realisation of women's rights is concerned. The Beijing Platform for Action called upon the governments to take measures for ensuring women's equal access to, and full participation in, power structures and decision-making bodies, and to set specific targets and implement measures to increase substantially the number of women, among other means through positive action.

In 2000, the United Nations also recognized the central role of women in development in the Millennium Development Goals, which has the empowerment of women as one of its measurable goals. The proportion of seats held by women in parliament is one of the key indicators in measuring progress in this regard.⁵

The inclusion of women in political decision making is not just about women's right to equality and participation in the conduct of public affairs; it is also about using women's resources and potential to determine political and development priorities that benefit societies and the global community, so it is not just a matter of right but getting it right, argues Anders B. Johnsson, Secretary General Inter-Parliamentary Union in his Foreword to the IPU study "Equality in Politics: A Survey of Women and Men in Parliaments".⁶

In her book, *Engendering Democracy*, Anne Phillips extends a number of arguments in favour of women's equal representation to men in the political structures. She says that it is a matter of democratic justice, as democracy claims to recognise the human rights of all individuals and this must necessarily include women. It is, therefore, a violation of human rights, she concludes to exclude women from public life. Her other

⁵ Equality in Politics, Inter-Parliamentary Union, 2008

⁶ Equality in Politics, Inter-Parliamentary Union, 2008

argument is that it is an immense waste of knowledge, wisdom and skills to automatically exclude half the world's population from the list of eligible politicians, as women have a potentially vast and unique set of attributes to contribute to the public sphere. She is also of the opinion that women bring something distinctly different and unique to political positions. Women are different and cannot be adequately represented by males in creating a socially balanced political arena. She says that women's representation and inclusion of their perspectives and experience into the decision-making process will inevitably lead to solutions that are more viable and satisfy a broader range of society. Her final argument is that in a world still battling to attain social equality between the genders, having women represent their communities in government creates a vital role model for upcoming generations.⁷

These arguments have been summed up in a report of the International IDEA project as follows:

- Women represent half of the population and have the right to half of the seats (It is also referred to as the justice argument);
- Women have different experiences (biologically or socially constructed) which should also be represented (It is known as the experience argument);
- Women and men have partly conflicting interests and thus men cannot represent women (It is referred to as the interest group argument).
- The importance of women politicians as role models that may pave the way for other women.⁸

However, in spite of this international attention women's access to parliament has been described as "frustratingly slow and very often disappointing". In 1975, women held 10.9 percent of all parliamentary seats worldwide. After more than three decades of pledges, prescriptions and persuasion, women occupy only 19 percent of all parliamentary seats

⁷ <http://www.freeonlineresearchpapers.com/political-representation-women>

⁸ The Implementation of Quotas for Women: The Indian Experience. International IDEA, Stockholm, 2003

in 2010. There has been slight increase in this percentage to 19.8 in the last two years with women making headway in several countries.

In 2010, there were 20 countries in the world where women held 30 percent or more of the seats in lower or single chambers. Today, in 2012, the number of these countries has risen to 32 from 20. In 2008, Rwanda superseded Sweden as number one in the world in terms of women's parliamentary representation — 56.3 percent women against Sweden's 47.3 percent. In 2010 and after, Sweden's percentage fell to 44.7 and several developing countries including Uganda, Argentina, Tanzania, Nicaragua, Andorra and South Africa have surpassed the ceilings above 35%. Of the countries above the 30 percent mark, half are developing countries. At the other end of the scale, one-third of parliaments have less than 10 percent women members, including 17 parliaments with less than three per cent and seven with no women at all in the legislature.⁹

It is universally recognised that many prejudices and lack of financial resources, are among the top hurdles women face in the way of getting appropriate representation at the decision making forums including the elected institutions. International Parliamentary Union survey: Equality in Politics: A Survey of Women and Men in Parliaments, has reconfirmed these shocking realities. It reveals that “prejudice and cultural perceptions about the role of women, together with a lack of financial resources” are among the most influential obstacles to women's entry into parliaments.¹⁰

The survey has also reconfirmed the arguments of women's rights forums that obstacles to women's political participation are not particular to any specific area or culture but exist throughout the world in prevailing social and economic regimes, as well as in existing political structures. It means increasing women's participation and representation in political life requires efforts to address political, economic, social, cultural and religious constraints within both formal and informal public and private spheres all over the globe.

⁹ www.quotaproject.org

¹⁰ Equality in Politics, Inter-Parliamentary Union, 2008

The Beijing Platform for Action, adopted at the Fourth World Conference on Women in 1995, represented a discursive shift in understanding of the problem of women's under-representation. It focused on "discriminatory attitudes and practices" as the main problem rather than women's lack of resources, as the goal was not just an indefinite "more women in politics," but a demand for equal participation and equitable distribution of power and decision making at all levels. Consequently, special measures and the use of specific targets were recommended. Gender quotas are one such measure.¹¹

Countries with highest women's representation in lower and upper houses of the parliament¹²

WORLD CLASSIFICATION									
Rank	Country	Lower or single House				Upper House or Senate			
		Election	Seats*	Women	%W	Elections	Seats*	Women	%W
1	Rwanda	9 2008	80	45	56.3%	9 2011	26	10	38.5%
2	Andorra	4 2011	28	14	50.0%	---	---	---	---
3	Cuba	1 2008	586	265	45.2%	---	---	---	---
4	Sweden	9 2010	349	156	44.7%	---	---	---	---
5	Seychelles	9 2011	32	14	43.8%	---	---	---	---
6	Finland	4 2011	200	85	42.5%	---	---	---	---
7	South Africa ¹	4 2009	400	169	42.3%	4 2009	53	17	32.1%
8	Netherlands	6 2010	150	61	40.7%	5 2011	75	27	36.0%
9	Nicaragua	11 2011	92	37	40.2%	---	---	---	---
10	Iceland	4 2009	63	25	39.7%	---	---	---	---
11	Norway	9 2009	169	67	39.6%	---	---	---	---
12	Mozambique	10 2009	250	98	39.2%	---	---	---	---
13	Denmark	9 2011	179	70	39.1%	---	---	---	---
14	Costa Rica	2 2010	57	22	38.6%	---	---	---	---
15	Angola	9 2008	220	84	38.2%	---	---	---	---
16	Belgium	6 2010	150	57	38.0%	6 2010	71	29	40.8%
17	Argentina	10 2011	257	96	37.4%	10 2011	72	28	38.9%
18	Spain	11 2011	350	126	36.0%	11 2011	263	88	33.5%
-	United Republic of Tanzania	10 2010	350	126	36.0%	---	---	---	---
19	Uganda	2 2011	386	135	35.0%	---	---	---	---
20	Nepal	4 2008	594	197	33.2%	---	---	---	---
21	Germany	9 2009	620	204	32.9%	N.A.	69	19	27.5%

¹¹ Dahlerup, Drude. "Case Study: Gender Quotas - A Fast Track to Enhancing Women's Representation under the Right Conditions", Equality in Politics, Inter-Parliamentary Union, 2008

¹² <http://www.ipu.org>

22	Serbia	5 2012	250	81	32.4%	---	---	---	---
23	Ecuador	4 2009	124	40	32.3%	---	---	---	---
-	Timor-Leste	6 2007	65	21	32.3%	---	---	---	---
24	New Zealand	11 2011	121	39	32.2%	---	---	---	---
-	Slovenia	12 2011	90	29	32.2%	11 2007	40	1	2.5%
25	Belarus	9 2008	110	35	31.8%	7 2008	58	19	32.8%
26	Algeria	5 2012	462	146	31.6%	12 2009	136	7	5.1%
27	Guyana	11 2011	67	21	31.3%	---	---	---	---
28	The F.Y.R of Macedonia	6 2011	123	38	30.9%	---	---	---	---
29	Burundi	7 2010	105	32	30.5%	7 2010	41	19	46.3%

The data in the table above has been compiled by the Inter-Parliamentary Union on the basis of information provided by National Parliaments by 31 May 2012.

** Figures correspond to the number of seats currently filled in Parliament*

Introduction of special measures

Though women's under-representation in politics is not a new phenomenon, but with the maturity of women rights movement today we are witnessing a growing impatience with the very slow rate of change in this regard.

Gender quotas which are being introduced in a growing number of countries are in response to this growing impatience and represent a shift from the old concept of equality to a newer one. The classic liberal idea of equality was a notion of "equal opportunity" or "competitive equality" that called for removing the formal barriers, for example, giving women voting rights. The rest was up to the individual women.

However, following strong pressure from the women rights groups during the last few decades, which is evident for instance in the Beijing "Platform for Action" of 1995, a second concept of equality has been gaining increasing relevance and support: the concept of "equality of result". What is meant by it is that real equal opportunities do not exist just because formal barriers are removed. Besides direct discrimination, a complex pattern of hidden barriers prevent women from being selected as candidates and getting their share of political influence. Thus quotas and other forms of positive measures are a means towards equality of result. The basis of this argument is the experience that equality as a goal cannot be reached by formal equal treatment as a means. Wherever barriers exist,

it is argued, compensatory measures must be introduced as a means to reach equality of result. Then from this perspective, quotas do not become discrimination against men, but compensation for structural barriers that women meet in the electoral process.¹³

Special measures have been introduced in most countries of the world over the last so many years to ensure women's representation in the political structures. Traditionally in order to remove imbalance in women's representation in the elected bodies, reserved seats were considered to be the most appropriate mechanism. And the number of such reserved seats depended on the decision makers' understanding of a particular political situation. Accordingly they chose any number 3, 7 10, 20 etc to be given to women's representation in a particular assembly or parliament.

But with the passage of time this notion of having reserved seats for only one or for very few women, representing a vague and all-embracing category of "women", is no longer considered sufficient. Today, quota systems aim at ensuring that women constitute a large minority of 20, 30 or 40 percent, or even to ensure a true gender balance of 50-50 percent. In some countries quotas are applied as a temporary measure, that is to say, until the barriers for women's entry into politics are removed, but most countries with quotas have not limited their use of quotas in time.¹⁴

Does women's participation make any difference? Do the numbers matter?

The question which arises here is that do the numbers matter? Various studies have shown that numbers do matter. They demonstrate that the more women there are in parliament, the easier it is to address women's issues and to change the gender dynamics in the chamber. In an IPU conducted survey 86 percent of the respondents agreed that greater numbers of women in parliaments would increase women's influence on political policies and priorities.¹⁵

¹³ www.quotaproject.org

¹⁴ www.quotaproject.org

¹⁵ Equality in Politics, Inter-Parliamentary Union, 2008

During the survey it was also revealed that woman parliamentarians tended to emphasize social issues, such as childcare, equal pay, parental leave and pensions; physical concerns, including reproductive rights, physical safety and gender-based violence; and development, which includes human development, the alleviation of poverty and delivery of services. Women have also been instrumental in ensuring that issues such as parental leave and childcare, pensions, gender-equality laws and electoral reforms that enhance women's access to parliaments appear on the legislative agenda.

During the survey it came to be known that women parliamentarians were the most ardent supporters of women and they had redefined legislative priorities to include women's concerns and perspectives. It was seen, in particular, that women in parliaments in almost all regions of the world, were at the forefront of efforts to combat gender-based violence, which is widespread in many societies.

Similarly, the IPU report "Politics: Women's Insight" found evidence that women had made an impact in several policy areas including social services, labour, education, health care, violence, children's rights and laws (including quota laws) in favour of gender equality. Women parliamentarians were also far more likely to raise these issues than men. Another study of Southern African countries found that women had prioritized, and had a great effect on, the drafting of laws related to family, gender-based violence and reproductive rights. It also showed that the breadth and depth of reforms were greater in countries with higher levels of women's representation.¹⁶

These results have strengthened and reinforced women's demands for more representation in parliaments of their countries.

¹⁶ Equality in Politics, Inter-Parliamentary Union, 2008

2 The Quotas

As already stated in the previous chapter the implementation of gender quotas is being increasingly viewed as an important policy measure for increasing women's access to decision-making bodies especially the parliaments. The introduction of gender quota systems is highly influenced by recommendations from international organizations and cross-country inspiration. In 1995, the Beijing Platform for Action called on governments to take measures to ensure women's equal access to, and full participation in, power structures and decision-making bodies, and to set specific targets and implement measures to increase substantially the number of women, through positive action, among other means.¹⁷

We have also seen a clear consensus among comparative studies on the representation of women in parliament that quotas that signified a shift in public equality policy, from "equal opportunities" to "equality of results" have been making a positive impact on the numbers of women represented.

Arguments against and in favour of the quota system

Various arguments have been advanced for and against the introduction of quotas as a means to increase the political presence of women. However the arguments in favour of quotas outweigh the arguments against quota systems. Hence more and more countries of the world are adopting quota systems most suited to their realities.

- **Arguments against the quota system**

Those who oppose quota systems argue that quotas are against the principle of equal opportunity for all. Since in these systems women are given preference over men, as such they are undemocratic.

Quotas are also called undemocratic, as they take away voters' right to decide who is elected.

¹⁷ International IDEA, Stockholm, 2003

It is also argued that quotas imply that politicians are elected because of their gender and not because of their qualifications; and in this way more qualified candidates are pushed aside. Thus quotas violate the principles of liberal democracy.

One argument against this system is that introducing quotas creates significant conflicts within the party organizations.

But the experience of many last decades shows that quotas are the most effective means to make democracies more representative.

- **Arguments in favour of the quota system**

Arguments in favour of quota system are more convincing than the ones against it. Proponents of the quota system argue that quotas for women do not discriminate, but compensate for actual barriers that prevent women from their fair share of the political seats.

They say that quotas imply that there are several women together in a committee or assembly, thus minimizing the stress often experienced by the token women. It is also argued that quotas are justified as women as citizens have the right to equal representation.

Another argument is that women have their own distinct experiences and those experiences are needed in political life.

In response to the arguments that women are generally less qualified and experienced in politics it is stated that election is about representation and not educational qualifications.

In response to the objection that quotas are undemocratic, because voters do not decide who is elected, it is argued that in actual practice the political parties control the nominations and they are not primarily the voters who decide who gets elected; therefore quotas are not violations of voters' rights.

It is now almost universally acknowledged that if properly implemented, quotas are an effective means of fast tracking women's access to decision-making bodies. In India, analysts have

acknowledged that the quota brought a critical mass of women to institutions, with nearly one million women entering councils at the local government level. Similarly, in Pakistan, the 33 per cent quota adopted by the government opened up the political space to women and provided them a strategic opportunity to make a difference in setting and implementing the agenda of local governments. In both the countries women from different socio-economic, political and religious backgrounds took their places on local councils, demonstrating that the quota indeed opened the door for disadvantaged groups.¹⁸

Quota systems

In this chapter we will see what do we mean by quota systems and how do they operate?

In the present context the quota is seen as a mechanism for achieving a significant increase in the level of representation of women in the political process and a means for ensuring that women's political interests are represented and safeguarded.

As already stated the introduction of quota systems for women represents a qualitative jump into a policy of exact goals and means. Because of its relative efficiency, there is a possibility of achieving a dramatic increase in women's representation by using the quota system. That is why an increasing number of countries are using various gender quotas in general elections. According to some estimates about half of the countries of the world today are using some type of electoral quota for their parliaments.¹⁹

As a mechanism quota is also aimed at ensuring that besides parliament women hold a specified percentage of positions in political parties, state committees and government institutions. In other words, we can say that quota systems ensure that women constitute at least a "critical minority" generally of 30 or 40 percent in all these decision making or policy making forums.

¹⁸ International IDEA, Stockholm, 2003

¹⁹ Equality in Politics, Inter-Parliamentary Union, 2008

The quota is also intended to reduce to the minimum level all the obstacles - political, economic and ideological - in the path of women's progress and to overcome prejudices that prevent women from entering into the political arena.

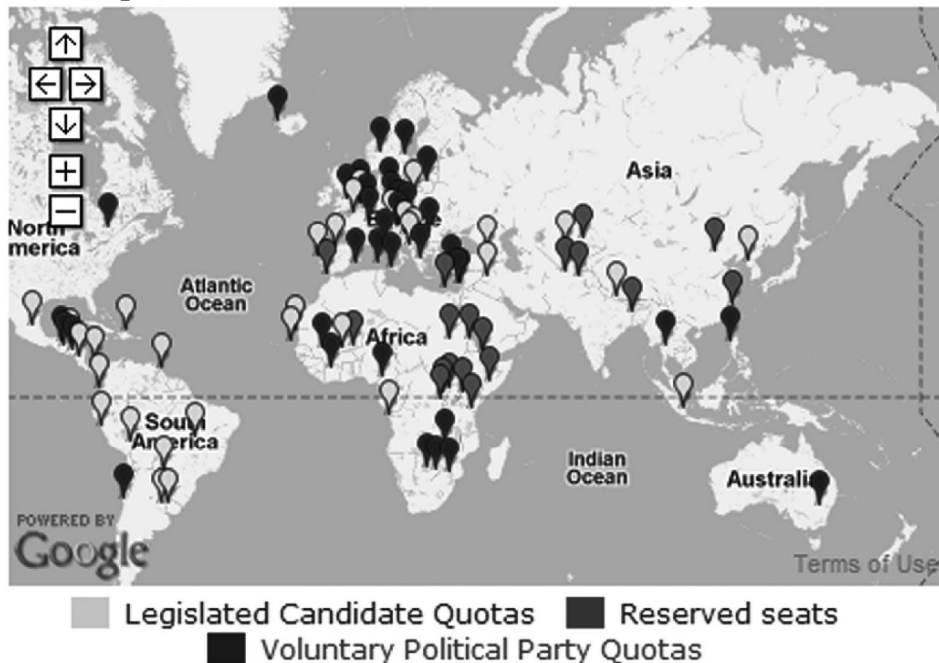
Quotas are implemented in many ways and the quota targets (per cent or number of women) may vary from country to country. Through quotas the target may be fixed at a certain percentage, for example, 30 per cent or at a number like 15 women from every district or province. It may also be decided that quotas will apply at different stages of the selection process (for example, they will apply in the nomination process or at the end of the selection process of election candidates). Similarly, one country may have several quota types.

In the same manner gender quotas can be introduced at any level of the political system: federal, national, regional or local. Some examples of strong quota regimes at the local level are the 50 percent quotas at the local level in France and the 20-33 percent gender quota for local councils in India, Pakistan and Bangladesh.

Quota system can claim many good things like for example it places the burden of recruitment not on the individual woman, but on those who control the recruitment process. The main idea behind this system is that it not only recruits women into political positions but also ensures that women are not only a token few in political life.

According to the Quota Project, which is a joint venture between the International Institute for Democracy and Electoral Assistance (IDEA), and Stockholm University's Department of Political Science, by 2008, around 40 countries had introduced legal candidate quotas for parliamentary, regional or local elections in their constitution or in their electoral law or party law. In another 50 countries, major political parties had introduced gender quotas when compiling their party lists for election (so-called *voluntary party candidate quotas*). Candidate quotas imply that a minimum, of say 30 or 40 percent, of the candidates for election must be women. The most common proportion is 30 percent women, although some are set at 50 percent.

Gender quotas around the world²⁰



There are 90 countries in the world which have one or the other type of quota for women in legislative assemblies.

Number of countries with a gender quota for lower or single house of parliament

Region	Any type of quota	Reserved seats	Legislated candidate quota	Political party quota (voluntary)
Africa	24	11	3	12
Asia	18	5	8	6
Latin America & Caribbean	18	0	13	12
More Developed regions	30	0	9	24
Total (World)	90	16	33	54

²⁰ <http://www.quotaproject.org/>

Types of quotas

There are three different types of quotas in vogue today and each is implemented through various formal or informal mechanisms.

(i) Reserved seats (constitutional and/or legislative)

Reserved seats regulate the number of women elected through party lists of nominations or direct constituency-based elections. Such quota provisions are provided for in the Constitution. They are generally in the form of reserved seats. Constitutional or legislative quotas normally try to reserve a number of places on electoral lists for female candidates or reserve a number of seats in an assembly for women. It is done through a clause in the constitution or by legislation which stipulates that a certain percentage or number among those elected must be women. Increasingly, gender quotas are being introduced using reserved seat systems.

There are many countries where a quota has been imposed through the constitution. These include Pakistan, Bangladesh, Rwanda, Uganda and Afghanistan where seats are reserved for women in legislatures. In India, a quota of 30 per cent at the local level is enshrined in the constitution.

Countries with reserved seats quotas

Eastern Africa (9)	Other Africa (2)	Southern Asia (3)	Other Asia (2)
Burundi	Egypt	Afghanistan	Kyrgyzstan
Djibouti	Niger	Bangladesh	Jordan
Eritrea		Pakistan	
Kenya			
Rwanda			
Somalia			
Tanzania			
Uganda			

- The quota type is prevalent in 16 countries of Africa and Asia, mostly in growing democracies

- Usually, this model has guaranteed seats for women candidates through party lists.
- The biggest disadvantage is the absence of ‘electoral constituencies’.
- A few countries have and some are trying for constituency-based direct elections under this model.

Rwanda deserves special mention and appreciation. It currently tops the IPU ranking in leading the world for having 56% proportion of women’s representation in the lower house, with 45 women in the house of 80, in elections 2008. Rwanda has a quota system of reserved seats like Pakistan’s, but its electoral system is PR and its Constitution says:

"The State of Rwanda commits itself that women are granted at least 30 percent of posts in decision making organs", (Constitution, Article 9 [4]).

The 80 members of the Chamber of Deputies are elected as follows: 53 members elected by direct universal suffrage through a secret ballot using closed List PR; 24 women two from each province and from the city of Kigali by an electoral college with a women only ballot; 2 members elected by the National Youth Council; and one member elected by the Federation of the Associations of the Disabled (Constitution, Article 76).

(ii) Legislated candidate quotas (constitutional and/or legislative)

This type of quota set a minimum proportion of women on candidate lists, as a constitutional or legal requirement. Such quota provisions are stipulated in the national legislation or electoral laws of a country. It is done through a clause in the electoral law which states that a certain percentage or number among those elected must be women.

Nearly 33 countries are using this type of quota in all continents, both in developing and developed world. Some of these are Angola, Argentina, Belgium, Bolivia, Bosnia-Herzegovina, Brazil, France, Indonesia, Mexico, Nepal, Spain, and Uzbekistan.

Argentina introduced electoral legislation in 1993 which requires political parties to select women candidates for at least 30 per cent of winning seats.

In Nepal, the Constitution says: Constituent Assembly shall comprise of 240 members elected from each of the constituencies with the FPTP-system; 335 members elected from the political parties with the PR-system; and 26 members appointed by the Council of Ministers. Women must constitute at least 33 percent of candidates for the FPTP-system and the PR-system combined.

In Spain, in March 2007, the Equality Law modified the electoral law and introduced the "principle of balanced presence". Party electoral lists are required to have a minimum of 40 percent and a maximum of 60 percent of either sex among their candidates in elections to the Lower house (Congress of Deputies). The law was first applied in the general elections of March 2008.

In Mauritania, before the 2006 elections, quotas for women were introduced by decree. In constituencies which are to elect two members to the National Assembly, all candidate lists must include one candidate of each sex. Where three are to be elected, the lists must include at least one female candidate placed first or second.

Quotas are delivering and women have made foothold in constituencies; they are making bold initiatives on women's rights.

These quotas reflect respective States' commitment to gender equality, in particular, their willingness to accept women as equal partners in decision-making.

(iii) Political party quotas (voluntary)

This type of quota set a minimum proportion of women on candidate lists, as a measure written into the statutes of individual political parties. These are quota provisions for the electoral lists that are formulated in the political party statutes.

Political Party Quotas are rules or targets set by political parties to include a certain percentage of women as election candidates. There are several different examples of how a quota has been utilized in the political process.

In total 108 political parties in 54 countries have introduced voluntary quotas for women with proportions ranging from 20% to 50%. This model is present in all continents, in developed Nordic and European countries, as well as in African and Latin American countries. In Asia, only a few countries have adopted it. Some of the countries are: Australia, Austria, Algeria, Argentina, Brazil, Canada, Chile, Costa Rica, Cyprus, France, Germany, Czech Republic, Greece, Hungary, Iceland, Italy, Kenya, Luxembourg, Netherlands, Mozambique, Morocco, Norway, Niger, Romania, Spain, Sweden, South Africa, Switzerland, Thailand, Tunisia and United Kingdom.

These quotas have contributed immensely to high and growing proportion of women's representation in parliaments and the global average, i.e. 19.4%.

In Tunisia, it has been decided that political parties will submit lists of candidates comprising of 50% women for the next parliamentary elections.

In Norway, four major political parties, Norwegian Labour Party, Socialist Left Party, Centre Party and Christian People's Party have voluntary quotas ranging from 40 to 50 % for both sexes; Norwegian Labour Party says that in all election lists there must be a 50 percent quota for both sexes, and both sexes shall be represented in the first two positions.

In UK, the Labour Party members have two votes - one for a woman and one for a man. The man and woman with the most votes is selected. In 2001, the Liberal Democrats adopted a 40 percent target of women candidates, and at the same time rejected all-women shortlists. Prior to the 2005 elections, the party placed women in 40 percent of the "winnable seats".

Sweden has set another shining example. The Social Democratic Party has fixed party quotas under Zipper system (one sex alternates

the other on party lists), The Left Party has set a 50% minimum quota for women on party lists. Green Party also has a 50 % gender quota on party lists. The Moderate Party has gone a step further by saying that two women and two men shall be placed on the top four positions on the party list for the election to the European Parliament.

Out of top 30 rankings in world for over 30% proportion of representation in lower house of parliament, 23 countries have quotas; most of these countries have political party quotas

Political party quotas have brought seven countries to the threshold of gender parity (50-50) in national parliaments. One (Rwanda) has already achieved it.

Political parties, who voluntarily adopted quotas for women, in fact, accepted and internalized the vision of gender equality, as party policy and not just as official obligation.

Political party quotas have reformed several institutions of governance – political parties, legislatures, governments – as well as the constituents in favour of women's role in leadership and decision-making.

Women contest direct constituency-based elections and have risen to high positions of decision-making in their countries, as well as, in their own parties.

One country may have several quota types. Most of the countries with political parties have the Proportional Representation system; though other systems like FPTP and parallel are also being used.

High proportions of representation (from a minimum of 33% to 50%) and direct constituency-based elections are the key to success for women's effective representation in elected houses of parliaments.

3 Reserved seats in Pakistan

Historical background

In the Indian sub-continent the issue of separate political reservation for women was raised during the course of the Nationalist Movement in the 1920s. However the nationalist forces opposed the idea for the principal reason that it deflected from the demand for universal adult franchise and to stand for elections on the same terms as men. It was also felt that there should be no hint of succumbing to the British strategy of 'divide and rule' by referring to divisions within the national movement. The core argument was that public, official language of politics, especially before a colonial government, had to be a language of equality and for fundamental rights of citizenship irrespective of sex, caste, religion or creed. This argument was supported by the leading women's organizations of the time including All-India Women's Conference (AIWC), the Women's Indian Association and National Council of Women in India. The Home Rule League, the Indian National Congress and the Muslim League also supported it.²¹

In 1932 the all-India women's organizations sent a Joint Memorandum on the Status of Indian Women to the Franchise Committee set up at the end of the Second Round Table Conference²² in which they expressed their demand for universal adult franchise 'irrespective of any property or literacy qualification, with no expedients such as nomination or reservation of seats'. The women's organizations also endorsed the declaration of the Fundamental Rights to Citizenship in India adopted at the Karachi session of the Indian National Congress in 1931, which called for equality before the law, irrespective of religion, caste, creed or sex and also universal adult franchise as well as women's right to vote, represent and hold public office. However, the British did not agree with it and finally the women's organizations agreed to a compromise that

²¹ Raman, Vasanthi. *The Implementation of Quotas for Women: The Indian Experience*, International IDEA, Stockholm, 2003

²² The three Round Table Conferences, held between 1930 and 1932, were a series of conferences organised by the British government to discuss constitutional reforms in India. The Second Round Table Conference was held in Sep-Dec 1931.

restricted the right to vote for women in urban areas. The assumption behind it was that the urban women would be in a better position to represent the women of India. But the opposition to reservation of seats remained and merit was to be the only criterion.²³

The proposed reforms took the form as reflected in the Government of India Act 1935 which instituted reserved seats for women. Under this Act, Muslim women could only vote for Muslim women's seats. The women's representatives had demanded a 10 percent quota of reserved seats for women at the Franchise Committee of the Round Table Conference; however, they were only awarded a 3 percent quota, but the principle of representation of women in Parliament through special seats was accepted for the first time.²⁴

A brief history of reserved seats 1947-1988

The State of Pakistan was created under the Independence Act of 1947. The Act converted the existing Constituent Assemblies into the dominion legislatures. These assemblies were allowed to exercise all the powers which were formerly exercised by the Central Legislature of India, in addition to the powers regarding the framing of a new Constitution, prior to which all territories were to be governed in accordance with the Government of India Act, 1935.

The first Constituent Assembly of the Dominion of Pakistan had two women members: Begum Jahan Ara Shahnawaz from West Pakistan and Begum Shaista Ikramullah from East Pakistan.

The Constituent Assembly adopted Adult Franchise for the country in 1951. There was also a demand in the assembly for 3 percent reserved seats for women in the central and provincial assemblies.²⁵

The Constituent Assembly was dissolved in 1954 and a new assembly was elected in 1955 through indirect elections, with the two provincial

²³ Raman, 2003

²⁴ Saiyid, Dushka, <http://edharti.com>

²⁵ Saiyid, Dushka, <http://edharti.com>

assemblies serving as electoral colleges. There were no women in this assembly.

The first Constitution of the Islamic Republic of Pakistan, adopted by this assembly in 1956, provided 10 reserved seats for women in the single-chamber Parliament (05 from West Pakistan and 05 from East Pakistan). The significant feature in this regard was the “Principle of Female suffrage and Women’s Reserved Seats” — a dual voting right, under which the women were not only eligible to vote for a general seat but also for the women seats’ candidates.²⁶ However, no elections were held under this Constitution as it was abrogated with the proclamation of the first Martial Law on October 8, 1958.

The second Constitution proclaimed by the military dictator General Muhammad Ayub Khan in 1962 provided for a National Assembly consisting of 156 indirectly elected members, including 6 seats for women — 3 each for both wings of the State. In the Constitution of 1962, female suffrage on the basis of women’s territorial constituencies was abolished, and the women were to be elected by the assemblies through indirect elections.²⁷

General Yahya Khan declared another Martial Law in 1969, abrogated the 1962 Constitution and announced new general elections under his Legal Framework Order, LFO. The LFO provided for 13 reserved seats for women (6 from West Pakistan and 7 from East Pakistan), in the single chamber Assembly of 313, to be elected indirectly by members of the National Assembly. The elections under LFO were held on 7 December 1970 but the Assembly thus elected could not convene its session due to the cession of East Pakistan.

The 144 members of the assembly elected from the western wing formed the Constituent Assembly of the remaining Pakistan. The assembly was convened for the first time on 14 April 1972. It included six women members elected on the reserve seats. This assembly adopted the 1973 Constitution which was promulgated in the country on 14 August 1973.

²⁶ Saiyid, Dushka, <http://edharti.com>

²⁷ <http://www.wpcp.org.pk>

Under the 1973 Constitution a bicameral parliament was established and 10 seats were reserved for women in the Lower House or National Assembly which were to be filled in by votes of the members of the National Assembly; while no seat was reserved for women in the Upper House or Senate. The Constitution also fixed reservation for women seats for two more general elections or ten years, whichever came later, and then the provision was to expire.²⁸

The next assembly elected in 1977 under the 1973 constitution, however, proved to be short-lived and was dismissed just after three months with the imposition of the third Martial Law in the country by General Zia ul Haq on 5 July 1977 and the subsequent suspension of the Constitution.

Political activities were resumed in 1985 when elections were held on non-party basis to elect an Assembly, comprising of a total of 237 members. Under the Revival of Constitution Order (P.O.14 of 1985) reserved seats for women were increased from 10 to 20 and the period of reservation was extended to 10 years or three general elections.

President Zia ul Haq dismissed his self created assembly on 28 May 1988 and next party-based elections were held in the country on 16 November 1988 after the death of President Zia ul Haq in a mid air explosion in August the same year. The new National Assembly also had 20 women members on reserved seats.

The 1988 assembly was dismissed by President Ghulam Ishaq Khan in 1990 and with that the provision of the reserve seats lapsed. There was no provision for the reserve seats during the next three consecutive general elections held in 1990, 1993 and 1997. The Parliament elected in 1997 was dismissed once again in October 1999 through another military coup by General Pervez Musharraf.

After the lapse of reserved seats for women in 1988, women's representation in the assembly had become dismally low. The proportion of women representation fell to just 3.2 percent in the National Assembly

²⁸ Mahmood, Safdar. Constitutional Foundations of Pakistan, Jang Publishers, Lahore, 1997

elected in 1997; 2.4 in the Senate and only 0.4 percent overall in the four provincial assemblies²⁹. It became a matter of great concern for human rights organisations in general and women's rights groups in particular.

This concern was equally echoed in the official reports concerning women's issues. Report of The Commission of Inquiry for Women appointed by the Government and headed by a judge of the Supreme Court of Pakistan Mr. Justice Nasir Aslam Zahid says: "Equal participation of men and women in decision-making is a prerequisite for effective and genuine democracy. It is unfortunate that even major decisions that affect their lives in the form of laws and policies are made primarily by male-membership bodies with virtually no participation by women. This is a major reason why so many of the laws are discriminatory and why most policies marginalise women. While it is vital for women to have a decisive voice on issues of particular concern to them, it is equally critical to have their perspective and views reflected in other decisions in other spheres and at all levels".³⁰

Civil society movement for women reserved seats

It was in this background and in the backdrop of the Fourth United Nations World Conference on Women held in Beijing in September 1995 that Human rights and women rights groups launched a campaign for a 33 percent representation of women in all the elected bodies of the country. Previous to the launching campaign a broad consensus had been reached that given the depressed condition of women in Pakistan, it was of utmost importance that their representation in the assemblies and policy-making bodies must be improved and for that purpose a forceful and sustained affirmative action was needed.

"Women's rights organisations and women in major political parties agreed that the minimum necessary affirmative action for bringing women into the political mainstream was to reserve seats for them, but it had to be accompanied by direct interaction with the general electorate. They finally came to a consensus that a minimum of 33 percent seats at

²⁹ AF Legislative Watch Newsletter No. 15 & 16).

³⁰ Report of The Commission of Inquiry for Women, Reprint, 1998

all levels must be reserved for women, who must be chosen through direct elections. Consequently Aurat Foundation (AF) launched a specific campaign on this demand from 1995 onwards to mobilise its networks for advocacy on the issue. Along with other right organisations, AF also set out to lobby legislators and the governments in power”.³¹

With Aurat Foundation taking the lead, several women’s rights organisations organised a round table discussion in July 1995 with representatives of three major political parties of the country - PPP, PML-N, and ANP - on the issue of women’s reserved seats. The discussion resulted in signing of a joint declaration by the party representatives to restore women’s reserved seats and extend the provision to the Senate. The Commission of Inquiry for Women also endorsed the principles of reservation and recommended 33 percent reservation of women seats in all the elective bodies, and also a system of direct, constituency based elections by a joint electorate of women and men.³²

In 1998, a country wide signatures campaign was undertaken by advocacy organisations to secure support for the principles of reservation and a 33 percent representation. Wide-spread endorsements were received from more than 1500 Civil Society Organisations; thousands of individuals; opinion leaders; legislators of 19 political parties; some ministers and office bearers of several women wings of political parties. After a massive advocacy campaign by Civil Society Organisations spearheaded by Aurat Foundation, the four provincial assemblies passed unanimous resolutions during 1998-99 urging the federal government to restore and enhance women’s reserved seats in all legislative bodies.³³ The Balochistan Assembly was the first to approve such a resolution and it raised reserved seats for women in the Local Government from 16.4 percent to 25.8 percent, the highest of any such achievement in the history of Pakistan.

³¹ Citizens’ report of the Citizens’ campaign for Women’s Representation in Local Government in Pakistan 2000-2001, AF, 2001

³² Report of The Commission of Inquiry for Women, Reprint, 1998

³³ AF Legislative Watch Newsletter No. 15 and 16, 2001

Ministry of Women's Development organised a one day consultation in Islamabad in May 2001 on the issue of women's legislative representation. The overwhelming majority endorsed the view that 33 percent seats in all legislative bodies be reserved for women; and all these seats should be filled through direct elections by a joint electorate of women and men³⁴.

Enhancement of women's reserved seats since 2000

It was in this environment that the military government of General Pervez Musharraf agreed to enhance women's representation when it decided to restore elected institutions.

Under the Devolution of Power Plan the military regime introduced a new system of Local Government, which consisted of three tiers, from top to bottom: District/City-District Administration, Tehsil/Town Administration and Union Administration. At each level, there was a council: Zila, Tehsil/Town, Union, each of which had 33 percent reserved seats for women. At the Union level the women councillors on reserved seats were directly elected by a joint electorate of men and women, while at the other two tiers they were indirectly elected by the elected councillors.

Almost all the major political parties rejected this reservation quota stating that there were not enough women in the political arena to fill in these seats. However, the women's rights groups welcomed the acceptance of their demand for a 33 percent representation of women in the local councils and direct elections for the reserved seats in Union Councils, as they knew that there were enough women in the political arena to fill in these seats who were ready to contest in the direct elections.

They also demanded that there should also be direct elections for women members of Tehsil and District councils and 33 percent representation

³⁴ AF Legislative Watch Newsletter No. 15 and 16, 2001

should also be given to women in the parliament (National Assembly and Senate) and all the four provincial assemblies.

Later experience confirmed the women's rights groups' point of view as women in great numbers participated in the local government elections on the reserved as well as general seats. Overall almost 36,000 women came into political mainstream through the local councils.

However, women's rights groups were disappointed when the military government unveiled its plan for the elections of the Parliament and provincial assemblies. The government restored the 1973 constitution, after major amendments, through a "Legal Framework Order 2002. Under this LFO, although the long-standing popular demand of reserving seats for women was accepted in principle, but instead of giving them a 33 percent representation the LFO allowed only a 17 percent representation; devoting 60 seats in a 342-Member National Assembly and for the first time 17 seats in the 104 member Upper House or Senate to women; 17.6 percent seats were also reserved for women in each of the provincial assemblies.

Thus despite women's overwhelming participation in the Local Government Elections their representation in the provincial assemblies and the parliament was slashed from 33 to 17 percent.

Similarly, demands of women's rights groups vis-a-vis the mode of elections to the reserved seats were also not accommodated. A "List System" was introduced for election to these reserved seats under which the emerging parliamentary groups were to get these seats in proportion to their general representation in the House. The Article 51, sub article 6 (d) of the Chapter 2 of the amended Constitution says: "members to the seats reserved for women ... shall be elected ... through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party ... in the National Assembly."³⁵

³⁵ <http://www.na.gov.pk/publications/constitution.pdf>

In the second general elections held on 18 February 2008 under the amended Constitution, the same percentage of women was again elected on the reserved seats.

As already mentioned these reservations have been provided for through a Constitutional amendment.

4 Situation in the South Asian Region

Nepal leads the South Asia region with a 33 percent quota for women in its National Assembly. Afghanistan is at the second place with 27 percent representation to women in its both upper and lower houses of the parliament. India and Sri Lanka does not have any quota provision for women reserved seats. The table³⁶ below gives a comparison of regional situation vis-a-vis gender quotas.

Country	Quota type			Total seats (Quota)		Electoral system	
	Single/Lower House	Upper House	Sub-National Level	Single/Lower House	Upper House	Single/Lower House	Upper House
Afghanistan	Reserved seats	Reserved seats	Reserved seats	249(27%)	102(27%)	SNTV*	Indirectly elected / appointed
Bangladesh	Reserved seats		Reserved seats	345(13%)		FPTP**	
India	Not legislated		Reserved seats	545	233	FPTP	
Nepal	Legislated Candidate Quotas		Legislated Candidate Quotas	601(33%)		FPTP	
Pakistan	Reserved seats	Reserved seats	Reserved Seats	342 (17%)	100(17%)	Parallel***	Indirectly elected
Sri Lanka	Not legislated			225			

***SNTV:** The single non-transferable vote or SNTV is an electoral system used in multi-member constituency elections.

****FPTP:** First-past-the-post voting refers to an election won by the candidate(s) with the most votes. The winning candidate does not necessarily receive an absolute majority of all votes cast.

*****Parallel:** Parallel voting includes the supplementary member system (SM) that combines plurality voting (sometimes called "first past the post") with proportional representation. Under SM, a proportion of seats in the legislature are filled by pluralities in single member constituencies; while the remainder are filled from party lists.

³⁶ <http://www.quotaproject.org>

Afghanistan

Afghanistan's National Assembly consists of two Houses - the House of People (Wolesi Jirga) with 249 seats, and the House of Elders (Meshrano Jirga) with 102 seats. Both the houses have a 27 percent representation of women through 'Reserved Seats' as guaranteed by the Constitution and electoral law.

Article 83 of the Afghan Constitution says that "The Wolesi Jirga should have no more than 250 members, and be proportional to the population of each of the provinces, and contain, on average, two women from each province. Article 20 & 23 further stipulate that "The number of seats from each province and the number of female seats from each province is to be decided by the Independent Electoral Commission, although no province shall have less than two seats and the female seats shall be at least twice the number of provinces. Currently this means 68 out of the 249 which comes to 27 percent, including at least 3 women in 10 reserved seats for Kuchi nomads³⁷.

Similarly, Article 84 of the Constitution says that The Meshrano Jirga will comprise of 1/3 representatives from provinces, 1/3 from district councils and 1/3 presidential appointees. The presidential appointees will be the experts and experienced persons and 50 percent of them should be women. At present there are 28 women in the 102 member's chamber. Eleven women were indirectly elected while 17 were appointed by the President.³⁸

The electoral law has also provided a 25 percent quota for women in the provincial councils. The law states that one quarter of the seats in each provincial council shall be reserved for female candidates. The provisional councils range from 9 to 29 members and women can make up more than the reserved quarter.

³⁷ <http://www.quotaproject.org>

³⁸ <http://www.ipu.org>

Bangladesh

Bangladesh has a unicameral parliament in which a quota of 'Reserved Seats' has been provided to women through a Constitutional clause.

On 16 May 2004, the constitutional amendment (Article 65) was passed to reintroduce quotas for women. Through this amendment the number of seats in parliament was raised from 300 to 345, and these additional 45 seats (13 percent) are reserved for women. The seats are allocated to parties in proportion to their overall share of the vote. This quota system replaces the previous quota law which expired in 2001.³⁹

Initially the Constitution of the Peoples Republic of Bangladesh provided for a 315 member parliament, of which 15 were reserved for women for a period of ten years. Women were indirectly elected on these 15 reserved seats. Members elected to general seats constituted the Electoral College for the reserved seats. In 1978 a presidential proclamation enlarged the number of reserved seats to 30 (increasing the minimum guaranteed representation of women in the legislature from 4.7 percent to 9.9 percent) and extended the period of reservation to 15 years from the date of promulgation of the constitution of the republic in December 1972. This constitutional provision lapsed in December 1987 and was re-incorporated into the constitution by an amendment in 1990 to be effective for ten years from the first meeting of the legislature next elected. This provision also lapsed in 2001. The parliament, elected in October 2001, did not have reserved seats for women, as was the case with the House elected in 1988.

The present Parliament was elected in 2008.

In the Fundamental Principles of State Policy of the Constitution of Bangladesh, article 9 stipulates the representation of women in local government institutions. In 1993 direct election of reserved seats for women in the Union *Parishad* (union councils) was provided in

³⁹ <http://www.quotaproject.org>

legislation by the Parliament. The first election to the union *parishad*, under the new provision, was held in 1997.⁴⁰

The provision provided for three reserved seats for women in the union *parishad* where women members are directly elected from each of the three respective wards. Apart from the reserved seats women can also contest for any of the general seats. Previously, the process of selection of the women representatives was on the basis of nominations and/or indirect election. Around 12,828 women were elected as members in the 1997 local level elections. A total of 20 women were also elected as chairpersons and 110 as members on general seats.⁴¹

In 2003 elections 22 women were elected as chairpersons and 12684 as members of the Union *Parishad* on reserved seats. Another 79 women were elected as members on general seats.⁴²

The *Upazila* (subdistrict) *Parishad* act 2009 gives a greater role to the women as according to it one of the vice president posts are for women to be elected by the people.⁴³

India

In India, there is no quota for women in the Upper or a lower house of the parliament or the state legislatures, but a 33 percent quota has been provided to women in the local councils.

Quota for women in the local councils of the country was provided through a Constitutional amendment in 1992, which came into effect on 24 April 1993. The amendment mandated that there will be one-third representation for women in the local self governing institutions (*panchayats*) and within this one-third representation for women, the women from the Scheduled Caste and the Scheduled Tribes will also be given representation in proportion to their percentage in the population at

⁴⁰ <http://www.quotaproject.org>

⁴¹ <http://www.engenderingdemocracy.net/edg-in-action/edg-bangladesh>

⁴² www.cdrb.org

⁴³ <http://dhakacourier.net/issue22/feature/doc2.htm>

the three different levels: the village cluster level, at the block level and the district level.⁴⁴

The reserved seats for women opened the door to women's political participation. In 1994 and 1995 the first round of elections at the village level were held and nearly one million women entered the political institutions of local self-government.

The success of the quotas in increasing women's involvement in local government has led five states to pass state-level laws raising their *panchayat* quota for women to 50 per cent. The Central Government has said it will amend the Constitution to extend this nationwide.⁴⁵

Following the introduction of quotas or reserved seats at the local level, the women's movement has continued to lobby parliamentarians to agree on implementing reservations at the national level. The Eighty-Fourth Constitution Amendment Bill, or Women's Reservation Bill, which was passed by the upper house of parliament on 10 March 2010 seeks to provide one-third reservation of seats to women in state and central legislative bodies. However, there has been strong resistance to the Bill from some political forces representing 'other backward classes' (OBCs) and minority groups. Such resistance has also come from women within these groups.⁴⁶

The bill has now to be approved by the lower house of parliament and by the legislatures in at least 15 of India's 28 states and Union territories to become operational. So far, its journey has been a rough one. First introduced 14 years ago, the bill has been repeatedly knocked down. It won passage in the upper house after two days of furious debate and the defection of two parties from the governing coalition.

In the absence of reservations inequality is vividly marked in Indian political life. Despite the high profile of a few female leaders — including Sonia Gandhi — today there are very few women in the parliament.

⁴⁴ International IDEA, Stockholm, 2003

⁴⁵ www.deccanherald.com

⁴⁶ International IDEA, Stockholm, 2003

“Nothing in the world is perfect,” says B S Baviskar, a senior fellow of the Institute of Social Sciences in Delhi, “but 60 years after independence, fewer than 11 per cent” of parliament members are women. “Without reservations, achieving a proper balance of power won’t take decades; it will take centuries.”⁴⁷

Nepal

Of all the countries in South Asia, Nepal is the first to grant a 33 percent representation to women in its unicameral house. Nepal’s Constituent Assembly comprises 601 members of which 197 are women. The country’s constitution says that: The Constituent Assembly shall comprise of 240 members elected from each of the constituencies with the First- Past-The-Post (FPTP) system; 335 members elected from the political parties with the Proportional Representation (PR) system; and 26 members appointed by the Council of Ministers. Women must constitute at least 33 percent of candidates for the FPTP-system and the PR-system combined.⁴⁸

The country’s electoral laws further guarantee that the country’s political parties will place 50 percent women on their candidates’ list during elections. It says that: “For the PR-elections, the parties must ensure women’s proportional representation, clarified in Schedule 1 to mean 50 percent women on party candidate lists”. The law further stipulates that “If the lists of candidates submitted for the PR elections fail to meet the quota rule of 50 percent women, the Electoral Commission will, according to its Regulations, remove candidates to meet the quota provision and therefore make the list valid”.⁴⁹

The country’s Local Self Government Act 1999 states that among the candidates in elections to Municipal Councils 40 percent must be women.

⁴⁷ International Herald Tribune

⁴⁸ <http://www.quotaproject.org>

⁴⁹ <http://www.quotaproject.org>

Pakistan

The results of the general elections 2008 and the statutory quota of reserved seats ensured a five-year berth for 216 women in the national and provincial legislatures. Of these, 205 were elected on reserved seats for women, one on reserved seat for non-Muslims and 27 came in on the general seats. This brings the overall proportion of women's legislative representation in Pakistan to 19.9 percent, with the proportion even higher in the National Assembly (22.2%). Although this falls far short of a minimum of 33% legislative representation through reservation, as demanded by women members of political parties, women's rights groups and activists, and also as per the demands articulated in recommendations by several officially-appointed women's commissions, it is still the third highest proportion of women's legislative representation in South Asia, after 33.6% in Nepal, 27% in Afghanistan and followed by 9.1% in India and 5.8% in Sri Lanka.

Women's presence in elected political institutions in Pakistan at the national and provincial level in such a substantial number has had a hugely positive impact in transforming the socio-political perceptions about recognizing and legitimizing women's entitlement to citizenship and governance, as well as their inclusion in the public domain. Moreover, it has also resulted in unleashing a process to make women's concerns a visible priority on the national agenda. This place has been earned by women themselves, through a long hard struggle and through their collective, steady and patient journey to get organized, seen and heard, and recognised while living under and constantly confronting the most oppressive patriarchal socio-political and familial structures and shrunk spaces in society for almost three decades.

Most recently, the election of Dr. Fehmida Mirza as the Speaker of the National Assembly has reinforced positive perceptions of women's abilities, particularly the ability of decision-making. Ms. Shahla Rizvi's election as Deputy Speaker of the Sindh Provincial Assembly and the appointment of several women Ministers in the federal and provincial cabinets and as Advisors, will further strengthen the image of women's being not only equally eligible and entitled to these posts, but also, being equally capable to run these offices.

Sri Lanka

Sri Lanka's unicameral House has 225 seats out of which 12 are occupied by women who have been elected in an open contest.

Several proposals on quotas for women were made between 1998 and 2000, but then abandoned in 2000. A proposal for a 25 percent quota for women in local bodies was dropped in the draft constitution presented to parliament and withdrawn in 2000. Tamil and Muslim party leaders opposed the quota because of the difficulties in finding women candidates. In 2002, calls for quotas were renewed. However, no action has been taken to date.⁵⁰

⁵⁰ <http://www.quotaproject.org>

5 Conclusion

Importance of affirmative action

In the previous pages we have seen the importance of affirmative action for bringing women into the mainstream of political activities. The best form of affirmative action is the quota of seats reserved for women in the elected forums of a country.

We have also seen that a majority of the world's nations have adopted some sort of affirmative action to bring a critical mass of women into the political arena and they include Pakistan. But in Pakistan the actions taken in this regard – 17 percent reserved seats in the Parliament and Provincial Assemblies and the mechanism of filling these seats - do not reflect the consensus reached by civil society organisations and the women's rights movement.

Through their overwhelming participation in the last two local councils elections held under the Devolution of Power Plan women of Pakistan have proved beyond any doubt that they are more than ready to take up the challenge of mainstream politics.

The importance of women's participation in the legislative bodies lies in the potential they offer to change the nature of politics in Pakistan. Women's active participation is critical as through it they can significantly improve their own status as well as contribute their views and concerns in the formulation of public policy. Women's presence is also crucial to protect the rights that have been acceded to them.

The rights groups and civil society have reached a broad consensus on the following three issues of prime importance vis-a-vis women's political participation and they agree that these need to be addressed on immediate basis; as without taking these steps not only women's participation will remain less meaningful but Pakistani democracy will also remain incomplete and weak.

Quantum of representation

The women's right movement has reached a near consensus on the 33 percent representation of women in all the elective bodies of the country.

An ADB report observes that Pakistani women are trapped in a web of dependency and subordination due to their low social, economic and political status in society. It says that women's inclusion in governance structures is critical to bring about substantive changes in development policies and programs that would lead to a shift in gender relations in society. Pakistan has made several commitments at national and international forums to ensure gender equality at home. However, there is a wide gap between commitment and implementation. The persuasion of the State to translate its commitment to gender equality into concrete reality is the major challenge faced by women in Pakistan. The report acknowledges that women have been demanding reservation of 33 percent of seats at national, provincial, and local government levels, which should be filled through direct election by joint electorate. It says that there is also a demand that the Political Party Act be amended to make it mandatory for all political parties to field at least 25 percent of female candidates during election. On the other hand, women are also trying to create an alternative vision of politics based on social justice.⁵¹

In 2007, women politicians and activists from various political parties and organisations at an All Parties' Women Conference in Karachi demanded that women should be given 33 percent representation in parliament⁵². The demand has been consistently raised by women's movement since mid 1990s.

It is of utmost importance that Pakistan's major political parties give priority to the issue and enact legislation in this regard so that at least 33 percent women enter all the legislative bodies of the country after the next elections.

⁵¹ Women in Pakistan, ADB, 2000

⁵² <http://www.thaindian.com/newsportal/politics/pakistani-women>

Nepal has taken a lead in the region by providing a 33 percent representation to women in its Constituent Assembly, while in India efforts are on for enacting legislation to this effect. Afghanistan has the second largest representation of women in its parliament which stands at 27 percent. It is high time that Pakistan fulfils its commitments in this regard.

Mode of induction

The second most important issue vis-a-vis women's political representation is the mode of their induction into the representative bodies. Women rights groups have all along been calling for some sort of direct elections on such seats as indirect election posed a number of problems for the women representatives.

The Report of the Commission on Inquiry for Women had pointed out some of these problems by saying that indirect method of election for women's reserved seats did not lend credibility to women's representatives, as they remained dependent on and accountable to the primary male legislatures, instead of being genuine representatives of the electorate. The report also makes a mention to the general perception that nominations are rarely made on merit or proven track record of the women party workers.⁵³

General Pervez Musharraf's government had introduced a "List System" for election to these reserved seats under which the emerging parliamentary groups get these seats in proportion to their general representation in the House. The Article 51, sub article 6 (d) of the Chapter 2 of the amended Constitution says: "members to the seats reserved for women ... shall be elected ... through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party ... in the National Assembly".

Women's rights groups have rejected this system, as it compromises women's position as members. The Supreme Court has also questioned

⁵³ Report of the Commission on Inquiry for women, 1998

legitimacy of the system in its observations while hearing 21 petitions challenging the 18th Constitutional Amendment on July 8, 2010. According to media reports: the Supreme Court full-bench hearing petitions described the process of nominating persons to seats reserved for women in legislatures as “selection, and not election” made on personal likes and dislikes of heads of parties.⁵⁴

It will be in the fitness of things if women on reserved seats are elected in a direct and constituency based elections as demanded by the women rights movement.

The Report of the Commission on Inquiry for Women had described various modalities which could be adopted for elections to the women’s reserved seats. A brief summary of the Commission’s recommendations is as under:⁵⁵

1. One third of the existing constituencies for national and provincial elections should be declared double candidate constituencies, so that these constituencies would have one representative from the general seats and one woman representative from the reserved seat. Both men and women would have a double vote. These special constituencies would then be rotated after each election, so that the entire country gets covered after three terms and from the fourth rotation starts anew.
2. The entire country should be divided into new enlarged constituencies for women’s reserved seats, each constituency comprising three normal sized constituencies. In this system the entire electorate would have a double vote.
3. Even larger constituencies for women’s reserved seats be established, comprising six or nine normal sized constituencies which should be declared multi-member constituencies. Voters from these constituencies would elect two or three women to the reserved seats allocated to them, while also voting for their

⁵⁴ <http://archives.dawn.com/archives/35629>

⁵⁵ Report of the Commission on Inquiry for women, 1998

candidate on the general seat for their respective single constituencies.

Any of these methods can be adopted for elections on the women reserved seats or a new method could be devised in consultation with political parties and women rights groups.

Local councils

The local councils which, for the first time in the history of the country, had given women a 33 percent representation and a chance to participate in direct constituency based elections on reserved seats have been suspended by the elected governments in the provinces and their future remains unknown.

Civil society and women's movement have expressed concern over the situation and demanded an urgent restoration of the local governments. Their argument is that the local government system was essential to provide a platform to women at the grass-roots level to raise voice for their rights. They also say that due to the uncertainty over the fate of the system, women have lost representation at the local level.⁵⁶

This demand has been raised by the civil society and women's rights groups on various forums since the suspension of the local government and it demands an immediate attention from the political parties and the legislature.

⁵⁶ <http://www.groundreport.com/Business/Repeal-discriminatory-laws-against-women/2937197>



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