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Intervention for item # 4 of the provisional agenda  
**Conditions required for effective political participation**

**Present situation of minorities in political affairs of Pakistan**

In Pakistan the minorities have not been granted their due political rights for a long time. Pakistan is signatory of ICCPR but has not ratified it yet.

The constitution of Pakistan recognizes only religious minorities under art. 260 of Constitution of Islamic Republic of Pakistan, ignoring other forms of minorities such as ethnic and linguistic groups.

Article 25 of the constitution of Pakistan provides that all citizens are equal before the law, where as, article 36 provides safeguards regarding the protection of political rights of the minorities. The state shall exercise its powers and authority through the chosen representatives of the people.

Although the constitution provides all citizens the assurance of equality in all spheres of public and political life, but the contradictions can be found in this regards and the situation is on the contrary for the minorities in country. Father and founder of the country, Quaid-e-Azam Mohammed Ali Jinnah in his famous policy speech to the first constituent assembly of Pakistan on August 11, 1947 clearly explained that all citizens shall be equal in all respects

‘... You are free; you are free to go to your temples, you are free to go to your mosques or to any other places of worship in the State of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the State ... We are starting with this fundamental principle: that we are all citizens and equal citizens of one State. Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not so in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the state.’

Article 41.2 of Constitution of Islamic Republic of Pakistan stipulates that “A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.” Such formulation excludes persons of other faith, including, religious minority representatives to be eligible, which consequently negatively affects political participation of religious minorities in public life. Previously, the system of separate election was introduced in 1979 under the electoral laws which isolated them from the majority community and general political process. On the contrary, the minorities of Pakistan continued to play their effective role in the socio-economic development of the country. They also continued to work for their political rights and after long struggle the separate electoral system was abolished in 2002 and replaced by proportionate election system in recent years. Under the present system, **10 reserved seats for minorities** are distributed among the different parties according to their acquired votes. This system is somehow better than the previous one but the minorities are not satisfied yet. Due to this fact the representatives of the minority who are nominated by the political parties are not elected by votes, so, they often follow party policy rather than interests of their minority community. Anyhow, the long struggle of minorities regarding political participation or restoration of joint electorate has brought some results, but there is more to be done by the minorities themselves, civil society, and government to bring the minorities to an acceptable minimum level of satisfaction in political life.

However, particular minorities' groups have not been able to benefit from the restored system of joint electorate such as Ahmadi community, for whom the separate voter's lists were still used in election of 2008. Similarly, in the last union council elections at town level the minority's members were elected indirectly.

Further more, the under representation of minorities is also affecting greatly the socio-economic status of minorities minimizing their participation in public life. In the overall decision making process, the true aspirations and needs of minorities are not dealt accordingly because of the under representation. In the national assembly of Pakistan there are only 10 reserved seats for minorities, where as in the Senate it is only in 2009 that two minority representative have been elected from Hindu community.

In local bodies, the union council which is the first level of the municipal government there is direct election but at the district level again the system of indirect election is being practiced. Consequently, the members of the respective minority's communities are not able to play any visible role. Thus, the effectiveness of minority representatives is questionable, because the minority communities are residing in scattered localities and their number is very little against the size of the majority population at union council level.

The minorities have complained that they have been given lesser numbers of seats as compared to their actual number of population.

In this regard it is notable that in recent years, the numbers of representatives in national and provincial assemblies were increased from 207 to 342 but the numbers of the seats for minority are the same. Presently, there are three ministers at federal and provincial levels one from Christian minority at federal level whereas, one each in the provincial cabinet of Sindh & Punjab which affect their due participation and representation in high level decision making bodies.

In recent elections of 2008, the candidates belonging to minorities were not awarded ticket to contest elections on general seats by any political party. It is because of their less importance in social, economic, and public/political life. However, thanks to some political forces in the country, civil society, and constant struggle of minorities that the ice has started melting and it is hoped that in future more steps would be taken to remove flaws in the existing system.

Though, the enhancement of number of minority representatives may not increase the socio-political status of minorities automatically, moreover it requires changes in the constitution. Therefore, the restoration of the status of minorities will depend on their acceptance and respect of overall framework of human rights law entailing to reform the agenda. This agenda of non discrimination and equality of all citizens for reforms should include changes in laws, and administrative structure of the state which can lead to the socio-economic and political empowerment of the marginalized minorities groups in Pakistan.

## **Recommendations**

In order to enhance the political participation of minorities I would like to give following recommendations:

- 1) An independent national minority rights commission be established having powers of a tribunal to look at participation of minorities in all spheres of national life, including political participation.
- 2) An independent research should be conducted with the help of international experts to determine causes of socio-political reasons of insufficient participation of minorities in politics of Pakistan.
- 3) Constitutional and legal discrimination in the name of religion should be abolished by repealing discriminatory laws such as articles, 2, A and B, 41 which make them a less

preferred citizen and bear minorities from holding certain public offices such as presidency, prime minister and provincial governors etc.

- 4) The term minority must be used in broader aspects including the national, ethnic, and linguistic minorities as well.
- 5) The number of representatives of minorities in Senate, National Assembly, and in four provincial assemblies should be doubled than their size of population because of their lesser number in society so, that their number in parliament may increase enabling them to take an effective part in the matters of decision making of the state. In this context, the union council should be formed on a smaller level so that minority representation may be made accordingly.
- 6) In this regards, there should be reservation of seats of minority members in Senate as well.
- 7) The present system of proportionate election must be reformed according to the needs of minority communities; along with reserved seats the political parties should be encouraged to nominate at least 10% of their members on general seat from the minority communities. An amendment in the electoral rule after a debate in the parliament is recommended.
- 8) The minorities should be given more shares in federal and provincial cabinets in important ministries, parliamentary committees, and administrative commissions so that their importance may increase by their visibility and role in national affairs at large.

- 9) Concise and consolidated statistical data of minorities in public and political sectors be organized and released, so that their actual position in political and public sectors may be determined.
- 10) The religious and political organizations of minorities should be empowered in terms of community development and raising political awareness. They should use also the national and international legal documents and mechanisms extensively to promote, protect, and ensure the rights of their community.
- 11) The state party should ratify as soon as possible the ICCPR dealing with the effective political participation of minorities along with several other vulnerable groups.
- 12) The state should adopt comprehensive law to combat all forms of discrimination as suggested in paragraph 11 of concluding observations of UN Committee against the  
Elimination of Racial Discrimination  
PAKISTAN on 16<sup>th</sup> Feb 2009.
- 13) The government of Pakistan should invite independent expert on minorities to review the state of human rights of religious, ethnic, and linguistic minorities including political participation for recommendations for the improvement of the situation of minorities.