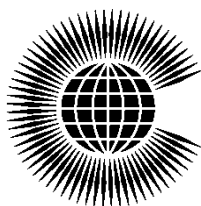


# **Report of the Commonwealth Observer Mission**

## **PAKISTAN GENERAL ELECTIONS**

11 May 2013



**COMMONWEALTH SECRETARIAT**



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# Chapter 1

## Introduction

The Commonwealth Observer Mission for the 2013 elections in Pakistan was led by the Hon Sir Douglas Kidd, former Speaker of the House of Representatives of New Zealand, and comprised eight eminent persons in total. The Observer Mission was supported by a five-person team from the Commonwealth Secretariat. A full list of members is at Annex 1.

### Terms of Reference

*"The Mission is established by the Commonwealth Secretary-General. It is to observe relevant aspects of the organisation and conduct of the General Elections which are scheduled to take place on 11 May 2013, in accordance with the laws of Pakistan.*

*The Mission is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgment whether the elections have been conducted according to the standards for democratic elections to which Pakistan has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.*

*The Mission is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Mission is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.*

*The Mission is to submit its report to the Commonwealth Secretary-General who will forward it to the Government of Pakistan, the Election Commission of Pakistan, political and civil society organizations and thereafter to all Commonwealth Governments."*

### Activities

The Observer Mission members arrived in Pakistan between 4 and 6 May 2013. During three days of briefings, the Mission met with the Election Commission, political party representatives, civil society groups, media, Commonwealth High Commissions, and national and international observer missions.

An Arrival Statement was issued on 9 May 2013 (Annex 2). The Observer Mission was deployed from 9-13 May 2013. Teams were based in the two most-populous Provinces – Punjab and Sindh - plus the capital, Islamabad. During deployment the teams met with election officials, civil society representatives, security agencies as well as other observers.

On the basis of the Mission's initial findings and observations, the Chairperson issued an Interim Statement on 13 May 2013 (Annex 3). The Mission's Final Report was completed in Islamabad prior to departure on 18 May 2013 and thereafter transmitted to the Commonwealth Secretary-General.

## **Chapter Two**

### **Political Background**

#### **Elections 2002 to 2008**

The 2002 elections in Pakistan were held under the presidency of military leader General Pervez Musharraf, as part of a 'roadmap to democracy.'

Pakistan had been suspended from the Councils of the Commonwealth following the unconstitutional overthrow of Prime Minister Nawaz Sharif's Government in 1999 by the Chief of Army Staff General Pervez Musharraf. Since then, the Commonwealth had maintained pressure on him to restore elected civilian government.

A Commonwealth Observer Group was present at the 2002 elections. In the context of an amended 'roadmap' that saw General Musharraf alter the Constitution by decree to allow him to retain the presidency for a further five years, the Group concluded that they had "observed an incomplete democratic process."

The 2008 elections took place in the aftermath of the assassination of Benazir Bhutto, leader of the Pakistan People's Party (PPP). Exiled abroad following the 1999 coup, she had returned to Pakistan following a deal that saw pending cases against her and other political leaders shelved.

The elections were genuine and broadly competitive, although Baloch nationalist parties boycotted the process following the 2006 killing by security forces of nationalist leader Akbar Bugti.

#### **Key Political Developments 2008-2012**

The PPP, emerging as the largest party in the 2008 elections, formed a coalition government with several regional parties. The Pakistan Muslim League- Nawaz, (PML-N), led by Nawaz Sharif, formed the main opposition following a brief period within the coalition government.

Over the course of the next few years the Government faced a number of serious challenges. Among them was a marked increase in extremist and sectarian violence, a deepening energy crisis, several natural disasters, and a significant deterioration in relations with the United States following several high-profile incidents including the capture of Osama bin Laden in Pakistan in May 2011.

In addition, addressing entrenched poverty, generating stronger economic growth, and improving educational opportunities were seen as pressing requirements to be addressed by the government.

One of the main aims of the governing coalition, with support from the Opposition, was to reverse the constitutional changes enacted by General Musharraf. These had served to increase the powers of the President at the expense of Parliament.



## **The 18th Amendment (2010)**

In the 18th amendment to Pakistan's 1973 Constitution, passed in 2010 passed with broad political support, significant limits were placed on the President's powers. These included: the removal of the President's ability to by-pass Parliament and rule by decree; the removal of the President's power to dissolve Parliament; and a limit on the time permitted for the President to consider and ratify bills approved by Parliament.

The 18th amendment also restored powers to Parliament and the Prime Minister. These included recommendations for the appointment of provincial governors and military chiefs which would henceforth be binding on the President, the lifting of prime ministerial term limits, and the removal of the duty to consult the President.

In response to longstanding demands from provincial governments, the 18th Amendment also recalibrated the relationship between the provincial and federal governments. The 'Concurrent List,' which set out areas of joint responsibility, was abolished. Over 50 such areas of responsibility were devolved to provincial governments, including policing, education, health and local government. In addition, the National Finance Commission was reconstituted after a gap of many years and an assessment was conducted to determine the share of federal income to be disbursed to the provinces.

Of particular significance for the electoral process were the provisions in the 18th Amendment relating to the appointment of the Election Commission of Pakistan (ECP) (see Chapter 3) and the Caretaker Government. These responded to a widespread sense that the constitutional independence of the Election Commission required strengthening, and that the caretaker government system had not delivered the neutrality expected of it.

## **The Caretaker Government**

The Constitution provides for a neutral caretaker administration appointed by the President to oversee preparations for and conduct of elections. This is intended to reduce the ability of the outgoing government to make use of state resources and the benefits of incumbency. However, earlier caretaker governments had not demonstrated the required neutrality, and in practice had represented a continuity of the outgoing government, albeit with new faces.

The 18th and 20th Amendments redefined the process for the nomination and appointment of caretaker administrations at the federal and provincial levels. The amendments provided for time-bound consultations between the Prime Minister and the Leader of the Opposition on the selection of the caretaker Prime Minister, followed by consideration of four names by a parliamentary committee if agreement cannot be reached in the first instance. This committee is to comprise equal numbers of government and opposition members, chosen by the Prime Minister and Leader of the Opposition. If agreement cannot be reached, the four names have to be submitted to the Election Commission, which is required to take a final decision within two days. A similar procedure was set in place for the appointment of caretaker provincial chief ministers.

On 24 March 2013, following the inability of the government and opposition parliamentarians to agree on a name, the decision went to the ECP, which chose retired judge Justice Mir Hazar Khan Khoso as the Caretaker Prime Minister.

The federal Caretaker administration was generally accepted as having conducted itself in a sufficiently neutral manner. In one widely publicised instance when the caretaker Interior

Minister made media remarks supporting a particular party, the Election Commission took official notice of the remarks and requested the Caretaker Prime Minister to take appropriate action. The Caretaker Prime Minister summoned the Minister, sought clarification of his remarks, and issued a public statement reiterating the neutrality of the Caretaker Government.

### **The Political Parties Order**

It is also of note that in 2011 the Political Parties Order was extended to cover the Federally Administered Tribal Areas (FATA) so that in the 2013 elections, political parties there were, for the first time, able to field candidates under party banners and campaign in the region.

### **Local Government**

Pakistan's last local government elections had taken place in 2001 and 2005 under General Musharraf's administration. A system of non-party 'local bodies' was introduced with the stated aim of strengthening 'grassroots democracy.' Following the return to elected civilian democracy and the devolution of powers to the provincial governments, each province was to determine the form of its local government and the timing of elections. However, none of the provinces has yet agreed a timetable for the holding of local government elections. In the interim, civil servants occupy the various positions vacated by elected local officials.

### **The Supreme Court**

Pakistan's Supreme Court, headed by Chief Justice Iftikhar Muhammad Chaudhry, played a politically significant role in the lead-up to the 2013 elections.

Chief Justice Chaudhry had been dismissed by General Musharraf in March 2007. A mass lawyers' movement in support of the Chief Justice had contributed to the weakening of General Musharraf's authority. Justice Chaudhry was restored to his former position in March 2009 by the new Government. Since then, the Court had stepped up its engagement with political issues, often taking *suo moto*<sup>1</sup> notice of controversial issues.

In December 2009 Chief Justice Chaudhry ruled null and void the National Reconciliation Ordinance (NRO). The NRO had provided full legal protection from pending investigations and cases against holders of public office. Although many national and provincial MPs had benefitted from the Ordinance, politically the most affected by the ruling was President Asif Ali Zardari.

The Supreme Court subsequently ordered the Government to request the Swiss authorities to re-open corruption cases pending against President Zardari. The Government maintained that he was covered by presidential immunity. The repeated refusal of the Government, led by Prime Minister Yousuf Raza Gilani, to comply with the court order resulted, in June 2012, in the Court holding the Prime Minister in contempt of court. He was consequently disqualified as a member of parliament and was unable to contest the 2013 elections.

The new Prime Minister Raja Pervez Ashraf was then named as a respondent in the so-called 'Swiss cases' matter. However, in October 2012, the Government agreed to write to the Swiss authorities, who confirmed, in February 2013, that it was not possible to re-open the cases. In November 2012, in the course of a *suo moto* case relating to violence in Karachi, the Supreme Court directed the Election Commission to devise a plan for a delimitation exercise

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<sup>1</sup>*Suo Moto* - actions taken by a judge without a prior motion or request by the parties.

in respect of Karachi. In making the order, the Court remarked that the exercise should be carried out in such a way that no political party would have complete control of the city.

The Muttahida Qaumi Movement (MQM), whose political stronghold is in Karachi, protested the ruling on the basis that by law, delimitation could only be carried out on the basis of a census, which had not been carried out. The Election Commission noted that the last census had been carried out in 1998 and that a fresh one was overdue. In March 2013, the Supreme Court, criticising the ECP for its 'inaction' on the matter, ordered that a fresh delimitation be carried out in the absence of up-to-date census data. The Commission then carried out a partial delimitation of three out of twenty National Assembly and eight out of forty-two Provincial Assembly constituencies. Questions were asked as to why only some constituencies had been identified for delimitation. The MQM was unsuccessful in its legal attempts to halt the exercise.

The Observer Mission learnt that in the run-up to elections, Chief Justice Chaudhry travelled around the country addressing judicial officials who were to serve as Returning Officers during the nominations and scrutiny process, to exhort them to uphold the Constitution and to remember the importance of judicial supervision of the elections. The role of the Chief Justice in this regard was criticised by some, who viewed it as undermining the role of the Election Commission. The excessively intrusive manner in which some returning officers questioned candidates on religious knowledge and personal circumstances was subsequently attributed, by a number of commentators, to the earlier intervention by the Chief Justice.

The Supreme Court also ordered that overseas Pakistanis should be able to vote in the 2013 elections (See chapter 3 for more details on this issue).

### **Significance of the 2013 Elections**

The General Elections of 11 May 2013 provided the opportunity for the first democratic transfer of power from one full-term civilian government to another. For the first time in Pakistan's 66-year history, there was the prospect of an elected government completing its term in office and being replaced by an elected successor. Previous elections (1970, 1985, 2002 and 2008) either took place after a period of military rule, or after the removal of an elected government by military intervention (1988, 1990, 1993, 1997).

The 2013 election was the 10th election in Pakistan's history to be held under universal franchise. It was the first to be held under new constitutional and electoral reforms. The election was also conducted in the context of unprecedented judicial independence, as well as a more noticeably diverse and vibrant media landscape.

In addition, a number of parties, including Baloch nationalist parties, that had boycotted the 2008 elections decided to participate.

## **Chapter 3**

# Electoral Framework and Election Administration

## Electoral System

For the purpose of electing the National Assembly<sup>2</sup> the country is divided into 272 single member constituencies. Constituencies are established in each area on the basis of population size. The number of seats in each area is provided in the table below. The electoral system for the National Assembly General Seats is based on the single-member constituencies where members are elected by direct vote through a First-Past-The-Post (simple majority) system.

There are also 60 Reserved Seats for women. These are allocated to parties on the basis of a proportional distribution from party lists based on each party's share of the general seats won in the Province.

In addition there are ten seats reserved for Non-Muslims. These are allocated to parties on the basis of a proportional representation party list system based on each party's share of the general seats won in the National Assembly.

*Distribution of Seats in the National Assembly:*

	<b>General Seats</b>	<b>Women</b>	<b>Non-Muslims</b>	<b>Total</b>
Balochistan	14	3		17
Khyber Pakhtunkhwa	35	8		43
Punjab	148	35		183
Sindh	61	14		75
FATA	12	-		12
Federal Capital	2	-		2
<b>Total</b>	272	60	10	342

For the Provincial Assemblies, each province is divided into a series of single member constituencies. The number of seats in each Province is provided in the table below. In each of the single-member constituencies for the General Seats the election is also on the basis of First-Past-The-Post.

There are also Reserved Seats for women. These are allocated to parties on the basis of a proportional representation party list system based on each party's share of the general seats won in the Province.

In addition there are seats reserved for Non-Muslims. These are allocated on the same basis as the Reserved Seats for women in the Provincial Assemblies.

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<sup>2</sup> The Majlis ash-Shura (The Parliament of Pakistan) is a bicameral federal legislature. According to the Constitution the Parliament consists of the President, a 104-member Senate and a 342-member National Assembly. The President is the Head of State and the Prime Minister is a Member of the National Assembly who commands the confidence of the majority of members. Senate members are indirectly elected. Each of the four Provincial Assemblies elect 23 members. The President is also indirectly elected, being chosen by the National Assembly.

### *Distribution of Seats in the Provincial Assemblies:*

	<b>General Seats</b>	<b>Women</b>	<b>Non-Muslims</b>	<b>Total</b>
Balochistan	51	11	3	65
Khyber Pakhtunkhwa	99	22	3	124
Punjab	297	66	8	371
Sindh	130	29	9	168

### **International and Regional Commitments and National Legal Framework**

Pakistan has signed or agreed to the major regional and international commitments and instruments relating to the conduct of elections. These include:

- South Asian Association for Regional Cooperation Charter on Democracy (2009)
- Port of Spain Affirmation of Commonwealth Values and Principles (2009)
- International Convention on the Elimination of All Forms of Racial Discrimination (1996)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- International Covenant on Civil and Political Rights (1966)
- Universal Declaration of Human Rights (1948)

The Pakistan Constitution guarantees fundamental rights and freedoms, including freedom of expression, assembly, association and participation in elections.

The key documents providing the legal and regulatory framework for the conduct of the elections are:

- The Constitution (1973, as amended)
- Delimitation of Constituencies Act (1974)
- Representation of the People Act (ROPA) (1976)
- Representation of the People (Conduct of Election) Rules (1977)
- Electoral Rolls Act (1977)
- Political Parties Order & Rules (both 2002)
- Election Commission Order (2002)
- Allocation of Reserved Seats for Women and Non-Muslims Rules (2002)
- Election Commission of Pakistan Codes of Conduct (2012)

### **The Election Commission of Pakistan (ECP)**

The ECP at the national level comprises a Chief Election Commissioner (CEC) and four other Commissioners<sup>3</sup> and has overall responsibility and authority for the conduct of elections. The ECP has 2,288 full-time employees and in addition to the national Commission has offices at the provincial, divisional and district levels. The current CEC is Mr Justice (Retd.) Fakharudin Ebrahim.

To be qualified as a CEC a person must be or have been a Judge of the Supreme Court or a Judge of a High Court and qualified to be appointed as a Supreme Court Judge. For the other Commission members a person must be a former Judge of a High Court.

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<sup>3</sup> Each of the four Commissioners is from and represents one of the four Provinces.

Following the 18<sup>th</sup> Amendment of the Constitution (see key issues below) the CEC and Commissioner members are selected through an inclusive consultative process between the government and parliamentary opposition and approved by the President. The Prime Minister, in consultation with the Leader of the Opposition in the National Assembly, forwards three names to a Parliamentary Committee<sup>4</sup> for hearings and confirmation. Failing agreement between the Prime Minister and Leader of the Opposition they can forward separate lists to the Committee. The Committee makes its selection by a simple majority vote and names are forwarded to the President for appointment.

The CEC and other Commissioners are appointed for five-year terms and cannot be removed except by the same procedure used to remove judges of the Superior Courts.

Mr Ishtiaq Ahmad Khan is the Secretary of the ECP and heads the Secretariat, which consists of several departments, including: Elections, Administration, Budget and Finance, IT and Public Relations.

In terms of the sub-national offices: there are four Provincial Election Commission offices, headed by a Provincial Election Commissioner; 24 Divisional Election Commission Offices, managed by Regional Election Commissioners; 118 District Election Commission Offices, managed by District Election Commissioners. In addition, there are seven Agency Election Commission offices for the FATA.

Returning Officers are appointed at the Constituency level, with responsibility for candidate nominations and also the results process. Returning Officers are appointed from among members of the local judiciary and are not under the direct operational control of the ECP (see Key Issues below).

The ECP's key responsibilities are:

- Preparing Electoral Rolls for National, Provincial and local elections and revising them annually
- Delimitation of Constituencies
- Organising and holding general elections
- Appointing Election Tribunals

The ECP receives its operational funding from the federal budget through the Ministry of Finance. The ECP also has a supplementary budget for electoral activities and special projects, including the conduct of the polls, preparation of the electoral rolls and IT.

### **Voter Eligibility and Voter Registration**

To be eligible as a voter a person must be:

- A citizen of Pakistan;
- At least 18 years of age;
- Of sound mind;
- A resident of the electoral area; and,
- Have a Computerised National Identity Card (CNIC) issued by the National Database and Registration Authority (NADRA).

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<sup>4</sup> The Committee is constituted by the Speaker and comprises 12 members in total; six nominated by the government and six by the opposition. At least four of the total must be from the Senate.

In 2011 a bill was passed making possession of a valid National Identity card mandatory for voter registration. This resulted in collaboration between the ECP and NADRA in preparing the electoral rolls. NADRA undertook a check of the 2007 electoral roll against their own database of eligible persons and also added all newly eligible persons based on their own data of issued CNICs. As a result NADRA confirmed 44 million of the 81 million entries on the 2007 list (some 37 million entries were found to be duplicate or unverifiable) and also identified some 36 million citizens not included at all on the 2007 list.

Following this, the ECP verified the electoral rolls through a door-to-door exercise. Over 75 million voters on the roll were verified through this exercise. The ECP then displayed the preliminary rolls for 21 days at more than 50,000 display centres across the country. After the display period some 3 million corrections and objections were filed and the list was accordingly amended. Further, some 1 million extra persons were added to the list as they had obtained their CNICs subsequent to NADRA handing over the initial data to the ECP. This updating continued up until the time the election schedule was announced.

For the production of the final electoral rolls photographs of each person were added<sup>5</sup>. Prior to the election the ECP website stated there were 86,189,802 registered voters for the polls and provided the following breakdown of final numbers of registered voters on the electoral rolls for the 11 May 2013 elections:

<b>Province / Area</b>	<b>Males</b>	<b>Females</b>	<b>Total Voters</b>
Balochistan	1,915,388	1,421,271	3,336,659
FATA	1,142,234	596,079	1,738,313
Federal Capital	337,900	288,064	625,964
KPK	7,008,533	5,257,624	12,266,157
Punjab	27,697,701	21,561,633	49,259,334
Sindh	10,490,631	8,472,744	18,963,375
<b>Total</b>	<b>48,592,387</b>	<b>37,597,417</b>	<b>86,189,802</b>

The ECP also established an SMS service for voters, whereby they could text their CNIC number to 8300 and receive an automated response with the CNIC number confirmation, the name of the voter's electoral area, their block code, polling station location and serial number on the roll<sup>6</sup>.

### **Candidate Eligibility and Nomination**

The eligibility criteria for candidates of the National Assembly are defined in Articles 62 and 63 of the Constitution<sup>7</sup>. The criteria are quite extensive, but the key points for eligibility are that a person must:

- Be a citizen
- Be not less than 25 years of age
- Be a registered voter

<sup>5</sup> With the exception of some women who do not submit a photograph when applying for their CNICs.

<sup>6</sup> The Electoral Rolls were organised by household number, which is not reflected on a voter's CNIC. Thus the provision of the serial number on the roll is useful.

<sup>7</sup> The controversial requirement for candidates to have a university degree was dropped prior to these elections.

- Be "of good character and is not commonly known as one who violates Islamic injunctions"
- "Has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins"<sup>8</sup>
- Be "sagacious, righteous and non-profligate"
- Not have worked against the integrity of the country or opposed to the ideology of Pakistan

Further, to be eligible for candidacy a person must not:

- Be a dual national
- Have defamed the judiciary or armed forces
- Have been convicted of a corrupt practice or misuse of power
- Be military personnel, a civil servant or a person involved in government contracts
- Have unpaid loans, utility bills (including spouses) or have defaulted in submission of tax returns

Once the ECP announces the election schedule candidates have six days to file their nomination papers. Prospective candidates must submit their nomination papers to the respective RO. Candidates are not limited in the number of constituencies they may contest<sup>9</sup>. For National Assembly elections a prospective candidate must also pay a deposit of RS 4,000. For the Provincial Assembly the deposit is RS 2,000. Each submitted nomination must also be accompanied by the signatures of two registered voters from the constituency.

Candidates are able to contest the election as a party candidate or as an Independent<sup>10</sup>. At the time of nomination candidates may list party affiliation but the official party endorsement takes place later. Nomination papers can be submitted by a person authorised by the candidate.

ROs scrutinise submissions and thereafter accept or reject the nomination paper on the basis of whether or not they are eligible in accordance with Articles 62 and 63 of the Constitution. Appeals against the decisions of ROs can be made to an Appellate Tribunal. For the purpose of scrutinising declarations regarding financial assets and related financial matters the ECP coordinated with the State Bank of Pakistan, the National Accountability Bureau and the Federal Board of Revenue.

In the event, 4,670 candidates contested the 272 General seats for the National Assembly and 10,955 candidates contested the elections for the four Provincial Assemblies. Of the 4,670 candidates contesting the general seats in the National Assembly 161 (3.5%) were women. This compares to 64 women contesting the General Seats in 2008.

### **Complaints, Appeals and Election Petitions**

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<sup>8</sup> This clause and the one above are not applied to a person who is a non-Muslim, for whom the requirement is to "have a good moral reputation".

<sup>9</sup> If a candidate is successful in more than one constituency then they have to resign from all but one constituency, with by-elections held in the others. Further, Candidates for the National Assembly do not necessarily have to be registered voter in that constituency but must be a registered voter somewhere in the country. For the Province a candidate must be a registered voter in that province. In 2008, the ECP conducted 21 by-elections for 26 vacated seats (five seats were uncontested).

<sup>10</sup> If successful in the election an Independent candidate has three days from the date of publication of results in the official gazette during which they may join a party.



Election Tribunals are established by the ECP and are tasked with addressing electoral complaints within four months of receiving the complaint, notably on candidate nominations and later on results. Decisions relating to election results can be challenged in the Supreme Court.

The ECP created monitoring teams in each Province to report on violations of the campaign Code of Conduct. These teams monitor the process and report to respective Provincial Election Commission Offices on possible violations, for instance on campaign activities and campaign financing.

## **Key Issues**

### **1 Legal Framework for the Election Commission of Pakistan**

The legal framework relating to the nomination, appointment and work of the ECP was significantly improved by the 18<sup>th</sup> Amendment to the Constitution. This resulted in increased confidence in the ECP at the national level.

The requirement in the 18<sup>th</sup> Amendment for the CEC and other Commissioners to be nominated through a cross-party process makes for a far more inclusive and transparent process, which results in an increased level of confidence in the overall electoral arrangements. Previously, the appointment of the CEC and Commissioners was the sole prerogative of the President.

The same amendment provides for a five-year as opposed to three-year term for ECP members, which is a more balanced term of tenure. Furthermore, the ECP also has more control over its finances, which increases its independence.

However, there are concerns regarding the election management body's structure and management process. For instance, the ECP did not have authority over ROs in electoral matters (see below) and District and Provincial-level election officials did not adequately enforce the Codes of Conduct.

### **2 Voter Registration**

The Electoral Roll was heavily criticised by stakeholders and observers in past elections. The 2002 roll was only partially computerised and as a consequence there was no way of accurately checking for duplicate entries or to search for unverified entries. The 2007 roll saw some improvements but was still criticised due to some one-third of the electorate being listed on a supplementary list rather than the main list and with many of the entries lacking unique ID numbers.

The Electoral Roll for the 2013 elections represents a major improvement and enjoys widespread confidence. It is now fully computerised and reliant upon the unique CNIC numbers as issued by NADRA in its national database of citizens. This means it can be easily updated as new citizens turn 18 and also that it can be easily used for cross-checking and verifying entries to maintain accuracy and reliability. On the day of the election it proved an accurate and a reliable document.

During the finalisation of the rolls it was found that many people were registered for the election according to their address at the time of registration for their CNIC, but their actual residence now was different. This seems to have been a particular issue in Karachi with over

100,000 people apparently affected. The ECP made efforts to resolve the matter and no major complaints were made after the election in this regard.

A further concern is the manner in which the Ahmadi community is treated with regard to their right to vote. Many persons from this community do not register to vote in the first place because they do not agree that they should be identified as Non-Muslim. However, some do register and NADRA identified over one hundred thousand Ahmadis from the list of issued CNIC cardholders and rather than placing them on the Electoral Roll they were placed on a supplementary list.

The ECP's use of an SMS system to facilitate voter verification of their registration, polling place, block number and serial number of the Electoral Roll was a commendable initiative and served the process extremely well. It was estimated that some 40 million people took advantage of this facility. On election day the system was so heavily accessed it ran into some technical problems.

The number of women on the electoral roll remains substantially lower than the number of men. Based on ECP figures there are some 10 million fewer women than men. The trajectory for registering women is positive, as the gap is lessening and the ECP undertook a series of positive initiatives for these polls to increase women's registration levels. But there remains work to be done in this regard. Given the new system, whereby it is registration for a CNIC that triggers one's registration as a voter the issue is broader than just an electoral one and therefore requires the involvement of more state institutions than just the ECP.

The Electoral Roll lists people by household number, which is not a commonly understood reference in the Pakistani context. The ECP SMS system included a voter's serial number as part of the information offered but political parties continue to play an active role in informing voters of their serial number, notably through the camps they establish near to polling stations. However, this involvement of the parties has the potential for enabling them to influence voters on the day of polling. Given that all voters now have a CNIC with a unique number it would be possible to have a list ordered by CNIC number, which would be clear and easy to follow for voters and poll officials alike, and would enable the prohibiting of party camps outside of polling stations and would also lessen the proactive role of polling agents inside polling stations.

### **3 Candidate Nomination**

While the total number of candidates registered for these elections represents a significant increase compared to the previous polls, and the elections were certainly competitive in this regard, there is a concern at some aspects of the candidate nomination process in terms of both the criteria and the implementation of the process.

The current criteria for candidate eligibility include a series of "moral" requirements which are subjective in nature and inconsistent with the ICCPR's requirement for participation to be based on reasonable and objective criteria. Article 62 of the Constitution has three such moral and subjective stipulations, whereby candidates are required to:

- "Be of good character and is not commonly known as one who violates Islamic injunctions"
- Have "adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins"

- Be "sagacious, righteous and non-profligate"<sup>11</sup>

The candidate nomination process is administered by the respective constituency Returning Officer (RO). For the purpose of this election ROs were drawn from among the judiciary but are not under the direct control and authority of the ECP. In electoral management terms this is not ideal. In practice this led to inconsistencies in implementation, for instance with a prospective candidate who applied to be a candidate in more than one constituency being rejected in one constituency but accepted in another<sup>12</sup>.

Further, there were reports of some ROs going beyond the remit of administering the process and starting to interpret the application of the Constitution, for instance with regard to the elements of Article 62 mentioned above. There were reports of women being asked if they were married and others being asked to recite verses of the Koran to prove their knowledge of Islam. The High Court in Lahore was petitioned and ordered ROs to cease such practices in the Province. It should also be noted that in the more traditional area of KP Province such practices were not reported.

These reports highlight the problem of having such moral and subjective criteria and also of the ECP not having control over the ROs to ensure consistent and objective implementation of the rules and regulations.

It should also be noted that the requirement for candidates to have a university degree, which was heavily criticised in previous polls, was struck down by the Supreme Court in 2008.

#### **4 Women's Participation and Representation**

The ECP undertook a number of initiatives with regard to women's participation for these elections<sup>13</sup>. The total number of registered women voters has increased compared to the previous election and a strong turnout of women voters was observed on election day. There were also some advances in terms of women's participation as candidates, notably a woman contested a General Seat in the FATA for the first time.

However, while some improvements are noted there clearly remains work to be done in this regard as the total number of registered women voters, according to ECP figures, is some 10 million less than registered males. Also, the number of women candidates contesting the open general seats for the National assembly was just 3.4% of the total number of seats.

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<sup>11</sup> Some parties pointed out to the Mission that while many of the Constitutional Amendments made by General Musharaf had been repealed, Articles 62 and 63, which were inserted into the Constitution by former military ruler General Zia-ul-Haq, remained.

<sup>12</sup> The case of General Musharaf is an example of the inconsistencies in the nomination process. He returned to Pakistan during the nomination process and submitted nomination papers in multiple constituencies. In some he was accepted while in others he was rejected. In one case where he was rejected the RO stated it was because of the charges brought against him. However, being charged with an offence does not preclude candidacy, rather it is being found guilty of an offence that precludes candidacy. In the end none of his applications for nomination went forward and he did not contest the polls and remained under house arrest during the election period.

<sup>13</sup> Polling station officials were required to provide gender aggregated data as part of their final paperwork on the turnout of voters, which helps to identify the level of women's participation. Further, the Code of Conduct includes a number of items relating to parties not denigrating others on the basis of gender and should not provide obstacles to women's participation as voters. The Code also encouraged parties to provide equal opportunity to both men and women to participate in the electoral process.

Women represent just 1.8% of the ECP's 2,288 full time employees and there are no women in senior management positions. The ECP recognises this shortcoming and in its five-year Strategic Plan (2010-2014) it states that it aims to increase the representation of eligible women within the ECP to at least 10%.

## **5 Overseas Voting**

In response to requests from political parties the ECP decided in February 2012 to allow overseas-resident Pakistanis to vote in national elections, although the required arrangements had not yet been put in place. Subsequently, the Supreme Court, in the course of hearing a long-running petition by a political party on the matter, ordered the ECP to ensure that all overseas-resident Pakistanis would be able to vote in the May General Elections. During hearings in April 2013, the ECP argued that it did not have sufficient time to set in place a secure online system for the estimated 4.5 million Pakistanis resident abroad. Overseas Pakistani citizens are primarily residing in the Gulf states, United Kingdom, United States and in Asia.

After several statements to the Court by the ECP and Caretaker Government reiterating their inability to institute the necessary arrangements, the Court accepted that overseas voting would be instituted for subsequent elections. On 9 May 2013, President Zardari signed the Election Laws (Amendment) Ordinance, providing for the right to vote for overseas Pakistanis.

### **Recommendations**

- It is important for the ECP to have managerial control of all aspects of the electoral process they are responsible for, to ensure full compliance and consistency in application of rules and regulations. In this regard, Returning Officers should be more directly accountable to the ECP in exercising their electoral duties.
- The ECP has issued a series of Codes of Conduct to help regulate the electoral environment. However, in order to be effective these require suitable enforcement mechanisms to ensure compliance and accountability. Of particular note in this regard are the Codes of Conduct for the election campaign and media, which require the ECP to have the means to monitor violations and the will and capacity to enforce accountability measures.
- The moral criteria contained in Article 62 of the Constitution, as currently phrased, give scope for subjective interpretation and are contrary to Pakistan's obligation under the ICCPR.
- The relative advancements in increasing the levels of women's participation as voters, candidates and ECP staff/management need to continue. In particular, emphasis should be placed on ensuring women's access to a CNIC, which is vital for them as a citizen in general but critical for them as a voter in future elections.
- Further effort should be made to resolve the case of Ahmadi voters being excluded from the main electoral roll, bearing in mind the constitutional right and treaty obligations with regard to equal treatment of Pakistani citizens in this regard.
- The listing of voters on the electoral rolls by household number does not appear to be helpful, as it is not known in many instances. Further, the use of the household number in this regard means that voters still want to know their serial number on the roll and

this opens the door to political parties establishing their camps around polling stations to fulfil this function. Such camps have the potential for undue influence on voters and represent campaigning on election day which is proscribed by the law. As voting is now on the basis of the unique CNIC number, this would appear to offer a solution, with lists able to be organised by CNIC number, facilitating the work of poll officials.

## **Chapter 4**

### **Election Campaign and Media**

## **Political Parties**

One hundred and forty eight political parties contested the National and Provincial Assembly elections. The main parties were: the Pakistan Peoples Party (PPP) - which contests elections as the Pakistan Peoples Party Parliamentarians (PPPP), the Pakistan Muslim League- Nawaz (PML-N), the Awami National Party (ANP), the Muttahida Qaumi Movement (MQM), the Pakistan Tehreek-e-Insaaf (PTI), the Jamiat Ulema Islam-Fazl (JUI-F), and the Jamaat-e-Islami (JI).

## **Campaign Period and Key Campaign Themes**

The Election Commission of Pakistan (ECP) issued a revised code of conduct for political parties in October 2012, which among other things, provided the framework for election campaigning. The Election Commission also put in place a small number of monitors to track compliance with the Code.

Of note is the fact that the Code of Conduct required political parties and candidates to:

- Not undermine the ideology of Pakistan or ridicule its judiciary or armed forces;
- Abide by all directives issued by the Election Commission of Pakistan;
- Uphold the rights and freedoms of the people of Pakistan as guaranteed by the Constitution;

Additionally, the Code sets out limits on campaign spending by candidates, size of campaign materials and their placement, use of government resources, interaction with the media and use of fire arms.

The campaign period lasted for three weeks, with a 48-hour campaign silence before the opening of the poll on 11 May 2013.

Campaign issues varied across provinces and parties, but key themes were the economy, the energy crisis and security.

## **Campaign Environment**

The traditional campaigning style of mass rallies and large meetings with party leaders was possible only for some parties and in some regions. This was because the campaign environment was marred by violence and the threat of violence. This violence was perpetrated by non-state actors, consisting mainly of the Pakistani Taliban, but also nationalist insurgents in Balochistan. In the weeks leading up to the election, the Pakistani Taliban stated their intent to target three parties; the PPPP, MQM and ANP. These parties were targeted for the perceived secular nature of their politics during their joint stint in power as members of the outgoing coalition government. The Taliban also declared the elections un-Islamic and vowed to disrupt the electoral process. This was offset by a group of senior clerics issuing a fatwa (religious decree) declaring that voting is a national duty.

Over 130 people were killed in the three weeks leading up to the election, including three election candidates. Most of the attacks that resulted in these deaths were claimed by the Tehrik-e-Taliban Pakistan. The MQM and ANP suffered from fatal attacks on their offices, rallies and party workers. The threat of violence also kept the PPPP's top leadership from openly campaigning in any of the provinces, except in interior Sindh. A candidate for the PPPP (also the son of a former Prime Minister) was kidnapped two days before the election from a

campaign rally in southern Punjab. When the Mission departed Pakistan on 16 May, this candidate had not yet been found.

In response, these parties jointly vowed to see through the electoral process. They resorted to electronic and print media advertisements, video links, Skype and mobile phone technology, door-to-door campaigning and corner meetings to reach out to voters. This campaign style was particularly widely adopted in Karachi and Khyber Pakhtunkhwa, where these parties have traditional strongholds.

By contrast, parties perceived to have taken a softer stance in relation to militancy were left largely unharmed.<sup>14</sup> They were able to campaign openly and actively, holding large rallies and public meetings. Amongst these parties, campaigning was competitive and vibrant and significantly, concentrated in the Punjab province. As Punjab also represents a majority of the seats in the National Assembly, coverage of campaigning in the province dominated electronic media, leading to conclusions that the main electoral battle was being fought in Punjab.

Media and civil society consistently highlighted the discrepancies in the security environments across provinces and parties. Political parties also took up the issue strongly, blaming the caretaker government and Election Commission for failing to provide a fairer campaigning environment. In relation to this the Mission notes a statement made by a citizen observer group, the Free and Fair Election Network (FAFEN), which fielded some 40,000 election observers across the country. It said that the pre-election violence which made the election one of the most deadly in the country's history "was not met with an effective counter-attack by state security forces, raising concerns of patronage of certain political interests."

## **Code of Conduct**

Citizen observers regularly reported violations of the code. FAFEN reported 799 violations in 152 out of 272 constituencies across the four provinces in late April. Alongside independent reports of violations, political parties were active in reporting perceived violations to the Election Commission. Regularly reported violations included that of guidelines on campaign materials, use of government resources in campaigning and exceeding limits on campaign spending.

Campaign spending was a significant issue. The current campaign-spending limit for each National Assembly candidate is currently 1.5 million Rupees (\$15,000) and 1 million Rupees (\$10,000) for a Provincial Assembly candidate. Successful candidates are required to submit campaign expenses to the Election Commission within 10 days. By contrast, there is no upper limit on the campaign expenses of political parties.

Several of the political parties and analysts informed the Mission that the stipulated spending limits were unrealistic and created a situation in which candidates withheld information from the Election Commission.

## **Media**

Pakistan has a vibrant and diverse media. It plays an active role in determining public debate on national issues and in moulding public perceptions of the performance of government.

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<sup>14</sup>An isolated incident of an attack on the rally of a "non-targeted" party was reported in the week before polling day, in which 23 people were killed. It was reported that the candidate in question was attacked for a previous alliance with the PPP.

The liberalisation of the media sector in 2002 ushered in 87 new privately owned television channels (of which 15 are 24 hour news channels) and over 100 radio stations. There are an estimated 200 privately owned daily newspapers. Television is extremely popular in urban areas. In rural areas, radio penetration is high. Widespread use of the internet in urban areas contributes to a rich media landscape in which online newspapers and social media are extensively used.

Privately owned media outlets are relatively independent from state influence and have increasingly assumed the role of challengers to the government of the day. Lack of training and investment in raising professional standards in journalism has contributed to the tendency of several, especially new, media outlets to seek sensationalist stories.

## **Election Coverage**

The Election Commission of Pakistan issued a media Code of Conduct in April 2013. The Code sought equal and equitable coverage of candidates and parties in the run up to the election. However, the lack of an enforcement mechanism was conspicuous, and meant that regulatory authorities could only deal with formally lodged complaints and did not undertake media monitoring.

Domestic media was active in its election coverage. All 24-hour news channels dedicated significant airtime to election issues. Election-related programmes provided commentary and analysis on candidates, parties, manifestos and election preparations. Extensive and high quality election supplements and editorials were a regular feature in daily newspapers. This coverage, in addition to extensive paid advertising by political parties on state and private television networks, and in newspapers, resulted in an election-dominated media environment in the campaign period.

There were some reports that major media groups, endorsed by editors and led by popular TV anchors, gave disproportionately extensive coverage to certain political parties and candidates. On the whole however, independent citizen and international observers deemed media coverage of parties and candidates to be reasonably balanced.

Most major political parties and candidates competing in the election had active Facebook pages and Twitter accounts. One of the reasons why social media was so popular in this election was the desire of parties to attract youth voters (18-35 years), who formed at least 50% of registered vote

## **Recommendations**

- Review the effectiveness of measures to ensure security to candidates and parties, in light of the experiences of this election period, and in consultation with political parties.
- Review the limits on campaign spending in consultation with political parties so that limits are realistic.



## **Chapter 5**

### **Voting, Counting and Results**

#### **Background**

Polling was scheduled to take place from 08.00 hours to 17.00 hrs in 69,729 polling stations across the country. In most instances polling stations were divided into male and female streams.

Polling stations were mostly located in schools. Campaigning was prohibited on election day and no campaign materials were supposed to be present in a 100 yard area around the station. There was also a security area around polling stations of 400 metres and no armed persons were allowed in that area except for police and security duty officers.

In many places political parties set up 'camps' in front of polling stations to help voters identify their place on list, and issued slips of paper (chits) to the voters on which they had written the voter's serial number<sup>15</sup>.

Poll officials were directed to be present two hours prior to polling to ensure the proper setting up of the polling station. In addition to the presence of polling officials inside a polling station, candidates, polling agents and accredited observers were also permitted to be present.

### **Key Procedures for Opening and Voting**

The key prescribed procedures for opening and voting are as follows:

#### *Opening*

- Prior to the commencement of polling the empty ballot boxes are to be shown to all candidates, agents and observers who are present at the polling station
- The seals are then affixed on the box and the serial numbers noted
- Polling agents present sign a form certifying that this was done

#### *Voting*

- Upon arrival at the polling station, the CNIC of the voter is checked by a poll official
- The name and serial number of the voter is called out
- The voter is checked for indelible ink, and if the ink is absent he/she is marked with indelible ink, on the right thumb nail for a female voter and the left thumb nail for a male voter
- The name of the voter on the electoral roll is crossed out
- The National Assembly ballot counterfoil is completed with the voter's details and the voter marks the counterfoil with a thumbprint
- The counterfoil is stamped with the official seal
- The poll official signs the back of the ballot paper and stamps it on the reverse with the official seal and then gives the ballot to the voter
- The voter is instructed how to fold the ballot
- The voter then moves on to another official and the process for the issuing of the ballot is repeated for the Provincial Assembly election
- The voter goes behind voting screen, stamps the ballots to mark their preference, folds the ballots and puts the ballots in into the relevant ballot box
- The voter exits the polling station

Persons requiring assistance can be assisted by a person of their choice but not by a polling agent or a member of the polling staff.

### **Assessment of Opening and Voting**

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<sup>15</sup> Some parties also distributed these chits to voters in advance of the election by delivering to their houses.

On Election Day, Commonwealth Observers reported positively on the process. In the vast majority of cases the opening and voting procedures were well conducted, although late opening was experienced in some places. Voters turned out in very large numbers, often from quite early in the day. The large turnout of women voters and youth was also commented on by Commonwealth observers. Given the level of violence in the lead-up to the election, and some incidents on the day, this large turnout of voters was quite remarkable. Queues were formed at the polling stations and in most cases these were orderly and calm. Security was present around the polling stations and it was felt that officers had a positive effect on the process and were helpful where required.

The electoral rolls proved to be accurate on election day and the use of the CNICs was applied and helped with voter identification and the integrity of the vote. A range of polling agents were present in places visited, which is a positive feature and provides for transparency and accountability.

Where there were inconsistencies in processing voters these were within the spirit of the regulations and reflected varying levels of capacity rather than any ill-intent. Secrecy of the vote was provided for, as screens were present, and was respected in most instances. However, it was compromised sometimes by the crowded conditions and at other times it was not practised by voters, who chose to vote in the open for the sake of convenience.

As mentioned, there was a large turnout of voters, and this created some strain on the administrative process in polling stations. This was exacerbated in instances where the premises provided for polling were quite small or at least inadequate for the numbers of voters assigned to the polling station. In affected cases this led to lengthy waits for some voters and a less orderly process inside the station. In parts of Lahore there were further problems where some voters struggled to identify their correct polling location.

Observers also noted that some polling stations were not located in premises with easy access for persons with disability or the elderly etc. For instance, some polling stations were located on the second floor of a school even when there appeared to be suitable rooms on the ground floor.

There were some particular and more extreme problems reported in parts of Karachi (see below also for the Karachi team report). On the day of the election there were at least two bomb blasts in the city resulting in a number of dead and injured. Further, there were some serious delays in opening in some locations as well as a failure to deliver all materials in some cases. It was also observed that in quite a few polling stations not all the polling staff had turned up for duty. In one Constituency, NA-250, which was particularly affected the ECP ordered the re-polling in 43 polling stations due to the problems encountered.

In response to the large turnout and also the various delays, the ECP announced after 16.00 hrs that voting was extended across the country by one hour, from 17.00 hrs to 18.00 hrs. It also announced that in Karachi the extension was until 20.00. However, this was not clearly communicated down to polling station level leading to some uncertainty and inconsistency. Once Presiding Officers (POs) heard of the order officially they responded but not always in a consistent manner. In some instances it required unsealing closed ballot boxes and re-opening the premises. From our observations it appeared that those wanting to cast their ballots were able to do so; except potentially those who were turned away after 17 00 hrs and did not hear of the extension or could not return. During this period the ECP did not issue clear instructions nationally or locally, and media speculation over the extent of the extension caused a degree of confusion.

## **Key Procedures for Counting and Results Tabulation**

The key prescribed procedures for the counting and results processes are as follows:

- Five minutes prior to closing, the PO announces that voting is to end in five minutes time
- Only persons inside the polling station at the time of close are allowed to vote
- Once the polling station is closed, ballot boxes are sealed shut
- The National Assembly ballots are counted first
- The box is opened and ballots are emptied out
- The total number of ballots in the box is counted
- Then candidate specific ballots are identified and counted
- Invalid ballots are separated
- The process is then repeated for Provincial Assembly elections
- At the completion of the count the required paper work is completed
- The polling station result is announced, copies of the results are provided to polling agents and a copy is posted at the polling place.
- The results and materials are sent to the Returning Officer at the Constituency level.

## **Assessment of Counting and Results Tabulation**

Commonwealth teams reported positively on the counting process at the polling stations. As mentioned, there was some confusion over the extension of polling and POs appeared to deal with this in a pragmatic manner depending upon their local circumstances. The process was transparent and agents were able to get a copy of the result and a copy was also posted at the polling station.

The counting procedures were not followed in a consistent manner, but observers considered this was not from ill-intent so much as due more to varying understandings of the precise step-by-step procedures to be followed. In some places there were ballots from one election type in the box of the other election type, but these were easily separated during the count.

It was observed that Polling Agents were sometimes involved with the sorting of ballots. While no problems were observed in these cases this is not prescribed in the regulations.

## **Overview of the Countrywide Observation**

Commonwealth teams were deployed to two of the four Provinces of Pakistan plus Islamabad. Our teams observed the voting, counting and results tabulation. They also met with electoral officials, observers and other stakeholders at the Constituency level to build up a broader picture on the conduct of the process.

### **1 Islamabad (Federal Capital) / Rawalpindi (Punjab)**

- We observed twenty polling stations in Islamabad and Rawalpindi. At one polling station, the Presiding Officer opened late due to the late arrival of polling agents. The first vote was cast at 0829hrs. Long queues kept waiting outside.
- Policeman with rifle wondering in and out of polling booth but was not perceived as intimidating.
- One case of election materials and ballot papers not received until near midnight.

- Time taken to vote in one booth was over six minutes from time the CNIC was presented until vote was cast. In the shortest time, two minutes.
- Polling stations closed at 1700hrs. In one polling station, at 1715hrs, the polling agent received a cell phone call informing him that the polling time has extended to 1800hrs. The Presiding Officer made a call to confirm. Confirmation obtained at approximately 1725hrs. Doors and gates reopened, but only a few voters appeared.
- Many women, including mothers and daughters each casting their first vote.
- Two polling stations located in a narrow crowded lane. Polling booths in small inadequate rooms made polling conditions chaotic. No space for observers
- In one polling station, the female booth was located upstairs and male booth downstairs. Access for pregnant women, the elderly and disabled difficult.
- No information in the ECP handbook regarding observation of Returning Officers (RO) procedures for consolidation. One RO was not expecting observers. Another RO had no room for observers to observe.
- Long, enthusiastic, good natured and patient queues at most stations.
- No disruption or confrontation observed
- Opening and closing of polling stations all genuinely compliant with handbook. Deficiency minor and no evidence of ill-intent.
- Street firing broke out in Rawalpindi at 1827hrs between PML-N and PTI supporters. Two killed and six injured.

## **2 Karachi (Sindh)**

- Security considerations confined Commonwealth observers to one constituency (NA-250) in Karachi South District: a mix of working urban communities (Old Town/Saddar) and more prosperous residential areas (Clifton/Defence Housing Areas).
- The earliest opening of a polling station observed was at about 0900, ie one hour late. Lack of staff, and consequent slowness in unpacking materials, seemed to be the main cause.
- Much more serious delays were encountered later in the day in the southern part of the constituency, where we found polling stations that had only opened at 1130 or 1200, with large queues of angry voters waiting in the sun. The cause was mainly the non-arrival of ballot boxes, which we understood were being delivered by the Army. Some polling stations in fact did not open at all.
- Another item missing in several polling stations visited was the large stamp used to mark the reverse of the ballot papers. Polling staff were resorting to use of the small stamp designed for voters to use to mark their vote – raising doubts as to whether their votes would ultimately be counted.
- The general impression gained – in contrast to other parts of the country - was of a relatively poor standard of training on the part of polling staff (acknowledged in a subsequent conversation with the District Returning Officer). This, plus staff shortages which often meant that only half the designated number of booths could be opened, and higher than expected turnouts, made the voting process very slow in some places –further angering the queuing voters.
- While the secrecy of the vote was generally respected, we saw instances of poor placing of voting cabins and use of inadequate, improvised materials. We also saw one person openly leaning over successive voters in the cabin offering “help” in casting their vote (though we later saw him ejected by polling staff).
- The generally poor performance in the constituency was reflected in the decision, referred to in the general assessment above, to rerun the poll at 43 stations, now scheduled for 19 May.

- Since the election, the press has reported claims that some 25 polling stations in NA-250 were “captured” – ie polling staff ejected and materials commandeered. We have been unable to verify these reports.

### **3 Lahore (Punjab)**

- The polling stations observed at one opening of the poll opened on time. The Presiding Officer complied with all the procedures in the presence of polling agents.
- The polling officials were composed and exercised the required authority and competence in undertaking the tasks required of them.
- All the election materials were in place and in sufficient number.
- We observed the presence of polling agents in all the polling stations we visited.
- The layout of some of the polling stations was not adequate and thus resulted in overcrowding. Some of the voters who had waited for several hours to cast their vote became impatient. Some of the polling officials took an inordinately long time to process the voters and then added to the general frustration.
- Despite the pre-election violence and that which reportedly occurred on election day in parts of the country, the polling process in the stations observed took place in a relatively peaceful environment.
- Active campaigning was observed within the vicinity of several polling stations with flags being raised on motor vehicles and voters shouting campaign slogans.
- Several voters could not find their names at the polling stations where they thought they were assigned. These voters were directed to check elsewhere.
- The close of poll procedures at the stations observed at Queen Mary College, were executed in accordance with proper procedures and in a transparent manner with the delivery of copies of the statement.
- The counting process was slow but transparent.
- We were pleased to note the large number of women and young voters.

### **4 Multan (Punjab)**

- Observed polling stations opened on time in accordance with stated procedures.
- Voting was observed in 12 polling stations, rural and urban, male and female, in NA 148,149, 150 and 151.
- There were long queues of voters at almost all polling stations, including a high number of women and young voters.
- In general, polling procedures were followed. However, overcrowding in some stations, either due to the size of the polling place and/or poor queue control, compromised the transparency and efficiency of polling. Secrecy of the ballot was not always observed, with voters stamping their ballots in full view of others present.
- Citizen observers (FAFEN or the Human Rights Commission of Pakistan) were present at almost all observed polling stations, thus enhancing the openness of the process.
- The polling station chosen to observe the count closed at 1700 hours. It is not known whether the ECP decision to extend polling by one hour reached the Presiding Officer.
- Counting took place in an open and co-operative manner, largely according to procedures, and in the presence of polling agents and citizen observers. There were some minor procedural mistakes, but none that affected the transparency and integrity of the count. The Statement of the Count was displayed for public scrutiny. Election materials and the results were then transported to the constituency Returning Officer in a timely and efficient manner.

## **National Assembly Results<sup>16</sup>**

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<sup>16</sup> These are the results as of 21 May 2013 taken from the ECP website

PML-N	124 seats
PPPP	31
PTI	27
MQM	18
JUI-F	10
PML-F	5
JI	3
Others (11)	15
Independents	28

**261 / 272 General Seats<sup>17</sup>**

### **Recommendations**

- Where possible the ECP should ensure that adequately-sized premises are provided for polling relative to the number of voters assigned to the station. Further, again as far as possible, the ECP needs to ensure a reasonable equalization of numbers between stations, so that one station does not have several hundred voters while a neighbouring station has some thousands.
- In selecting the premises for polling stations more account should be taken of the ease of access for persons with disability, the elderly and other persons for whom access may be an issue.
- The ECP needs to ensure that on the day of the polls election officials at all levels are able to communicate with their respective colleagues. For instance, POs should be able to effectively communicate with ROs, possibly through an intermediary where necessary, in order to seek clarification on any matters of concern. Likewise, instructions from the ECP, such as an instruction to extend polling, should be able to be communicated from the ECP, through officials at other levels and to POs. This process needs to be timely and effective to prevent misunderstandings and inconsistencies.

## **Chapter 6**

### **Conclusions and Recommendations**

#### **Conclusions**

Pakistani voters turned out in very large numbers on 11 May 2013 to cast their ballots and express their will to elect their Provincial and National representatives. The elections were credible and represent notable progress for Pakistan towards holding fully democratic elections.

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<sup>17</sup> These were the results as of the time of writing, with a couple of Constituencies yet to be reported on ECP website and five not being held on 11 May (two constituencies were terminated; one was postponed; and two were withheld).

The positive features of the 2013 elections included: an improved legal framework; a higher level of confidence in the ECP at the national level; a significantly improved voter registration process; election day procedures which in most instances were well managed, with the notable exception of parts of Karachi; and a very high turnout of the electorate to cast their votes.

Of particular concern were: the level of violence in some parts of the country, which impacted on the democratic process; the handling of candidate nominations; the low level of women's participation as voters and candidates, despite some improvements in this regard; and, the need to further improve mechanisms to ensure compliance with the Codes of Conduct.

This is not the first Pakistan election to be marred by violence; nor is Pakistan the only country where there is election-related violence. However, this election was affected by a significant level of violence, which impacted most dramatically in the city of Karachi and Balochistan and Khyber Pakhtunkhwa (KP) Provinces. While the violence in Karachi included inter-party violence, the bulk of the violence during the elections emanated from militant groups external to the elections. According to reports three candidates were killed in targeted attacks, with well over a hundred party supporters killed and several hundreds injured.

The violence was largely, though not exclusively, targeted against three political parties, seriously impeding their ability to campaign openly in many parts of the country and limiting their freedoms of movement and assembly. Affected parties were critical that more was not done to improve their security for the campaign and the integrity of the process in affected areas was compromised. What was remarkable, though, was that despite the level of violence against the process by militants, there was a determination by political parties to remain engaged in the process and ensure it was not derailed. Also, the high turnout of voters was in spite of threats of violence and reports of actual violence. These two factors bode well for the further consolidation of democracy in the country.

The legal framework provides the basic conditions for credible, competitive elections and the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> Constitutional Amendments and various electoral reforms have strengthened the framework for the elections. Significantly the 18<sup>th</sup> Amendment provides for increased independence of the ECP and a more inclusive process in the nomination of ECP members. This has increased the level of confidence in the election management body at the national level. It is significant that these are the first elections held under the full treaty obligations of the ICCPR, following Pakistan's removal of its reservations in 2010. This has further helped to improve the overall legal framework for the polls and the democratic process in the country.

There was a significant increase in the number of candidates and political parties contesting these elections compared to the previous General Elections. This is in spite of the short time period for candidate nominations and inconsistencies among Returning Officers (RO) in applying legal criteria in the confirmation of candidacies. It also appears that some ROs reportedly went beyond their remit of simply administering the process. The process for the nomination of candidates caused some controversy and is an area where the ECP struggled to assert administrative control and coherence. The existing regulations on candidate eligibility, as detailed in Articles 62 and 63 of the Constitution, contain a number of clauses which are highly subjective and in practice were interpreted and implemented differently by various Returning Officers. Further, as Returning Officers were drawn from the judiciary they were apparently not under the control of the election management body.

One of the ECP's main successes was the much improved Electoral Rolls and universal suffrage is better provided for than previously, though the shortfall of registered women voters remains



to be addressed. The use of NADRA's database to create the Electoral Roll and the use of CNIC's for the purpose of voter identification has created a far more reliable list of voters compared to previous elections. The ECP's use of SMS to enable voters to verify their registration and identify their polling station was also an excellent innovation.

The level of representation of women as candidates remains relatively low. For instance, while there are 60 reserved seats for women in the 342-seat National Assembly, women represented just over 3% of the total number of candidates contesting the general seats for the Assembly<sup>18</sup>. The level of women as registered voters also remains relatively low and despite some improvements in the number of women on the voter register and some positive initiatives by the ECP there remains, according to ECP data, a shortfall of over 10 million women compared to men on the Electoral Rolls. In its Strategic Plan the ECP is committed to increasing the number of women employed in its full time staffing structure. Such an aspiration is to be commended but the current level of female employees is just 1.8%.

The ECP issued a series of Codes of Conduct to help regulate the election campaign, media coverage, election observers and behaviour of election officials. Such an innovation is a helpful supplement to the Representation of the People Act. The ECP deployed monitoring teams to report on violations of the Code of Conduct during the campaign but there was some criticism that there was not adequate enforcement of campaign violations.

On election day Commonwealth observers reported that the ECP was generally well prepared for the polls in most areas and the process was well administered. But delays and other problems were experienced in some locations, with Karachi particularly affected. There was a very large security deployment in support of the process throughout, and this was generally effective and helpful. But there were reports of some localized disturbances and a number of violent incidents, including a number of fatal attacks, which are deeply regretted.

Some polling stations struggled to deal with large numbers of assigned voters, particularly in places where the premises were too small for the task, but overall, faced with the high voter turnout, polling station officials worked diligently to administer the process and the new electoral roll proved to be reliable. In Karachi problems were also caused by the late delivery of materials, resulting in delays.

Towards the end of polling the ECP extended the hours of polling but this was not adequately communicated down to polling station level, leading some inconsistencies in managing this. The count at polling stations was conducted in a transparent manner and polling agents were able to get a copy of the result at the completion of the count and the result was announced and posted. Such measures helped to provide transparency and accountability.

## **Recommendations**

### **Electoral Framework and Election Administration**

- It is important for the ECP to have managerial control of all aspects of the electoral process they are responsible for, to ensure full compliance and consistency in application of rules and regulations. In this regard, Returning Officers should be more directly accountable to the ECP in exercising their electoral duties.

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<sup>18</sup> It is notable, however, that a woman contested a General Seat in the FATA for the first ever time.

- The ECP has issued a series of Codes of Conduct to help regulate the electoral environment. However, in order to be effective these require suitable enforcement mechanisms to ensure compliance and accountability. Of particular note in this regard are the Codes of Conduct for the election campaign and media, which require the ECP to have the means to monitor violations and the will and capacity to enforce accountability measures.
- The moral criteria contained in Article 62 of the Constitution, as currently phrased, give scope for subjective interpretation and are contrary to Pakistan's obligation under the ICCPR.
- The relative advancements in increasing the levels of women's participation as voters, candidates and ECP staff/management need to continue. In particular, emphasis should be placed on ensuring women's access to a CNIC, which is vital for them as a citizen in general but critical for them as a voter in future elections.
- Further effort should be made to resolve the case of Ahmadi voters being excluded from the main electoral roll, bearing in mind the constitutional right and treaty obligations with regard to equal treatment of Pakistani citizens in this regard.
- The listing of voters on the electoral rolls by household number does not appear to be helpful, as it is not known in many instances. Further, the use of the household number in this regard means that voters still want to know their serial number on the roll and this opens the door to political parties establishing their camps around polling stations to fulfil this function. Such camps have the potential for undue influence on voters and represent campaigning on election day which is proscribed by the law. As voting is now on the basis of the unique CNIC number, this would appear to offer a solution, with lists able to be organised by CNIC number, facilitating the work of poll officials.

### **Election Campaign and Media**

- Review the effectiveness of measures to ensure security to candidates and parties, in light of the experiences of this election period, and in consultation with political parties.
- Review the limits on campaign spending in consultation with political parties so that limits are realistic.

### **Voting, Counting and Results**

- Where possible the ECP should ensure that adequately-sized premises are provided for polling relative to the number of voters assigned to the station. Further, again as far as possible, the ECP needs to ensure a reasonable equalization of numbers between stations, so that one station does not have several hundred voters while a neighbouring station has some thousands.
- In selecting the premises for polling stations more account should be taken of the ease of access for persons with disability, the elderly and other persons for whom access may be an issue.

- The ECP needs to ensure that on the day of the polls election officials at all levels are able to communicate with their respective colleagues. For instance, POs should be able to effectively communicate with ROs, possibly through an intermediary where necessary, in order to seek clarification on any matters of concern. Likewise, instructions from the ECP, such as an instruction to extend polling, should be able to be communicated from the ECP, through officials at other levels and to POs. This process needs to be timely and effective to prevent misunderstandings and inconsistencies.

## **Annex 1**

### **Composition of the Team**

#### **Hon Sir Douglas Kidd KNZM (New Zealand)**

Sir Doug is a lawyer and member of the Waitangi Tribunal. He served eight consecutive terms as a member of the House of Representatives from 1978-2002. He was a Cabinet Minister for two terms (1990-1996) and Speaker (1996-1999). Sir Doug was President of the Commonwealth Parliamentary Association in New Zealand during his term as Speaker. He is currently in his third year as President of the New Zealand Institute of International Affairs.

#### **Irfan Abdool Rahman (Mauritius)**

Mr Irfan Abdool-Rahman has been the Electoral Commissioner of Mauritius since January 1998 and before that was a Returning Officer for 12 years. He worked previously as a Barrister at Law Crown Counsel in the Attorney-General's Office, a Senior District Magistrate and an Intermediate Court Magistrate. Mr Abdool-Rahman was a member of the Commonwealth Observer Group which was present in Nigeria for the National Assembly and Presidential

Elections in 1999, the 2009 COG to Maldives, Chairperson of the Francophonie Observer Group for the Seychelles Presidential Election in 2001 and a member of the Francophonie Observer Group in the Comoros in April 2002, an Observer for the African Union for the Zimbabwe Presidential Election in 2008, and Head of the SADC Observer Group for the Swaziland Parliamentary Election in 2008.

### **Dr Zahurul Alam (Bangladesh)**

Dr Alam has been involved in the electoral and broader governance fields for a considerable period of his professional career. From 2006-2009, Dr. Alam worked with the Election Working Group (EWG), a 32-member coalition of civil society organizations that share a common commitment to free and fair elections, good governance, and the achievement of higher standards of democratic representation and accountability in Bangladesh. Dr. Alam worked as Head of the UNDP Governance Portfolio for a number of years starting from the late 1990s. He was member of various observation missions in Nigeria, Sri Lanka, the Philippines and Australia, among others. Alam also vice chaired the International Conference on Elections in Thailand in 2001, organized by the AEC and the ECT. Currently, Dr. Alam works as President of the Governance and Rights Centre (GRC) and as Faculty of Independent University, Bangladesh (IUB).

### **Sarah Fradgley (New Zealand)**

Sarah Fradgley is a media and communications consultant working with international organisations, including the UN and EU. She has extensive experience of media relations, public information campaigns and grassroots communications on a wide range of political, electoral, security and development issues. Ms Fradgley has considerable experience in the field of elections, and has worked as an election observer in 20 countries, including Indonesia, Papua New Guinea, Bangladesh, Lebanon, Zambia, as well as in many countries in the Balkans and in the former Soviet Union. She has also worked for IFES as Communications Adviser to the CEC of Georgia and for IOM as the Spokesperson for the Iraq Out-of-Country Voting Programme in the UK. Previously, Ms Fradgley worked in Kosovo as Spokesperson for the European Agency for Reconstruction and as a press officer for the United Nations. She began her career as a journalist at the BBC.

### **Henry Hogger (UK)**

Henry Hogger is a former British diplomat who spent most of his career in the Arab world, finishing as Ambassador in Syria and then Governorate Coordinator for Basra in post-war Iraq. Since retiring from the foreign service in 2004 he has undertaken election observation missions for the European Union in several African and Latin American countries; and for the Commonwealth in Zambia (2006), the Autonomous Region of Bougainville (2010) and PNG (2012). He is Chairman of the Council for British Research in the Levant (a UK government-funded body supporting archaeology and social science in the Near East) and a Senior Consultant with Middle East Consultants (MEC) International Ltd.

### **Dr. CF Onyango (Kenya)**

C. F. Onyango who is an academic is currently the Deputy Executive Director of the Centre for Multiparty Democracy (CMD) - Kenya. He has wide ranging experience in the areas of democracy, governance, and elections. He has worked extensively in capacity building and institutional strengthening of political parties in Kenya, in East, Southern, and West Africa, as well as in Indonesia. By virtue of his work at CMD-Kenya he has also garnered experience in issues of gender and inclusion of women, youth, persons with disabilities, and minorities in political parties and decision making institutions. He was a delegate to Kenya's National Constitutional Conference, popularly known as "Bomas", that took place from 2003 to 2004.

### **Sheila Roseau CM (Antigua and Barbuda)**

Sheila Roseau is a gender and human rights expert, working in the public sector and civil society organizations to advance gender equality and women's empowerment. She currently serves as the Executive Director of the National Gender Machinery for Antigua and Barbuda since 1995. Her work is strongly focused on strengthening the participation of women in politics, leadership and decision-making. She is a co-founder of the Caribbean Institute for Women in Leadership (CIWIL), a non-partisan organisation working to break the proverbial glass ceiling limiting women's access to leadership roles by providing training, advocacy and support to women entering politics. She works with national, regional and international organisations including UN agencies and leads initiatives to advance good governance and democracy, through promoting women as equal partners in social development.

### **Pauline Welsh (Jamaica)**

Pauline Welsh is the Director of Legal Affairs, Research and Development at the Electoral Commission of Jamaica. She has been involved in electoral management and administration at senior management level for nearly 18 years. She is also responsible for training at the Electoral Commission and has been involved in several initiatives to promote democracy and electoral reform within Latin America and the Caribbean. Ms Welsh has participated in several observation missions through CARICOM and the Organisation of American States (OAS) and was a member of the Commonwealth Observer Group to Sierra Leone (2012). Ms Welsh has also undertaken initiatives at national level to further the participation of women in politics by engaging in interventions to promote electoral education amongst women through collaborating with the Jamaican Women's Political Caucus.

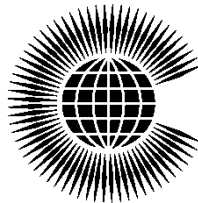
## **Annex 2**

### **Deployment Plan**

<b>Team</b>	<b>PROVINCE</b>	<b>LOCATION</b>	<b>NAMES</b>
1	ICT / Punjab	Islamabad / Rawalpindi	Sir Doug Kidd (New Zealand) Sheila Roseau (Antigua & Barbuda)
2	Punjab	Lahore	Irfan Abdool Rahman (Mauritius) Pauline Welsh (Jamaica)
3	Punjab	Multan	Sarah Fradgley (New Zealand) CF Onyango (Kenya)

4	Sindh	Karachi	Henry Hogger (UK) Dr. Zahurul Alam (Bangladesh)
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**Annex 3**  
**Arrival Statement**



**Commonwealth Observer Mission**  
**Pakistan General Elections 2013**

**Statement by Hon. Sir Douglas Kidd**

## **Chairperson of the Commonwealth Observer Mission**

Speaking in Islamabad, Sir Douglas Kidd, former Speaker of the House of Representatives of New Zealand, said: "It is my honour and privilege to have been asked to lead the Commonwealth Observer Mission for the 2013 Pakistan elections. I am also pleased to lead a team of eminent persons drawn from across the Commonwealth."

The Commonwealth Observer Mission comprises 13 persons in total (see attached list), including a staff team from the Commonwealth Secretariat, and will deploy teams in Punjab, Sindh and Islamabad in order to observe the voting and counting processes. Prior to deployment to the Provinces on 9 May, the Mission has been meeting with the Election Commission of Pakistan (ECP), representatives of political parties, civil society and Commonwealth High Commissions.

Sir Douglas highlighted the importance of the polls: "The transfer of power from one elected civilian government to another will be a key milestone for Pakistan. It is also significant that these elections will be held under a series of new Constitutional amendments which have, among other things, strengthened the ECP. We have met with the ECP and they have told us that they are ready for the polls and we very much hope this is the case."

"We have heard reports that the Electoral Roll has been much improved, which is encouraging. However, there is a high level of insecurity related to the polls, with some parties facing a particular threat, and the loss of life in election-related violence, notably in some areas, is of great concern. I very much hope that this will not continue and polling day can be conducted in a peaceful atmosphere. I wish the people of Pakistan well and I also wish to pledge the unwavering solidarity of the Commonwealth as you go into these elections."

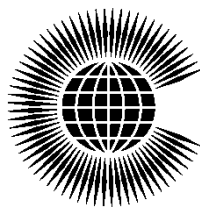
The Commonwealth Observer Mission is mandated to consider all the factors impinging on the credibility of the electoral process and will assess whether the elections have been conducted according to the standards for democratic elections to which Pakistan has committed itself. The Commonwealth Mission is impartial and independent and will issue an Interim Statement after the election and a final report at a later stage.

**Islamabad, 9 May 2013**

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**Annex 4**

**Interim Statement**



**Commonwealth Observer Mission  
Pakistan General Elections 2013**

**INTERIM STATEMENT**

**Hon Sir Doug Kidd  
Chairperson of the Commonwealth Observer Mission**



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***Pakistan's 2013 elections mark progress in terms of general framework, administrative arrangements and voter turnout, but high level of violence is a concern***

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This is the Interim Statement of the Commonwealth Observer Mission, and it is issued with the process still to be formally completed. The Mission has been in Pakistan since 5 May 2013. During this period we have met with the Election Commission of Pakistan (ECP), representatives of political parties, civil society, media, Commonwealth High Commissions as well as other international and national observers.

Commonwealth teams were based in two of the four Provinces plus Islamabad. Our teams observed the opening, voting, counting and results aggregation and also met with electoral officials, observers and other stakeholders at the local level to build up a larger picture on the conduct of the process.

### **Key Findings**

- Voters in Pakistan turned out in very large numbers on 11 May to cast their ballots and express their will to elect their Provincial and National representatives. This will lead to the transfer of power from one elected civilian government to another, which will be a key milestone for Pakistan. Based on the process up to this point the 2013 elections represent progress for Pakistan towards holding fully democratic elections.
- The positive features of the 2013 elections include: an improved legal framework; a higher level of confidence in the ECP at the national level; a significantly improved voter registration process; election day procedures which in most instances were well managed, with the notable exception of parts of Karachi; and, a very high turnout of the electorate to cast their votes.
- Of notable concern are: the level of violence in some parts of the country, which impacted on the democratic process; the handling of candidate nominations; the low level of women's participation as voters and candidates, despite some improvements in this regard; and, the need to further improve mechanisms to ensure compliance with the campaign Code of Conduct.
- On election day Commonwealth observers reported that the ECP was generally well prepared for the polls in most areas and the process was well administered. But delays and other problems were experienced in some locations, with Karachi particularly affected. There was a very large security deployment in support of the process throughout, and this was generally effective and helpful. But there were reports of some localized disturbances and a number of violent incidents, including a number of fatal attacks, which are deeply regretted.
- Some polling stations struggled to deal with large numbers of assigned voters, particularly in places where the premises were too small for the task, but overall, faced with the high voter turnout, polling station officials worked diligently to administer the

process and the new electoral roll proved to be reliable. In Karachi problems were also caused by the late delivery of materials, resulting in delays.

- Towards the end of polling the ECP extended the hours of polling but this was not adequately communicated down to polling station level, leading some inconsistencies in managing this. The count at polling stations was conducted in a transparent manner and polling agents were able to get a copy of the result at the completion of the count and the result was announced and posted. Such measures helped to provide transparency and accountability.
- The legal framework provides the basic conditions for credible, competitive elections and the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> Constitutional Amendments and various electoral reforms have strengthened the framework for the elections. Significantly the 18<sup>th</sup> Amendment provides for increased independence of the ECP and a more inclusive process in the nomination of ECP members. This has increased the level of confidence in the election management body at the national level.
- There was a significant increase in the number of candidates and political parties contesting these elections compared to the previous General Elections. This is in spite of the short time period for candidate nominations and inconsistencies among Returning Officers (RO) in applying legal criteria in the confirmation of candidacies. It also appears that some ROs reportedly went beyond their remit of simply administering the process.
- The level of representation of women as candidates remains relatively low. For instance, while there are 60 reserved seats for women in the 342-seat National Assembly, women represented just over 3% of the total number of candidates contesting the general seats for the Assembly. The level of women as registered voters also remains relatively low and despite some improvements in the number of women on the voter register and some positive initiatives by the ECP there remains, according to ECP data, a shortfall of over 10 million women compared to men on the Electoral Rolls.
- This is not the first Pakistan election to be marred by violence and nor is Pakistan the only country where there is election-related violence. However, this election was affected by a significant level of violence, which impacted most dramatically in the city of Karachi and Balochistan and Khyber Pakhtunkhwa (KP) Provinces. While the violence in Karachi included inter-party violence, the bulk of the violence during the elections emanated from groups external to the elections. According to reports three candidates were killed in targeted attacks, well over a hundred party supporters killed and several hundreds injured.
- The violence was largely, though not exclusively, targeted against three political parties, seriously impeding their ability to openly campaign in many parts of the country and limiting their freedoms of movement and assembly. Affected parties were critical that more was not done to improve their security for the campaign and the integrity of the process in affected areas was compromised. The determination of parties to remain engaged in the process and ensure it was not derailed was commendable.
- The ECP issued a series of Codes of Conduct to help regulate the election campaign, media coverage, election observers and behavior of election officials. But despite the

deployment of monitors, the ECP faced a challenge in ensuring enforcement of the campaign Code of Conduct.

- One of the ECP's main successes was the much improved Electoral Rolls and universal suffrage is better provided for than previously, though the shortfall of registered women voters remains to be addressed. The use of NADRA's database to create the Electoral Roll and the use of CNIC's for the purpose of voter identification has created a far more reliable list of voters compared to previous elections. The ECP's use of SMS to enable voters to verify their registration and identify their polling station was also an excellent innovation; despite coming under pressure on election day.
- It is important to note that the electoral process is yet to be completed and should there be any legal disputes they will have to be resolved using the prescribed channels and in a timely manner. We urge all parties and their supporters to be patient and calm as the process concludes. We will issue a Final Report at a later stage, containing our conclusions on the entire process.

### **The Electoral Framework and Election Administration**

Recent Constitutional amendments have strengthened the democratic dispensation in the country. Notably, the independence of the ECP at the national level has been strengthened by a series of reforms, including: a more inclusive and transparent method for nominating The Chief and other Commissioners; providing for full-time Commissioners; and extending the established term limits.

It is significant that these are the first elections held under the full treaty obligations of the ICCPR, following Pakistan's removal of its reservations in 2010. This has further helped to improve the overall legal framework for the polls and the democratic process in the country. In its Strategic Plan the ECP is committed to increasing the number of women employed in its full time staffing structure. Such an aspiration is to be commended but the current level of female employees, at just over 1%, is extremely low.

The process for the nomination of candidates caused some controversy and is an area where the ECP struggled to assert administrative control and coherence. The existing regulations on candidate eligibility, as detailed in Articles 62 and 63 of the Constitution, contain a number of clauses which are highly subjective and in practice were interpreted and implemented differently by various Returning Officers. Further, as Returning Officers were drawn from the judiciary they were apparently not under the control of the election management body.

The ECP deployed monitoring teams to report on violations of the Code of Conduct during the campaign but there was some criticism that there was not adequate enforcement of campaign violations, with a lack of clarity with regard to who was responsible for dealing with such complaints. Existing campaign regulations are highly detailed and it is not obvious what contribution to the process some of them, such as stipulating the permitted size of posters, make to the overall conduct of the elections.

### **The Election Campaign and Political Participation**

The election campaign was characterized by a fairly active campaign, involving mass rallies by some parties, media advertising, extensive media reporting on the contest and widespread distribution of posters. However, the high level of insecurity and numerous attacks on candidates, party supporters and election offices cast a spectre over the process. Reporting

on the number of casualties varies but it is clear that more than a hundred persons were killed and several hundreds injured in election-related violence, largely perpetrated by militants determined to undermine the process and with a particular emphasis to attack three political parties. This focus by militants against three parties in particular severely limited their election campaigns.

The current campaign spending limit for each candidate is currently just 1.5 million Rupees (\$15,000), which is very low. The ECP had suggested increasing the amount as part of a reform package, thereby making the limits more realistic, but this was not adopted.

### **Voting and Counting Procedures**

Commonwealth observers largely reported that poll officials processed voters according to the stated procedures. One of the main challenges was in cases where a large number of voters were assigned to a polling station, resulting in large crowds and increased pressure for poll officials and security forces. In Lahore observers reported that polling officials were struggling to deal with fairly large numbers of voters at some stations and there was a degree of confusion among some voters in identifying their designated polling station. Teams also noted that small-sized premises impacted on the quality of the process. Teams noted that contrary to the regulations campaign materials were often present in the vicinity of the polling stations; though Presiding Officers and police were often overwhelmed by more pressing tasks.

In Karachi NA-250, observers reported that poll officials were struggling to deal with a large voter turnout, partly due to a number of poll officials not turning up for duty and partly as polling materials had been delivered late, this led to some tensions in the constituency. There were other reports of various irregularities in the city, including the "capturing" of polling stations by party activists as well as some bomb blasts. There were also reported problems in other areas. But we were unable to look into these reports.

**Islamabad, 13 May 2013**

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### **Declaration of Principles for International Election Observation**

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.