



Judicial and other Postings and Transfers recorded in last week of February

Introduction

This report is based on data collected by District Long-Term Observers (DLTOs) of the Free and Fair Election Network (FAFEN) from February 22 to 28, 2013. DLTOs monitor postings and transfers of civil servants that could be relevant to the 2013 General Election. In particular, judges, *tehsildars* and other civil servants are appointed as District Returning Officers (DROs), Returning Officers (ROs) and Assistant Returning Officers (AROs), who have responsibilities for finalizing polling schemes, polling staff, and election results.

Postings and Transfers by Region

DLTOs reported nine cases of postings and transfers in the judiciary, district administration, police and revenue department in seven districts between February 22 and 28.

Four of these transfers and postings were recorded in four districts of KP - Shangla, Kohat, Mardan and Swat. Three transfers and postings were made in two districts of Punjab – Bahawalnagar and Bahawalpur - and two in one district of Balochistan - Panjgur.

Province/Region	Number of Districts	Name of Districts
KP	4	Shangla, Kohat, Mardan, Swat
Punjab	2	Bahawalnagar, Bahawalpur
Balochistan	1	Panjgur
Total	7	

Postings and Transfers by Position

Two changes were observed in the police department in the Mardan district of KP where a District Police Officer (DPO) and a Station House Officer (SHO) were posted. Two other public servants were also changed in Shangla and Kohat.

In Punjab, a district & sessions judge and a civil judge were appointed in Bahawalpur, and one additional sessions judge was posted in Bahawalnagar. In Balochistan, an assistant commissioner and a *tehsildar* were changed in Panjgur district.

Legal Framework

Election Commission of Pakistan (ECP) issued two Notifications on January 22 and February 6, 2013, on the theme of government recruitments.

According to the ECP, no recruitment of government personnel may take place before the election unless the position was advertised before August 31, 2012 or on a case-by-case basis of necessity.

ECP's notifications reinforce the pre-election ban on postings and transfers of government officials. These last-minute movements of personnel have the potential to influence election processes and results, both in terms of the pre-electoral environment and because civil servants serve on Election Day as polling staff and otherwise.

Position	Punjab	KP	Balochistan	Total
District & Sessions Judge	1	0	0	1
Additional Sessions Judge	1	0	0	1
Civil Judge	1	0	0	1
Tehsildar	0	0	1	1
DPO	0	1	0	1
SHO	0	1	0	1
AC	0	0	1	1
Other Official	0	2	0	2
Total	3	4	2	9

Recommendations

Based on information gathered about continuing postings and transfers, FAFEN recommends:

1. ECP should rigorously enforce its notifications and other law barring the last-minute postings and transfers of state employees around the country before election.
2. All public departments, including the judiciary, should vigilantly follow these notifications and laws to ensure transparency and fairness in the upcoming election.

About FAFEN

The Free and Fair Election Network (FAFEN), established in 2006, is a coalition of 42 leading civil society organizations working to strengthen all forms of democratic accountabilities in Pakistan. Governed by the Trust for Democratic Education and Accountability (TDEA), FAFEN also implements robust programs in-between elections related to monitoring parliamentary affairs, connecting constituents to their elected representatives, monitoring the performance of public and elected institutions and advocating electoral and democratic reforms.

FAFEN Election Program

FAFEN is implementing a long-term election observation program nationwide, including both pre- and post-electoral processes. FAFEN is deploying 130 District Long-Term Observers (DLTOs) across the country to monitor all phases of elections. FAFEN's Constituency Long-Term Observers (CLTOs) will observe the political campaigns in all National Assembly constituencies during the two months prior to Election Day. In addition, FAFEN will deploy more than 43,000 trained, non-partisan citizens to monitor polling stations across the country on Election Day.

All FAFEN observers adhere to the Election Commission of Pakistan's (ECP) Code of Conduct for National Observers as well as the Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations (April 2012). FAFEN's 10-month observation process from February 1, 2013, helps keep all election stakeholders informed on issues relevant to fairness and transparency at every stage of the election process.

FAFEN Election Observation Methodology

FAFEN's election observation activities are based on the Constitution and laws of Pakistan, global best practice standards for elections, as well as the legal obligations of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan in 2010. FAFEN LTOs use standardized checklists to report electronically to the FAFEN Election Observation Secretariat in Islamabad regularly. FAFEN compiles data and information from around the country to issue regular thematic updates for the consideration of voters and election stakeholders.

FAFEN LTOs monitor and report on the activities of District Election Commissioner (DEC) offices, preparations of elections such as appointment and training of election officials, the process of candidate nominations, and compliance with the ECP's Code of Conduct for political parties and candidates (after the announcement of election schedule). In addition, LTOs observe and report on compliance of the executive branch with legal responsibilities and ECP regulations, including restrictions on transfers of civil service personnel and initiation of new development schemes. LTOs also monitor political and electoral intimidation and violence, the actions of the police and other security forces, and the overall political environment during the pre-election period.