

**Advocating for inclusive electoral processes, for
minority rights and for rule of law in South Asia:**

Report on issues faced by minorities in Pakistan



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1. INTRODUCTION

The Constitution of Pakistan guarantees “fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to the law and public morality” to its citizens.¹ Pakistan is a country populated by over 177,000,000 people, an amalgamation of various cultures, ethnicities, languages, religions, sects and sub-sects. It was created on the principles of a democratic nation, which would ensure that, “everyone has the right to take part in the government of his country, directly or indirectly or through freely chosen representatives.”² Pakistan’s founder, Muhammad Ali Jinnah, demonstrated this belief when he appointed Sir Zafarullah Chaudhry – an Ahmadi who was also the author of the Lahore Resolution in 1940 – as Pakistan’s first Foreign Secretary.³

In Pakistan, minorities, if defined in terms of their relative political weight, could be constructed on the lines of religion, gender, and geographic location. The largest such minority group within the country ironically comprises of almost half the population: women. Women are considered a minority due to their marginalisation within the electoral process – whether as voters or elected representatives – as well as in the public and private sphere in a male dominated society. Ninety-five percent of Pakistan’s population is Muslim while the remaining 5% is comprised of Hindus, Christians, Parsis, Ahmadis and a few other denominations. Ahmadis follow the teachings of Mirza Ghulam Ahmed that deviate from the fundamentals of Islam⁴ and as a result they are not considered Muslim and ostracized in predominantly Muslim countries such as Pakistan. Hindus and Christians are also vulnerable to such treatment due to their religious beliefs. Concerns of religious minorities are exacerbated by the minimal or zero representation of these communities in key public institutions.

¹ Constitution of Pakistan, Preamble – State of Human Rights 2009, Human Rights Commission of Pakistan

² Universal Declaration of Human Rights, Article 21 (1) – ibid

³ The Persecution of Ahmadiyya Muslim Community - <http://thepersecution-org.blogspot.com/2010/05/view-second-amendment.html>

⁴ Ahmadiyah - <http://en.wikipedia.org/wiki/Ahmadiyya>

Moreover, since its inception in 1947, Pakistan's history has been rife with decades of military regimes, a weak judiciary and multiple changes to the Constitution, which have significantly restricted the role and voice of minorities within the country.

Internally displaced persons (IDPs) are another vulnerable group, whose numbers have swelled in Pakistan over recent years. This minority has multiplied within the country due to natural disasters – the earthquake that hit the northern part of Pakistan in 2006 – and the more recent urgency to evacuate certain regions within the country due to flooding, conflict and security concerns.

The marginalization of these minorities is evident in almost all civil and military institutions though for the purposes of this paper the core issues are those that revolve around the deprivation of these groups of the exercise of their right to equal participation in the electoral process. Within the context of this framework, this report will endeavour to: a) identify minority groups within Pakistan, b) enumerate the issues surrounding fair and inclusive electoral processes by providing examples of cases over the past year, and c) ascertain what needs to change in order to promote full electoral rights for minorities.

2. WOMEN

Women make up a very important part of Pakistani society and its economy, which unfortunately is not reflected in the country's electoral process. Although women's suffrage was granted in 1947, it was not till 1956, almost a decade after Pakistan's inception that women were allocated (dual) voting rights, "one for general seats and the other for the reserved women's seats", which was intended to greatly enhance women's role in the electoral process. However, this right was abolished in 1962 and was not reinstated in the 1973 Constitution.⁵ Therefore, rather than moving forward in the direction set by Jinnah i.e. walking next to men in every sphere of life, Pakistan's legal framework regarding women's representation regressed.

⁵ Political Empowerment of Women in Pakistan - <http://www.pu.edu.pk/psc/journal/PDF-FILES/Artical%20-%208.pdf>

The most glaring example of this comes in the form of women being barred from voting in the Gilgit-Baltistan region in the 2009 election due to ‘traditional’ customs as well as an illegal pact among political candidates.⁶ As reported by an Observers’ Mission the Human Rights Commission of Pakistan (HRCP), the Election Commission of Pakistan cannot take-up the matter unless those barred from voting lodge a formal complaint. Similarly, in the beginning of 2010, it was reported that female voters were barred from voting in the by-elections in the constituency of National Assembly 21 of Mansehra district. It is widely believed that “all the contesting parties namely the PML-N, the PPP, the PTI, the PML-Q, the JUI-F and the Jamaat-e-Islami signed a document forbidding female voters from casting their vote in the elections”.⁷ Such incidents in conjunction with low levels of female voter registration and high levels of corruption⁸ belie the notion that reserved seats for women in the political structure bridge the divide between female votes cast and female representation in the political framework.

The number of reserved seats allocated to women in the National and Provincial Assemblies has increased over the past decades. However, as Tables 1.1⁹, 1.2¹⁰ and 1.3 illustrate, it is still too low to suggest significant levels of women’s empowerment and in terms of their representation and participation in Pakistani politics.

⁶ Gilgit-Baltistan Elections 2009 - <http://www.hrcp-web.org/pdf/Gilgit-Baltistan%20Report.pdf>

⁷ The News – Not Allowed to Vote!, January 31, 2010 – HRCP Reference Section

⁸ Aurat Foundation’s Annual Report – 2006 & 2007 - http://www.af.org.pk/Annual%20Reports/2006-07/Annual%20Report%202006-07_final.pdf

⁹ Election Commission of Pakistan - <http://www.ecp.gov.pk/content/ERSYS.html>

¹⁰ Dawn – Call to Increase Funding for Women Ministry, January 2, 2010 – HRCP Reference Section

TABLE 1.1 NATIONAL ASSEMBLY

NUMBER OF SEATS				
Province / Area	General Seats	Seats reserved for		Total
		Non-Muslims	Women	
Federal Capital	2	10		2
Punjab	148		35	183
Sindh	61		14	75
NWFP	35		8	43
FATAs	12		--	12
Balochistan	14		3	17
Total:	272	10	60	332+10=342

TABLE 1.2 PROVINCIAL ASSEMBLIES

NUMBER OF SEATS				
Province / Area	General Seats	Seats reserved for		Total
		Non-Muslims	Women	
Punjab	297	8	66	371
Sindh	130	9	29	168
NWFP	99	3	22	124
Balochistan	51	3	11	65
Total:	577	23	128	728

Table 1.3 Number of seats held by women in National Assembly 1970-2008

Year	Total number of seats in National Assembly	Number of seats reserved for women	Number of general seats held by women
1970	313	13	0
2002	342	60	13
2008	342	60	15

The most glaring discrepancy in respect to the reserved seats is the fact that they are not accessible to independent candidates. According to the 1962 Constitution “elected members of the Assemblies would elect women members for the reserved women seats”; women candidates are therefore to be selected by their party bosses rather than elected by their real constituents i.e.

the women of Pakistan, which has resulted in many women politicians being overly dependent on their respective political parties.¹¹

In addition, their male colleagues do not take most women parliamentarians seriously. This is evident from the rant of Mr. Sheikh Allauddin, MPA, against female MPAs with regard to the provision of reserved seats. He is noted to have commented that he was an elected MPA (and therefore, more legitimate) as opposed to having been appointed to a reserved seat as is the case with most women MPAs.¹² Statements such as these allude to the prevalent psyche that women are filling the 33% seats required by law and are just ‘tokens’ in the policy making processes.

Women as a political minority in Pakistan also face more cultural barriers and restrictions that hinder their ability to step into the political arena, whether to exercise their fundamental right to vote and/or represent their countrymen and women. A very prominent belief in Pakistani society with regard to women is that of *chadar aur chardivari*. This phrase signifies that, “a woman’s place of honor is inside the four walls of home (*chardivari*); and when she must go out, she has to be wrapped from head to foot in a sort of winding sheet (*chadar*)”.¹³ The *Aurat Foundation*, following a series of workshops with women representatives in local constituencies, reported that some women faced resistance from their family members and acquaintances when considering participating in the local elections and training programmes.¹⁴

Moreover, even securing a seat in the local government was not enough to guarantee a voice. The literacy rate for women in Pakistan stands a little over 36%.¹⁵ Many women who are elected to fill the 33% reserved seats at the local municipal level do not have sufficient educational skills to negotiate legislative procedures or analyze the annual budget, for example. Hence, a very serious obstacle to women with regard to the electoral process is the unequal access to education.

¹¹ Political Empowerment of Women in Pakistan - <http://www.pu.edu.pk/psc/journal/PDF-FILES/Artical%20-%208.pdf>

¹² Dawn News – Pervasive Misogyny, June 23, 2012 – <http://tribune.com.pk/story/397762/pervasive-misogyny/>

¹³ State of Human Rights in 2009 – Human Rights Commission of Pakistan

¹⁴ Aurat Foundation Annual Report – 2006 & 2007 - http://www.af.org.pk/Annual%20Reports/2006-07/Annual%20Report%202006-07_final.pdf

¹⁵ CIA – The World Factbook - <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>

3. RELIGIOUS MINORITIES

In terms of religion, Pakistan is quite homogenous with a 95% Muslim population. However, as noted earlier the remaining 5% of Pakistanis consist of Hindus, Christians, Parsis, Ahmadis, Sikhs, Buddhists, Shias, Bahais, etc. While Pakistan was created on the premise that Muslims needed a land of their own where they could practice their religion without judgment and persecution, every citizen of Pakistan was to be guaranteed the freedom to practice his or her own faith. Ironically, even the Shias, a Muslim community in the minority in Pakistan, are not afforded this basic right.

The Constitution and Penal Code of Pakistan use very strict language in the construction of blasphemy laws and offences can be punishable by death. While there has been no judicial execution of a person charged with blasphemy to date, there are however numerous accounts of individuals such as Mirza Mubarak Ahmed¹⁶ and Rimsha Masih¹⁷ who are persecuted on charges of blasphemy. Organisations such as Human Rights Watch have asked the Pakistan government to repeal laws that are discriminatory towards religious minorities, which include a ban on the statute that makes capital punishment mandatory for blasphemy.¹⁸ Furthermore, Gen. Zia ul-Haq deleted the word 'freely' from the Objectives Resolution in 1985 in his attempts to Islamicize the nation. The clause originally read, "Wherein adequate provision shall be made for the minorities to 'freely' profess and practice their religions and develop their culture".¹⁹

Steps are being taken by the Ministry of Minority Affairs (whose Federal Minister was given full Cabinet status for the first time this year) to revise Pakistan's blasphemy laws but in the meantime EU deputies and independent agencies have determined that religious minorities are not provided their civil liberties and equal opportunities in the economic or political sector.²⁰ The

¹⁶ The Persecution – Individual Case Reports - <http://www.thepersecution.org/case/case001.html>

¹⁷ Dawn.com – Girl accused of blasphemy 'denied meeting with lawyer', August 23, 2012 - <http://dawn.com/2012/08/23/rimsha-accused-of-blasphemy-traumatized-activist/>

¹⁸ The Friday Times – Interview (Lahore Carnage), June, 4, 2010 – HRCP Reference Section

¹⁹ Daily Times – CJP Raps Change in Objectives Resolution, June 9, 2010 - http://www.dailytimes.com.pk/default.asp?page=2010\06\09\story_9-6-2010_pg1_1

²⁰ The Nation – Pakistan Blasphemy Laws used to Justify Murder, May 21, 2010 – HRCP Reference Section

assassinations of Salman Taseer, Governor of Punjab²¹ and Shahbaz Bhatti, Minister of Religious Minorities²² for their commitment to minority rights and voice against the blasphemy laws underscore the issues facing religious minorities in Pakistan.

1. Ahmadis

The Ahmadiyya community is between 3 to 4 million people in Pakistan, which makes for about 1.5% of the total population and face high levels of discrimination. Notwithstanding the vision of the founders, including Muhammad Ali Jinnah, that every citizen will have the equal right to vote,²³ Pakistan does not even provide Ahmadis the universal right to vote.

By the implementation of the eighth amendment to the 1973 Constitution in 1985, the system of separate electoral lists for all religious minorities was introduced in Pakistan. In the course of the 2008 elections, registered voters were required to sign a certificate denying the authenticity of holy founder of the Ahmadiyya community. Since the Ahmadis would not sign this certificate, “they were thus de facto denied their right to vote”.²⁴ In addition to the *de jure* barriers facing the Ahmadi community, there is an acute danger of physical persecution by individuals who decide to take the law into their own hands. After the deletion of the word ‘freely’ from the Objectives Resolution in 1985, there was a surge in brutality towards the Ahmadi community. Table 2.1²⁵ shows the statistics regarding violence against Ahmadis and how it has risen during the recent years.

²¹ BBC News South Asia – Punjab Governor Salman Taseer assassinated in Islamabad, January 4, 2011 - <http://www.bbc.co.uk/news/world-south-asia-12111831>

²² Dawn.com – Minorities minister Shahbaz Bhatti assassinated in Islamabad, March 2, 2011 - <http://dawn.com/2011/03/02/minorities-minister-attacked-in-islamabad/>

²³ The Nation – Minorities Demand Separate Electorate, January 4, 2010 – HRCP Reference Section

²⁴ Pakistan: The Electoral Process is Self-contradictory and Denies the Ahmadi Minority its Right to vote - <http://www.ahrchk.net/statements/mainfile.php/2010statements/2474/>

²⁵ The Friday Times – Report (Lahore Carnage), June 4, 2010 – HRCP Reference Section

TABLE 2.1 Persecutions of Ahmadis in Pakistan

Year	Murdered on account of religious beliefs	Booked under Blasphemy Law	Booked under Ahmadi specific laws
2007	5	22	24
2008	6	30	76
2009	11	37	57
2010 (to date)	91, including 85 killed in two terrorist attacks on May 28		

With the May 28, 2010 incident in Lahore, it has become apparent that Ahmadis who are already discriminated against within the electoral process cannot possibly feel secure enough to vote when they are not even provided protection in their own prayer houses.

2. Christians and Hindus

Pakistani Christians and Hindus face similar challenges even though they have the largest populations in terms of percentage. In the 1956 Constitution, and later in the amended 1973 Constitution under the Zia ul-Haq regime, Pakistan instituted separate electorates against the will of minorities.²⁶ Although certain minorities still seek a separate electorate, joint electorate was introduced under General (Rtd.) Pervez Musharraf in 2002. This has benefitted minorities by at least granting them dual voting rights. However, this legislative change does not provide Christians, Hindus and other religious minorities the freedom to become an unencumbered part of the Pakistani electoral system.

Christians and Hindus are also vulnerable to persecution under the blasphemy laws although there aren't other specific legal provisions that target Christians or Hindus, as is the case with Ahmadis. Many individuals mete out punishments towards members of these religious communities based on desecration of the Holy Quran or a blasphemous comment allegedly directed at the Prophet. Whether these allegations have any credibility cannot be determined as most of these incidents are 'settled' outside of court. One glaring example of this is the Gojra incident in the summer of 2009 where seven Christians, including women and children, were burnt alive based on an

²⁶ Islamic Radicalism and Minorities in Pakistan - <http://www.apcss.org/Publications/Edited%20Volumes/ReligiousRadicalism/PagesfromReligiousRadicalismandSecurityinSouthAsiach19.pdf>

allegation of blasphemy that allegedly incited rioting and violence amongst the Muslim community.²⁷ Another recent example is that of Rimsha Masih mentioned earlier.

Due to the worsening of religious intolerance in recent years within Pakistan, political parties seem hesitant to nominate non-Muslims for general seats and do not advocate for an increase in the number of reserved seats for non-Muslim minorities.²⁸ Hence, even with the provision of a joint electorate the electoral process itself is not free and inclusive with regard to religious minorities after almost a decade of its implementation.

4. Internally Displaced Persons (IDPs)

Many Pakistani citizens have been internally displaced for decades. In 2001, it was reported that hundreds of Hindus had to flee their homes due to rioting and violence by Muslim mobs in their neighborhoods.²⁹ Within a year, almost 5,000 Hindus had to leave their homes in Lasbela to find refuge elsewhere. Additionally, as recently as a few days ago, over a hundred Hindus have fled to India and are seeking refugee status.³⁰ Many natural disasters in the past few years have compelled hundreds of thousands of Pakistanis to leave behind their homes and belongings to find shelter elsewhere. The earthquakes in northern Pakistan in October 2005 left over 73,000 people killed and over 3 million without homes.³¹ A similar earthquake hit the Balochistan region in 2008 killing hundreds and forcing thousands of injured survivors to move into refugee camps

²⁷ Dawn - LHC Takes suo moto notice of Gojra Incident - <http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/news/pakistan/provinces/12-lhc+takes+suo+motu+notice+of+gojra+incident--bi-08>

²⁸ European Union Election Observation Mission Pakistan 2008 - <http://www.eueompakistan.org/PDF/preliminary/Preliminary%20Statement%20Pakistan%2020%20February2.pdf>

²⁹ Internal Displacement Monitoring Centre, "Displacement of Hindus in Pakistan (2004) - [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/8C8DCB200FDEAB80C12571F8003E3782?OpenDocument#36.2.2](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/8C8DCB200FDEAB80C12571F8003E3782?OpenDocument#36.2.2)

³⁰ The Hindu – Hindu migrants seek refugee status, September 11, 2012 - <http://www.thehindu.com/todays-paper/tp-national/article3883317.ece>

³¹ World Bank, "Pakistan Earthquake, A Year After" - <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:21081761~pagePK:146736~piPK:146830~theSitePK:223547,00.html>

due to the destruction of their homes.³² Furthermore, May 2010 witnessed the fear of the Hunza Lake flooding which led to thousands of families being evacuated from the region.³³

In addition to natural disasters, which have marked the history of Pakistan's topography, the current state of conflict and security crises in many parts of the country is also leading to more IDPs. The military surge in the Swat valley, which commenced in the summer of 2009, resulted in millions of families having to relocate. While many have had the opportunity to resettle after the situation was brought under control, returnees and IDPs still face dire conditions.³⁴

Both natural and human engineered causes have combined to result in an unprecedented rise in the number of IDPs in Pakistan. It is important to view IDPs as a political minority in order to ensure that their electoral rights are not being ignored. While there are no *de jure* hurdles to the participation of IDPs in the electoral process, there is however an acute lack of information regarding IDPs and their situation that creates obstacles in ensuring their inclusion in the electoral process.

For one, the loss of homes and belongings often means that IDPs are without documentation and National Identification Cards (NICs). Since an NIC is a must in order to register to vote, this creates a serious problem for IDPs who do not have proper documents available to them in refugee camps or at relatives' houses.

Table 3.1³⁵ shows the number of people who as of 2010, according to information provided by the National Database and Registration Authority (NADRA), were registered as IDPs.

³² Balochistan Earthquake 2008 - <http://www.pakquake.com/category/balochistan-earthquake-2008>

³³ Evacuations as Hunza Lake Flooding Looms - http://www.centralasiaonline.com/cocoon/caii/xhtml/en_GB/newsbriefs/caii/newsbriefs/2010/05/24/newsbrief-03

³⁴ Pakistan – Millions of IDPs and Returnees Face Continuing Crisis - [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/824D103A25A742E4C1257680005872C3/\\$file/Pakistan+-+December+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/824D103A25A742E4C1257680005872C3/$file/Pakistan+-+December+2009.pdf)

³⁵ Verification Report NADRA - http://ndma.gov.pk/Documents/NWFP_Malakand_IDPs_Situation/Updates/verification%20report%20Nadra%20050809.doc

Table 3.1 Summary of NADRA's Verification Report as on August, 2009

Total Families Registered	754,822	---
Total members of the Registered Family	5,423,085	---
Total Correct Families	329,165	43.61%
Members of Correct Families	2,337,072	---
Total Incorrect Families	425,657	56.39 %
Members of Incorrect Families	3,086,013	---

This summary paints a telling picture of how IDPs are being seriously marginalized. There are 5,423,085 families registered in total, however, the detailed account of this report states that only 710, 126 heads of families actually had an NIC available.

It is important to note that being registered as an IDP or being in possession of a NIC does not guarantee that the person is registered on an electoral roll. Furthermore, if a person from the Swat region has had to relocate to Punjab or Sindh, the geographical difficulty of going back to Swat to cast his or her vote is nearly insurmountable.

Furthermore, it cannot be determined from the information provided as to how many within the registered IDP families are actually of voting age and how many of them possess NICs. Therefore, this population is by default excluded from voting.

5. CONCLUSION

Despite its flaws the elections held in the Gilgit-Baltistan region showed an increase in media coverage, greater interest displayed by many political parties and a largely transparent electoral

process. However, out of 99 candidates put up by the political parties, there was only one woman. There is also no indication that non-Muslims were given a chance to participate in the elections.³⁶ These omissions are a glaring testimony to what still needs to be done in order to ensure free, fair and inclusive elections within Pakistan.

Women and non-Muslim minorities are not given adequate representation in parliament and local councils. In addition, special attention needs to be given to internally displaced persons and people of disabilities, especially as there is no formal legal framework that deals with issues related to these groups.

The Election Commission of Pakistan (ECP) has drafted a five-year plan to implement laws that will take into account minorities' rights.³⁷ It is important for the government to pay heed to the ECP's suggestions and put them into action.

Central to any significant change is the need for the state and political institutions to work independently rather than under the banner of religion. Pakistan's laws and regulations have become mired by rules that some consider 'holy decrees'. However, it is these dictums that need to be reevaluated and restructured in order to have an inclusive electoral system.

³⁶ Gilgit-Baltistan Elections 2009 - <http://www.hrcp-web.org/pdf/Gilgit-Baltistan%20Report.pdf>

³⁷ Dawn, EC Working on Five-Year Plan (March 14, 2010) – HRCP Reference Section

6. RECOMMENDATIONS

1. *Pakistan needs an independent Election Commission, free from the Executive branch to ensure a fair and inclusive electoral institution.*³⁸
2. *Immediate action should be taken on reversing deletion of the word 'freely' from the Objectives Resolution.*
3. *The computerized electoral rolls should be updated regularly to make certain that eligible voters are not overlooked.*
4. *The voter's list should be linked with NADRA's database and the NADRA bio-metric system should be used for identification at polling stations to ascertain the identity of the voter.*³⁹
5. *ECP should implement a mandatory quota for each political party to nominate non-Muslim candidates. This will raise the chances of more non-Muslim representation in the assemblies separate from the reserved seats.*
6. *The electoral process will not be fair and inclusive unless proper security measures are taken to ensure non-Muslim minorities are safe to cast their votes without danger of persecution.*
7. *The laws should be amended to ensure enfranchisement of women in areas where they are systematically excluded from voting.*⁴⁰
8. *More voter registration centers must be set-up including those accessible to internally displaced persons.*
9. *Signing of certificate of faith should be declared void as it creates a disagreeable and dangerous situation for non-Muslims.*
10. *Have international watchdogs work in conjunction with the ECP (for example, International Foundation for Electoral Systems) in order to ascertain that free and fair elections take place and that minorities are not being discriminated against.*

³⁸ The News – Fixing Pakistan's Election Commission, January 26, 2010 – HRCP Reference Section

³⁹ Nation – Independent EC a Must, May 13, 2010 – HRCP Reference Section

⁴⁰ Gilgit-Baltistan Elections 2009 - <http://www.hrcp-web.org/pdf/Gilgit-Baltistan%20Report.pdf>