



GENERAL ELECTION 2018

FAFEN'S Preliminary **ELECTION** **OBSERVATION**

Report

July 27, 2018



More than half of Pakistan's registered voters went to the polls on July 25, 2018 to mark the second consecutive democratic transition of power, clearing the uncertainties over the future of democracy in the country. The election campaign was long-drawn and competitive, in an extremely polarized political environment punctuated by a few major terrorist attacks. Election Day was better managed, relatively peaceful and free of any major controversy until late night concerns emerged over the transparency of the counting process, and the subsequent slow process of announcement of provisional results prompted some political parties to reject the election results.

Despite issues with the Result Transmission System (RTS) set in place by the Election Commission of Pakistan (ECP) to meet the requirements of the new Election Law that was enacted in October 2017, Free and Fair Election Network (FAFEN) acknowledges significant improvements in the quality of critical electoral processes in the election cycle that inspired greater public

confidence. With regard to voter registration, with a particular focus on increasing women enrollment on electoral rolls, and greater diligence in following legally defined principles in delimitation and effective enforcement of campaign rules, the Election Commission appeared to be more assertive in its attempt to deliver an improved quality of election.

The electoral reforms that strengthened the country's election framework and granted expanded powers to the Election Commission clearly led to dividends. However, the Election Commission is expected to allay the concerns of major political parties over the integrity of results counting, tabulation and consolidation processes by employing its expanded powers to discipline and penalize officials and institutions that are found to be responsible for the technological failure that compromised its otherwise demonstrable successes in ensuring a better quality election. It does not augur well for the Election Commission to reject the concerns



of major political parties (PPPP, PML-N, NP, MMA, ANP, PSP, MQM, etc.) without conducting an enquiry into the matter, as otherwise the country may spiral into phase of political and public protest and outcry that inhibits political stability.

The Election Commission oversaw an unprecedented deployment of government employees on election duties. For the first time, the Commission deployed independent Returning Officers (849) for all National and Provincial Assembly constituencies, which initially caused some procedural issues, such as in the finalization of polling schemes, but were timely addressed by the ECP. As many as 811,491 personnel to be deputed for Election Day duties were trained to perform functions as Presiding Officers, Assistant Presiding Officers and Polling Officers at 85,317 polling stations with 242,088 polling booths that were setup in 272 National and 577 Provincial Assembly constituencies.¹

The deployment of as many as 371,000 armed forces personnel on election duties, despite questions from some political parties, ensured the peaceful conduct of Election Day amid heightened threats of subversive acts following the death of more than 150 people including two election candidates in separate suicide attacks in Peshawar, Dera Ismail (DI) Khan and Mastung. Four persons including three personnel of armed forces lost their lives in an attack near the border with Iran in Balochistan's Kech district. Multiple ambushes against another election candidate in Bannu in Khyber Pakhtunkhwa (KP) only added to the public scare.

With massive deployment of armed forces alongside police and other law

enforcement agencies, people felt reassured and came out to vote in large numbers. Except for the unfortunate deaths of 31 people in a blast outside a polling station in Quetta and a killing of one political party worker in an armed clash with rivals in Swabi, the Election Day only witnessed a few minor incidents of verbal or physical brawls that were contained by the security forces.

The voting process on Election Day generally remained smooth. However, FAFEN observers reported at least one instance of procedural irregularity at one-third of 37,001 polling stations from where Election Day observation reports have been received. Many of these irregularities may not have a material effect on the election outcome. Nevertheless, the Election Commission will do well to continue to strengthen its enforcement of electoral law and regulations by ensuring greater diligence by polling officials deployed for election duties.

According to the FAFEN assessment of Provisional Results of the Count (Forms 47) of 241 National Assembly constituencies as announced by the Election Commission, the voter turnout remained 53.3 percent. The highest turnout of voters was in Punjab, where 59 percent of registered voters went to the polls in 127 National Assembly constituencies, for which provisional results were available. In all three National Assembly constituencies in Islamabad the turnout was 58.2 percent, followed by 47.7 percent in 52 National Assembly constituencies in Sindh, 43.6 percent in 50 National Assembly constituencies in KP (including Federally Administered Tribal Areas -- FATA) and 39.6 percent in nine

¹ Election for one National Assembly (NA-103) and six Provincial Assembly constituencies (PK-78, PK-99, PP-87, PP-103, PB-35 and PS-87) were postponed due to deaths of the candidates. Election for NA-60 was

postponed after the disqualification of a candidate by a court a few days before the Election Day.

National Assembly constituencies in Balochistan.

The male turnout in these 241 constituencies was 58.3 percent, more than 10 percent higher than the female turnout that remained 47 percent. In absolute number, 49.48 million voters in these 241 constituencies exercised their right to vote as against 46.9 million who voted in 2013. The turnout may vary slightly when the Election Commission has provided the final consolidated results that includes postal ballots of all 270 constituencies and also final determination on ballot papers rejected from the count at the polling station-level on July 25.

Interestingly, 35 National Assembly constituencies with a close race has rejected votes greater than the margin of victory – 24 in Punjab, six in KP, four in Sindh and one in Balochistan. It is essential for Election Commission to ensure that the Returning Officers diligently review the ballots excluded from the count at the polling station level in these constituencies during the consolidation proceedings.

There are at least two National Assembly constituencies where, according to the provisional result, the women's voter turnout was below 10 percent of the polled votes – NA-10 (Shangla) and NA-48 (North Waziristan Agency). Under the provisions of the new Elections Act, where the turnout is below 10 percent of the polled votes after the consolidation of results, the Election Commission has the power to declare the elections in these constituencies null and void and to conduct a re-poll in one or more polling stations or the entire constituency.

The preliminary comments that FAFEN has shared today reflect the findings of its observers from around the country.

However, these observer reports continue to arrive at the FAFEN Secretariat, and aggregation and analysis of all of their observation data is not yet complete. FAFEN will issue subsequent reports with more detailed analysis based on the reports of all observers.

FAFEN takes this opportunity to commend Pakistani voters, the Election Commission of Pakistan (ECP) and all of the individuals involved in administering, monitoring and maintaining security during the elections. FAFEN also expresses its condolences for the loss of life and injuries suffered in Mastung, Quetta, Peshawar, and DI Khan and elsewhere during incidents of pre-election and election-day violence.

As only the second transition from one full-term civilian government to another – and the first held under the newly consolidated and improved Election Law, 2017 – General Elections 2018 represent a critical moment for democracy in Pakistan. The people of Pakistan have many reasons to be proud of these elections. Some aspects of the pre-election environment and the vote counting process, however, present cause for concern that should be addressed.

FAFEN deployed a total of 19,683 trained, non-partisan observers (13,819 men and 5,846 women) duly accredited by the Election Commission to observe voting and counting processes at 72,089 polling stations in 272 National Assembly constituencies. FAFEN's preliminary observation findings are based on reports received from 37,001 polling stations shared by 9,699 observers (6,871 men and 2,828 women) using FAFEN's Observation Mobile and Web-based Application from 266 National Assembly Constituencies. The following is a breakdown of the observed polling stations by province as covered in the preliminary report:



Province	Number of Observers who sent reports		Number of Male Polling Stations Observed	Number of Female Polling Stations Observed	Number of Combined Polling Stations Observed	Total Number of Polling Stations Observed
	Male	Female				
ICT	99	63	273	240	80	593
Punjab	4,143	2,013	7,068	6,050	10,732	23,850
Sindh	1,317	411	1,828	1,502	3,461	6,791
Balochistan	205	26	252	151	238	641
Khyber Pakhtunkhwa (including FATA)	1,107	315	2,013	1,387	1,726	5,126
Total	6,871	2,828	11,434	9,330	16,237	37,001

According to the preliminary findings by FAFEN observers, the Election Day was better managed and the scale of procedural irregularities during the voting process was relatively low. Notably, all legally required polling personnel were present before the start of the voting process at 37,001 polling stations from which FAFEN received reports on the Election Day.

Personnel of security forces were observed to be performing their responsibilities inside and outside more than 35,000 polling stations. Only eligible voters assigned to the polling stations were being allowed to enter by mostly police, who were either checking voters' National Identity Cards (NICs) or chits issued by political parties. At 34,701 polling stations, voters were being frisked before being allowed to enter. However, at 3,669 polling stations, voters were allowed to carry their mobile phones inside the polling stations in violation of clear instructions to the contrary by the Election Commission.

The polling was conducted uninterrupted at the majority of polling stations, with FAFEN observers reporting from 1,450 of 37,001 polling stations that the polling process was chaotic due to overcrowding and slow processing of voters. This issue was reported almost in equal numbers from all types of

polling stations (male, female and combined). A majority of such cases were reported from 815 polling stations in 133 constituencies in Punjab. At another 1,690 polling stations, voting was interrupted due to breaks primarily for prayers and food. A majority of these polling stations were in 135 constituencies in Punjab, followed by 357 polling stations in 47 constituencies in KP, 251 in 59 constituencies in Sindh, 83 in 14 constituencies in Balochistan and 17 in three constituencies in Islamabad.

Eligible voters were allowed to vote in almost all polling stations observed except for 344 polling stations where FAFEN observers reported at least one instance of registered voters being turned away by polling staff despite having their NICs. Such instances were reported from 193 polling stations in Punjab, 99 in Sindh, 31 in KP, 12 in Islamabad and nine in Balochistan. Polling staff strictly adhered to the legal requirement of allowing only those voters to cast their ballot who were in possession of their original NIC. However, FAFEN observers reported at least one instance of voters being allowed to vote who did not have their NICs but were carrying other identity documents (such as a coloured copy of NIC, passport, etc.) at 401 polling stations – 260 in Punjab, 68 in KP, 61 in

Sindh, nine in Islamabad and three in Balochistan.

As a result of improved training of election officials conducted by the Election Commission, the procedural irregularities in ballot processing that FAFEN had observed and reported in previous elections appear to have reduced. FAFEN observers reported at least one instance of an Assistant Presiding Officer not signing on the backs of ballot papers before issuing them to voters at 814 of 37,001 observed polling stations – 496 in Punjab, 195 in Sindh, 91 in KP, 23 in Balochistan and nine in Islamabad. Such ballot papers are excluded from the count under the provisions of the Election Law, even if the voter has legally acquired and marked the ballot with his/her choice.

The Election Commission has taken extraordinary measures over the last few years to address the concerns of Persons with Disabilities (PWDs) particularly under the aegis of its Gender and Disability Working Group. The new law also includes specific provisions to enhance electoral and political participation of PWDs alongside other marginalized groups including minorities, transgender persons and women. In addition to allowing PWDs the facility of postal ballot, the law also requires polling staff to allow PWDs a companion of their choice to escort them behind the secrecy screen to help them mark their ballot, provided the companion has his/her original NIC. However, the requirement was violated at 1,403 polling stations – 964 in Punjab, 222 in Sindh, 165 in KP, 31 in Balochistan and 21 in Islamabad.

While some PWDs were not allowed to seek help from a companion of their choice behind the secrecy screen, FAFEN observers reported at least one instance of unauthorized persons escorting able voters behind the secrecy screen at 2,370 polling stations – 1,774 in Punjab, 312 in KP, 233 in Sindh, 27 in Islamabad and 24 in Balochistan.

Although at a much smaller scale, instances of polling agents marking ballot papers in place of voters were observed at 209 polling stations – 117 in Punjab, 45 in KP, 38 in Sindh, eight in Balochistan and one in Islamabad. Such practices have continued to persist and may only be deterred if polling officials at such polling stations are penalized. The Election Commission may employ CCTV footage, wherever available, in an effort to identify the responsible polling staff at polling stations where such irregularities were observed.

A weak accountability of legal responsibilities of polling staff has also allowed some other irregularities to persist in elections. For example, FAFEN observers reported at least one instance of polling staff, polling agents or unauthorized persons inside polling stations such as persons who have already cast their votes influencing voters by signaling towards a specific candidate/party or asking the voters about their voting choice at 1,571 of 37,001 observed polling stations. Similarly, despite categorical guidelines by the Election Commission that are adequately covered in the handbooks provided to the Presiding Officer, the presence of unauthorized persons in polling stations also remains a persistent issue in most elections that FAFEN has observed. FAFEN observers reported the presence of unauthorized persons in 235 polling stations across Pakistan. In 163 polling stations, these unauthorized persons were also influencing the polling staff.

The security personnel were observed at 1,335 polling stations attempting to stop polling agents from any irregularity instead of informing the Presiding Officers, as required by their Code of Conduct. Although reported from a small fraction of the 37,001 polling stations observed, such practices indicate the need of greater investments in the training of security staff to ensure uniformity in the enforcement of electoral laws and regulations.



While the Election Commission has made a concession to political parties to set up their camps beyond a radius of 100 meters outside polling stations in urban areas as against the 400 meters requirement specified in the Elections Act, 2017, there was strict prohibition on the campaign material of political parties inside any polling station. Presiding Officers are legally required to remove any such material before the start of polling. However, FAFEN observers spotted campaign materials

inside 1,539 polling stations – 968 in Punjab, 281 in KP, 213 in Sindh, 46 in Balochistan and 31 in Islamabad. Despite a ban on polling agents exhibiting or wearing anything containing their political party symbol, flag and/or picture of the candidate, the practice appeared to be common across the country undeterred. Political party symbols or flag flags were generally printed on voter chits bearing the serial number on electoral rolls and electoral block code of voters.

1 Vote Counting

The vote counting process is critically important to the legitimacy of election results. Polling agents representing each candidate have the right to witness the counting process, to see each ballot as it is counted, to register an objection to any ballot if it has not been properly cast, and to sign Form-45 (Result of the Count) and Form-46 (Ballot Paper Account) and have their copies. Historically in Pakistan, the vote counting process has been chaotic, with multiple ballots being counted simultaneously by various polling officials, making it very difficult for polling agents to track the process effectively.

Training for polling officials has generally focused primarily on voting procedures, with less attention given to the essential processes of counting votes and recording polling station vote counts carefully on the required form. Training for candidates' polling agents has traditionally been even more superficial, especially with regard to vote counting, minimizing their ability to vigilantly monitor the process. Both the Election Commission and political parties should invest considerably more in training for election officials and polling agents, respectively, related to the vote counting process.

Most importantly, if the allegations of multiple parties are true that polling agents were barred from the counting process at any polling station, the votes from that polling station should be recounted in the presence of representatives of each candidate for that constituency. FAFEN observers were barred from the vote counting process in 730 polling stations (eight percent of the 6,611 polling stations where counting was observed). At 1,578 polling stations, the Presiding Officer did not meet the critical requirement to ensure transparency of the election result process and did not post either Form-45 (Result of the Count) or Form-46 (Ballot Paper Account) outside the station, as required by the law.

In addition, Election Commission procedures require officials in combined (male and female) polling stations to count separately the number of ballots from women's and men's polling booths. This separate counting of ballots provides sex-disaggregated voter turnout data. Later, the ballots should be combined for the next step of vote counting. Sex-disaggregated voting data has never been available in Pakistan. Although new procedures were introduced during the 2013 elections, polling officials did not implement the procedures consistently. FAFEN in its preliminary assessment of provisional results notes that the election officials have been able to gather sex-disaggregated voter turnout data more consistently on July 25 in fulfillment of legal provisions as contained in the new election law.

2

Results Transmission System

The electronic Results Transmission System (RTS) used by the ECP to receive vote counts from polling stations is essential for the timely and transparent consolidation and announcement of election results. This technology is especially important given the pressures of the contemporary age, when media begin announcing apparent results from constituencies almost immediately after polls close, based on data only from a small percentage of polling stations. The failure of the system created an unpleasant situation for the Election Commission and momentarily overshadowed the gains that have been made in improving the overall management of elections and strengthening the integrity of the electoral processes.

The Election Commission is encouraged to conduct a transparent review of reasons that led to the breakdown of the RTS especially the assurances by its developers to implement it without a pilot test that apparently delayed the announcement of provisional results beyond the 2:00 am regulatory deadline. Equally important will be an independent ascertainment of complaints by political parties that their polling agents were not given Form 45 (Result of the Count) or in some cases issued polling station result on plain papers signed and stamped by Presiding Officers.

In addition, FAFEN recommends that accredited non-partisan observers and polling agents should be permitted to bring mobile phones to polling stations for the purpose of verifying vote counts, which will further bolster the transparency and credibility of both the election results and the Election Commission's administration of the election process.

OBSERVATION APPROACH

Free and Fair Election Network (FAFEN) is implementing a multi-phased, methodical approach for observing the Pakistan General Elections 2018 in an effort to provide objective, unbiased and evidence-based information about the quality of electoral and political processes before, during and after election-day. FAFEN offers these preliminary comments about General Elections 2018 with the aim of highlighting various themes that are relevant to the integrity of the elections, including their transparency and representativeness, as well as the accountability of various election stakeholders to the citizens of Pakistan.

FAFEN's methodology is summarized at the end of this preliminary statement. In brief, almost 400 FAFEN coordinators observed the pre-election and immediate post-election periods at district and constituency levels. For election-day, FAFEN deployed nearly 19,683 trained, non-partisan citizen observers to witness polling and vote counting procedures in more than 65,000 polling stations (almost 80% of the total). Twenty-five FAFEN legal researchers will observe the resolution of election disputes in election tribunals.

FAFEN observer-coordinators witnessed and reported on all aspects of the pre-election phase nationwide – including voter registration, constituency delimitation, candidate nominations and campaigning – as well as the consolidation of election results in every National Assembly constituency. FAFEN coordinators also interviewed a wide range of election stakeholders, including more than 1,500 candidates (more than 45% of about 3,450 candidates) who contested for 272 National Assembly seats in July 2018. Accredited FAFEN election-day observers monitored voting and vote counting processes inside polling stations, using standardized forms and procedures and following Pakistan's election law, regulations and international best practice for domestic election observation.



POLITICAL ENVIRONMENT AND BACKDROP TO ELECTION DAY

1 New Election Law, 2017

Pakistan's General Elections 2018 were the first National and Provincial Assembly elections held under the new legal framework of Elections Act, 2017. Enactment of the new law in October 2017 followed more than three years of deliberation by a dedicated 33 cross chamber multi-party² Parliamentary Committee on Electoral Reforms (PCER),³ with substantive input from FAFEN, among other stakeholders. The law includes unprecedented measures to empower the Election Commission, strengthen electoral transparency particularly of the result management process, and reinforce rights and entitlements of voters and candidates.

Although the Election Commission had relatively little time to prepare and deliver on its new and expanded powers and responsibilities under the new law, the ECP rose to the challenge and implemented visible improvements in many critical election processes. These processes include voter registration, constituency delimitations, candidate nominations and enforcement of the Code of Conduct for Political Parties and Contesting Candidates. Unlike the period preceding General Elections 2013, the Election Commission did not face any serious criticism regarding its administration of pre-election preparations and has been acknowledged for its work by all stakeholders, including political parties.

2 Voter Registration

One example of the Election Commission's efforts to deliver on its expanded mandate was an unprecedented increase in the registration of women voters, mandated by Section 47 of the Elections Act, 2017. As part of its effort to enhance the enrollment of women voters on the electoral rolls, the Election Commission led a "Women Voter and NIC (National Identity Card) Campaign" that resulted in the addition of 4.3 million women voters on the electoral rolls between October 2017 and May 2018.⁴ The campaign was supported by National Database and Registration Authority (NADRA) and civil society organizations including FAFEN, evidencing a highly successful public-private partnership. Nevertheless, the gender deficit on the electoral rolls remains with the current electoral rolls having 12.49 million fewer women as compared to men. Persistent and coordinated efforts, like those initiated by the Election Commission in 2017, are required in order to eliminate the gender gap before the next General Elections in 2023.

More generally, a total of 19.7 million voters – 10.6 million men and 9.1 million women – were added to the electoral rolls since May 2013, swelling the total number of registered voters to 105.9 million. This rate of increase in the number of registered voters is unparalleled. By

² Balochistan National Party (BNP) and the National Party (NP) from Balochistan were not part of the PCER. There was also no representation of any minority member on the committee.

³ This process was initiated, in part, in response to long-term protests by PTI and others.

⁴ By comparison, only 4.8 million women were registered in 4½ years between May 2013 and October 2017.

contrast, 5.3 million voters were added to the electoral lists between the 2008 and 2013 General Elections, and 8.9 million voters were added between the 2002 and 2008 General Elections.

3 Constituency Delimitations

Another major challenge that the Election Commission had to confront was the fresh delimitation of electoral constituencies after parliamentary approval of 24th constitutional amendment in Article 51, necessitating redefinition of electoral boundaries for 272 national and 577 provincial constituencies based on provisional population census data.⁵ Notwithstanding the technical and legal complexities of the decision, the Election Commission delimited the constituencies in almost five months, completing the process in May 2018. The Commission disposed of 1,285 representations to delimitation in the legally prescribed one-month period. Appeals against delimitations were filed in high courts amid political arguments that the judicial processes might delay the date for the elections. However, the courts ensured the continuation of the democratic process. The fact that the higher courts confirmed the officially gazetted delimitations reinforced the Election Commission's authority and contributed to improving the ECP's public image as the constitutional custodian of the integrity of electoral processes.

According to FAFEN's long-term observer reports, 1,416 National Assembly candidates (90% of those interviewed) said they were satisfied with the fresh delimitations, indicating general approval of the Election Commission's effort. Only 158 candidates said they were not happy with the fresh delimitations.⁶

The new delimitations generally followed the legal principles defined in the Elections Act, 2017, including consideration of geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience. However, at least 81 national and 92 provincial constituencies did not fulfill the legal requirement that variation in population of constituencies of an assembly shall not ordinarily exceed 10 percent. As a result, the National Assembly constituencies now range from a population of 1,167,892 (NA-35 Bannu) to a population of 254,356 (NA-47, Orakzai Agency Tribal Area-VIII).⁷ The variation is generally due to the legal requirement of compactness of administrative units in delimiting constituencies. This requirement may need to be repealed in order to ensure that electoral constituencies are delimited with less variation in population.

Subsequently, the merger of the Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa (KP) added 12 National Assembly constituencies. KP is now over-represented by four seats in the National Assembly, while Sindh and Punjab are under-represented by two seats each. As FAFEN noted when Parliament was considering the 24th Constitutional

⁵ Provisional data from the first census in almost 20 years was made available in 2017.

⁶ Among those candidates who expressed dissatisfaction, 18 belonged to PPPP, 15 to PML-N, 14 to PTI, eight to MMA, six to MQM, five to ANP, one each to PkMAP and GDA, 48 belonged to other political parties and 42 were Independents. [For a list of the names and abbreviations of political parties, see the end of this preliminary statement.] Most candidates dissatisfied with the delimitation belonged to Punjab (92) followed by 29 in Khyber Pakhtunkhwa (KP), 28 in Sindh, eight in Balochistan and one in Islamabad Capital Territory (ICT).

⁷ In Punjab, the population range among constituencies is between 1,156,957 population (NA-87 Hafizabad-I) and 546,113 population (NA-67 Jehlum-II). In KP (including FATA), the range is between 1,167,892 population (NA-35 Bannu) and 254,356 population (NA-47, Orakzai Agency Tribal Area-VIII). In Balochistan, the range is between 950,056 population (NA-259 Dera Bugti-cum-Kohlu-cum-Barkhan-cum-Sibi-cum-Lehri) and 560,956 population (NA-268 Chagai-cum-Nushki-cum-Kharan). In Sindh, the range is between 1,089,169 population (NA-197 Kashmore) and 588,185 population (NA-199 Shikarpur-II).

Amendment Bill, 2017 regarding delimitation on provisional census data, this over-representation of KP conflicts with constitutional Article 51 (5), which requires that seats in the National Assembly be allocated on the basis of population in accordance with the last preceding census officially published.

4 Candidate Nominations

Compared to past elections, another improvement was observed in the conduct of the nomination process of candidates, which ultimately involved 5,108 nominated candidates for 272 National Assembly seats and 13,693 candidates for 577 Provincial Assembly seats. During the 2013 General Elections, the Election Commission and other stakeholders publicly expressed displeasure about the way Returning Officers conducted the nomination process. In 2018, by contrast, the nomination process was generally smooth and in line with the regulatory requirements.

FAFEN monitored the scrutiny process conducted by Returning Officers of as many as 3,953 National Assembly candidates. In only 31 instances, Returning Officers in 12 constituencies asked questions that were beyond the instructions from the Election Commission (such as English grammar rules, recitation of Qur'anic verses, etc.). Additionally, during the interviews with FAFEN observers after the completion of nomination process, only 50 out of 1,574 interviewed candidates claimed that the Returning Officers asked objectionable questions during the scrutiny of nomination papers.

	Male	Female	Total
Nominated Candidates for National Assembly Seats	4,849	259	5,108
Contesting Candidates for National Assembly Seats	3,268	185	3,453

An expanded scrutiny of all nominated candidates was conducted in line with the new Election Law, which authorized the Election Commission to direct any authority or organization, including any financial institution, to produce any document or record or to furnish any information as may be necessary to determine facts relating to the candidature of any candidate. As a result, the Election Commission set up a centralized Scrutiny Cell in Islamabad and sought extensive financial records for all candidates.⁸ Certifications for all candidates were posted on the ECP website. As many as 2,020 potential candidates did not pass the Commission's scrutiny.

There has been a considerable decrease in the contestation for General Election 2018 as compared to the previous election. In 2013, as many as 4,462 candidates contested for National Assembly and 10,396 for Provincial Assembly seats. The decrease in contestation may be attributed to the stricter financial scrutiny of candidates as well as increase in the nomination fee from Rs. 4,000 for National Assembly and Rs. 2,000 for Provincial Assembly in

⁸ These records included tax records from the Federal Bureau of Revenues; records of any pending cases or charges against candidates from the National Accountability Bureau (NAB); dual citizenship records from the Federal Investigation Agency; details of any defaulted, outstanding or written loan of candidates and their dependent family members from the State Bank of Pakistan; and details of outstanding utility bills from relevant service providers.

2013 to Rs. 30,000 for National assembly and Rs. 20,000 for Provincial Assembly in 2018. In addition, the nomination fee is not refundable under the provisions of the new law. While the measure might have been meant to encourage only serious contenders to stand for elections, it may also have negatively impacted the ability of financially weaker segments of society to take part in elections. Equally important will be strengthening further the process of nomination on reserved seats for minorities and women in order to ensure that the elected representatives on these seats can best represent the interest of the marginalized groups.

5 Code of Conduct for Political Parties and Contesting Candidates

The election campaign lasted 22 days after the publication of Form-33 (Final List of Contesting Candidates), six days less than the legal sanction of at least a 28-day campaign period under the Elections Law, 2017. The reduced number of days may be a result of the changes the Election Commission had to make in the nomination forms on the directions of the Lahore High Court. The Court reenacted several disclosures relating to nationality, finances, taxes and pending criminal charges, etc. that had been eliminated under the new law. The court directions compelled rescheduling in the nomination process, pushing the date a few days ahead for the publication of Form-33 as initially stipulated in the election programme issued on May 31, 2018.

The election campaign that followed lacked the traditional hue and colors and was relatively lackluster as candidates faced tougher enforcement of stricter formalities notified by the Election Commission under the Code of Conduct for Political Parties and Contesting Candidates. The code criminalizes billboards, wall chalking and panaflexes and limits the use of loudspeakers only for election meetings. Candidates may use only banners, posters, portraits and pamphlets of prescribed sizes for campaigning. Exploiting religious and sectarian sentiments for canvassing and holding campaign activities at places of worship were also prohibited under the elections law and the Code of Conduct.

The ECP established as many as 594 monitoring committees comprising senior government officials to monitor the election campaign in all districts and report violations of the Code of Conduct to relevant District Monitoring Officers (DMOs), who were authorized to levy a fine of up to Rs. 50,000. In case of repeated violations, the Election Commission is also empowered to disqualify a candidate from the race, which was a strong deterrent. While the Election Commission disqualified one candidate (later restored by a High Court), FAFEN interviews with DMOs in 89 districts documented instances of 1,855 warnings and 143 fine impositions to candidates. Cases of 428 candidates who committed repeated violations were referred to the Election Commission for the initiation of further proceedings. However, the ECP website does not provide any details of its effective monitoring exercise.

Based on its observation of adherence to the Code of Conduct by candidates in 6,519 electoral areas in 244 National Assembly constituencies, FAFEN documented 577 instances of oversized posters, banners, pamphlets and portraits; 1,143 instances of the use of banned campaign tactics including billboards, panaflex and wall-chalking; 202 instances of the use of government buildings for display of party campaign materials; and 227 instances of the use of mosques for election campaigns. However, police were observed to remove banned campaign materials, and materials illegally placed on government buildings, etc.

In addition, there were a few reports of candidates doling out food, cash and other inducement to voters, which is prohibited by the law. Similarly, at least 404 local development schemes were reported to have started in June 2018 after the announcement of the election programme, with almost a quarter inaugurated by contesting candidates. However, the scale of Code of Conduct violations was relatively less in 2018 than 2013.

6 Setting up of Polling Stations

The process of setting up of polling stations has also been managed in a more transparent fashion compared to 2013 and in line with provisions of the new Election Law, 2017. The majority of final lists of polling stations for National Assembly constituencies were duly notified a month before the Election Day except for 12 National Assembly constituencies in Rahimyar Khan and Muzaffargarh where the notification was delayed by almost a week. Although the law discourages changes in the final list of polling stations and only empowers the Election Commission to approve the requests, with justifications in writing by District Returning Officers, FAFEN tracked and documented changes in lists of final polling stations until a week before election in some constituencies. Such last-minute changes often create Election Day management issues for candidates and expose voters to unnecessary inconvenience, which suppresses voting. However, the scale of last-minute changes in polling schemes was significantly reduced compared to General Elections 2013.

The provision in the new law that not more than 1,200 voters may be allocated to any polling station and not more than 300 voters per booth was not generally adhered to. The law provides for exceptions in non-practicable situations, but reason must be documented in writing. According to FAFEN's assessment of the lists of final polling stations published by the ECP on its website on June 28, 2018, which FAFEN shared with the ECP in second week of July 2018, as many as 43,398 polling stations had more than 1,200 assigned voters, and the problem was consistent across all National Assembly constituencies. As many as 3,748 polling stations had more than 2,000 allocated voters. While slight variation may be justifiable, the Election Commission may seek strong justifications from relevant Returning Officers. The following table gives the province-wise details:

Region	Less than 1,200	1,200 to 1,500	1,501 to 1,800	1,801 to 2,000	Greater than 2,000	Totals
Khyber Pakhtunkhwa	6,651	3,485	1,766	476	451	12,829
FATA	781	490	325	113	174	1,883
ICT	654	124	7		1	786
Punjab	21,475	13,137	8,253	2,611	1,991	47,467
Sindh	8,874	4,402	2,406	808	1,263	17,753
Balochistan	3,431	832	212	29	42	4,546
Grand Total	41,866	22,470	12,969	4,037	3,922	85,264

Moreover, the allocation of voters to polling booths also needs to be improved to ensure the fulfillment of the legal requirement that not more than 300 voters are allocated per booth in order to minimize instances of overcrowding and slow pace of voting. Voter facilitation at

polling stations also requires improvement as there have been instances in which voters would find out they are allocated at a particular booth after waiting in a long line outside another.

FAFEN observers also visited 11,243 polling stations in the sampled electoral areas before the Election Day to assess the availability of basic facilities and Returning Officers' compliance of the legal process that must be undertaken before finalization of a polling station. As many as 89% polling stations were visited by ROs to verify the existence of the building. Nearly 20% of the observed polling stations lacked ramps at entry points for Persons with Disabilities (PWDs). Moreover, four percent of polling stations lacked clean drinking water, four percent lacked washrooms and two percent were without boundary walls.

7 Inclusion

In some locations, women continued to be barred from voting by agreement among community leaders and/or candidates. FAFEN shared a list of 80 polling areas across Pakistan where women were facing various barriers to their right to vote, prompting Election Commission to take urgent remedial measures. In a welcome development, women voted for the first time in General Elections 2018 in relatively conservative Upper Dir district and North Waziristan. This is due to persistent efforts by Election Commission and civil society groups, including FAFEN, working closely with community leaders.

The newly-established ECP Gender and Disability Working Group made important efforts to assess polling station accessibility for wheelchair users, and the new Election Law 2017 permitted disabled voters to cast postal ballots. However, additional steps are required for the full implementation of these initiatives before the next elections, and in order to accommodate voters with all kinds of disabilities. For voters with visual impairments, for example, braille or other specially-designed ballots are needed.

Transgender persons (*khawaja sera*) participated in General Elections 2018 more visibly than ever as voters and candidates, with newly-protected rights and recognition. However, more action is needed in the future to ensure that transgender candidates have the resources required to fulfil nomination procedures and that eligible transgender voters have NICs with the "X" designation to enable them to cast ballots in the appropriate polling booths.



ROLE OF KEY STAKEHOLDERS

1 Election Commission

In a polarized political environment fraught with allegations by some political actors of partisanship by state institutions, the Election Commission acted in an impartial manner as required by the Pakistan Constitution, insulating itself from controversy that could have tainted its public image. The ECP's decisions during General Elections 2018 have contributed to greater confidence of all election stakeholders. These decisions include enabling PML-N candidates to contest the Senate elections as independent candidates; warning Punjab's caretaker government to take measures for the security of candidates; postponing the election in NA-60 after the disqualification of a PML-N candidate days before the election; disqualification of a PTI candidate for using pictures of the army chief and chief justice in a campaign poster (later overturned by the Lahore High Court); advising the National Accountability Bureau to abstain from arresting candidates during the campaign; and initiating disciplinary proceedings against a Returning Officer and four Assistant Returning Officers.

2 Establishment, Judiciary and NAB

Despite the strong efforts by the Election Commission to enforce the new law even-handedly and protect the integrity of critical electoral processes, the political environment in the pre-election period was contentious. The then-ruling party, the PML-N, repeatedly alleged interference by unnamed actors in the Pakistani establishment after the eruption of the Panama Papers controversy in April 2016. More explicitly, the PML-N accused the country's apex court of inconsistently adjudicating cases against some political leaders but not others. The disqualification of former Prime Minister Nawaz Sharif from membership in the National Assembly in July 2017, and his subsequently stepping down as party leader under another Supreme Court decision in February 2018, fueled the PML-N's narrative of the judiciary's partisanship in the elections. The former prime minister and his family members, along with the former finance minister, were tried in the Accountability Court on references sent by the Supreme Court. The conviction and sentencing of the former prime minister and his daughter for failing to provide adequate evidence of their sources of income to justify their assets further fueled the narrative of partisanship among a segment of voters supporting the PML-N.

The changing of the guard at the NAB in October 2017, with a retired Justice of the Supreme Court taking the helm, reinvigorated the accountability cases that were either pending or not being pursued by his predecessor. This opening of accountability cases against political leaders, although they belonged to parties across the political divide, contributed to the narrative of political interference by the Pakistani establishment in an effort to orchestrate a "desirable result" from the elections. Spokespersons of NAB and the Inter Service Public

Relations (ISPR) denied these accusations more than once and stated that they had no political favorites.

While another major political party, the PPP, generally did not support the PML-N's narrative, it also alleged interference by Pakistani military officials in the election process a few weeks before the Election Day. Adding to these concerns was the placement of the former president and PPP leader on the Exit Control List in relation to a money laundering case and then the deletion of his name after the Supreme Court's surprise clarification of its earlier direction. The controversy compelled the Senate to take up the issue with Senators belonging to multiple parties (PPP, ANP, PML-N, NP, PkMAP, MQM and JI), supporting the contention that political parties were not operating on a level playing field.

However, the narrative by top leadership of major political parties is not substantiated by the experience of a majority of their candidates or district level office-bearers. According to FAFEN long-term observers deployed at the constituency level, only 59 candidates said they were not being allowed by institutional and/or social actors to freely conduct their election campaigns.⁹ Earlier, in 3,445 interviews with FAFEN observers between February and May 2018, 12 percent of district-level office-bearers belonging to 29 political parties had expressed their grievances against law enforcement agencies, including the opening of old police cases, registration of new police cases and illegal custody of their workers.

Similarly, 77 candidates told FAFEN observers that they or their voters or workers had faced pressure or intimidation to support a specific party. Another 41 candidates said old police cases against them or their workers had been reopened as a pressure tactic, while 49 said new police cases against them or their workers had recently been registered and 43 said their workers or supporters were illegally detained by police or law-enforcement agencies. These candidates claimed that the reopening of old cases or registration of new cases was because of their existing political affiliation. Additionally, 43 candidates, mostly independents belonging to Punjab and Sindh, also reported pressure and intimidation from non-state actors to either withdraw from contesting the election or stop their campaign.

3 Caretaker and Local Governments

FAFEN observers reported a general consensus among interviewed candidates belonging to all political parties about the neutrality of the federal caretaker government. As many as 1,508 National Assembly candidates said that the federal caretaker government was neutral. Among the small fraction of candidates (66) who said they were not satisfied with the neutrality of the federal caretaker government, most belonged to Punjab (42). The level of satisfaction with provincial caretaker governments was also high. Only three out of 348 National Assembly candidates interviewed in KP said they were not satisfied, 50 out of 807 interviewed in Punjab, 22 out of 314 interviewed in Sindh, and six out of 83 interviewed in Balochistan said they considered their caretaker governments not to be impartial.

Against the general perception, 1,495 candidates interviewed said they considered that the local police and other law enforcement agencies were working impartially. However, cases

⁹ Most of these candidates belonged to PML-N (11) followed by PPP (7), PTI (6) and MQM (3). The rest belonged to other parties including BNP, ANP, PkMAP, GDA and MMA.

of alleged illegal custody of political workers were reported by 43 candidates, including 21 in Sindh, 15 in Punjab, five in KP and two in Balochistan.

The Election Commission decided to suspend the local governments until the election based on significant criticism, including in the Senate, about local governments partisanship. However, this criticism appears to have been disproportionate. Only 170 candidates expressed concern about the partisan conduct of local representatives in the electoral process. The rest of the candidates (1,404) belonging all major political parties said that local governments were largely neutral.

4 **Armed Forces**

The Election Commission's requisition and deployment of around 371,000 personnel of armed forces for election duties between July 23 and July 27 evoked a strongly-worded response from some political parties (particularly PPPP, PML-N and PkMAP) in the Senate. Their specific concerns were the rationale of the number of troops being requisitioned as well as the magisterial powers being given to them. It is the first time that the Election Commission issued a detailed Code of Conduct for Security Forces. However, political parties and some media criticized their involvement in elections, especially in the vote counting process. Security forces were authorized by the Code only to coordinate with Presiding Officers at the polling stations in the transmission of results through the technology-based Result Transmission System (RTS). The Election Commission's and ISPR's later clarifications that armed forces would only provide security did not allay the concerns expressed by major political parties.

The conduct of security forces was not called into question by any political party or candidate through the voting process. However, their role during the vote counting process in the polling stations and the provisional result preparation processes at the offices of the Returning Officer came under increased scrutiny by PML-N, PPPP, MMA, ANP, PSP and MQM, all claiming that their polling agents were not allowed to sit through the vote counts at the polling stations. FAFEN observers were barred by either Returning Officers or security forces personnel in 47 National Assembly constituencies from observing the process of preparation of provisional results at the offices of the Returning Officers in violation of the accreditation provided by the Election Commission.

5 **Media**

The rights to free speech, expression and press are fundamental rights guaranteed by the Pakistani Constitution, and these freedoms are critical to the conduct of free and fair election. The Election Commission, as the custodian of the rights and entitlements of voters and candidates, may need to independently assess serious reports of restrictions and intimidation of some media groups and journalists after the announcement of the election program. A free media is essential to ensure that voters can make informed choices about candidates and political parties.

6 Election Observers

For the first time in Pakistan, a legal provision (Section 238, Elections' Act, 2017) protects the rights of domestic and international observers to have access to polling stations, counting of votes and consolidation of election results. The Election Commission supported domestic observation through efficient procedures for their accreditation unlike previous elections.

On Election Day, FAFEN received reports from a total of 945 accredited observers who were stopped from entering the polling stations by either security or election officials. These observers were not allowed to enter their assigned polling stations during the day, while 730 were barred from observing the counting process at polling stations.

The European Union (EU) and the Commonwealth Observer Groups also deployed election observation teams to Pakistan. The European Union Election Observation Mission (EUEOM) deployed 60 long-term observers after being accredited on July 13, 2018, allowing them to observe the pre-election phase for a shorter time period than they had reportedly originally planned. Similarly, the Commonwealth Observer Group also deployed its observers on July 17, 2018. The EUEOM mobilized local staff to be deployed on Election Day, but these representatives were not given the permission to enter inside polling stations. Though the new Elections Act, 2017 provides for the international groups to observe elections, the accreditation process for these observers needs to be further streamlined.

FAFEN'S ELECTION OBSERVATION METHODOLOGY

The Free and Fair Election Network (FAFEN) is a coalition of 60 Pakistani civil society organizations based in all parts of Pakistan. FAFEN was established in 2006 and has observed two previous General Elections in 2008 and 2013, as well as most by-elections and Local Government Elections during the past decade.

FAFEN's long-term observation of the local political environment and implementation of election-related laws and rules began in January 2018. A total of 130 district-based coordinators interviewed office-bearers of political parties and political groups to assess whether there was a "level playing field". These coordinators also observed the ECP's and NADRA's efforts for enhancing voter registration, as well as the local political alliances, party-switching by political figures, and emerging alliances among ethnic, tribal and professional groups. FAFEN also assessed the ECP's demarcation of fresh electoral constituencies for National and Provincial Assemblies in January 2018 by interviewing district office-bearers of political parties. FAFEN's long-term observers sought information from political parties regarding their satisfaction with the process adopted by the ECP for the delimitation as well as its transparency. FAFEN also observed the local postings and transfers of government officials between departments, and inauguration of development schemes at the district level. FAFEN observers reported incidents of political and electoral violence and conducted focus group discussions (FDGs) to identify barriers pertaining to electoral participation within districts faced by marginalized groups, including women and minorities.



With the announcement of the election program in June 2018, FAFEN's pre-election observation focus shifted to the constituency-level with the deployment of another 264 coordinators. These trained coordinators observed the campaign environment in 13,350 systematically sampled electoral areas¹⁰ across all 272 constituencies (50 electoral areas in each constituency). FAFEN observed election campaign activities and the enforcement of the Code of Conduct for Political Parties and Contesting Candidates. They also conducted citizens' interviews and assessed the establishment of polling stations within these sampled electoral areas. These constituency-based coordinators also observed the ECP's preparedness by meeting with District Election Commissioners (DECs), District Returning Officers (DROs) and Returning Officers (ROs) as well as monitoring the training sessions held for election staff. In order to assess whether there was a level playing field during the campaign period, FAFEN interviewed the contesting candidates or their election agents as well as observed the scrutiny of the nomination process at the respective ROs' offices.

For election-day, FAFEN deployed 19,683 citizen observers to observe 72,089 polling stations. These citizen observers visited up to four polling stations each during the day to directly observe and report on the election environment, pre-poll preparations, voting and the vote counting process. FAFEN developed a robust android-based mobile application ("App") for observer reporting throughout the day; however, because of the restriction on mobile phones inside polling stations, election-day observers were able to report on the app only after the end of their day's observation. Moreover, FAFEN established a multi-purpose call center in Islamabad for interviewing contesting candidates or their election agents in all four provinces and ICT to ask their perceptions regarding the election-day's fairness. FAFEN's call-center representatives also gathered information from constituency and district coordinators observing the general electoral environment on election-day. FAFEN call center personnel spoke to a 10% sample of the 19,683 observers from each constituency in order to verify data received on the mobile app.

During the post-election phase, FAFEN will deploy 25 legal researchers who will be trained to observe and report on the election disputes resolution process in election tribunals.

¹⁰ An electoral area is typically the catchment area for two to three polling stations.