**FREE AND FAIR ELECTION NETWORK**

**Observation and Analysis of PK-95 By-Election**

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| **PK-95 By-Election: Candidates Collude to Bar Women from Voting** |

ISLAMABAD, May 8, 2015: As many as 47,282 women in Lower Dir were barred from voting in the by-election to the provincial assembly seat PK-95 (Lower Dir-II) on Thursday under a tacit understanding among contesting candidates, says a preliminary observation report released by Free and Fair Election Network (FAFEN) on Friday.

The candidates had reached a verbal agreement that they would not mobilize women and thereby share the disadvantage, as generally women’s electoral choices are dictated by men in the family. The verbal agreement also stipulated that in case of a breach of this understanding, other candidates would also be free to mobilize women.

FAFEN’s observers reported that the local office of the Election Commission of Pakistan (ECP) had complete knowledge of this illegal arrangement but did not take any action on or before the Election Day to ensure women’s participation.

The ECP set up only one female polling station in the entire constituency, in addition to 83 female polling booths in as many combined polling stations. While female staff was deployed on female booths, according to FAFEN observers, none of them were given polling material since women were not expected to turn out to vote. Such acts by the ECP officials indicate the commission’s complicity and responsibility in illegally barring women from voting rather than enforcing the law.

FAFEN has advocated since 2008 that the ECP should not validate the results in any constituency where women are barred from voting in any single electoral area, indicated by 0% female turnout at one (or more) female polling booth. Women’s right to vote is protected by the Constitution of Pakistan (1973), Representation of the People Act (1976), ECP Code of Conduct (Article 20), the International Covenant on Civil and Political Rights (ICCPR, ratified by Pakistan in 2010) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, acceded to in 1996). The ECP also has the responsibility to ensure all female booths and stations are fully functional and secure throughout Election Day.

Only one woman turned out to vote in the constituency during the 2013 General Election, who was, according to FAFEN observers, later declared an infidel by local religious leaders. The 2013 local *fatwa* against the only woman voter and the fresh understanding among candidates created a non-conducive environment for female voting.

With zero percent women turnout raising questions about the electoral exercise, the by-election nevertheless remained peaceful amid heavy presence of police and security officials inside polling stations. However, a number of procedural irregularities in the voting processes, such as party camps outside polling stations, presence of unauthorized people inside the polling stations and canvassing inside polling stations were reported by FAFEN observers.

The observers reported heavy presence of police officials inside 58 polling stations, in violation of election laws which do not allow security (police, army, Rangers etc.) officials to be present inside the polling stations unless specifically requested by the election authorities. On the other hand, there were no security/police officials present outside 25 polling stations. No incident of violence was reported from the constituency.

FAFEN observers also reported incidents of campaigning and canvassing inside 52 polling stations, in violation of election laws that bar party workers from being within 400 yards of any polling station.

The PK-95 seat was vacated by the JI leader Amir Sirajul Haq who was elected to the Senate on March 5, 2015. Haq had won the 2013 General Elections from this constituency with 23,030 votes (61% of the polled votes), while ANP was the runner-up party with 11,130 votes (30%).

FAFEN deployed 21 trained observers to monitor 81 polling stations (one male, one female and 79 combined) in the constituency. The observers spent between 45 and 60 minutes in each polling station to document their observations and findings on a standardized checklist based on the provisions of the Representation of the People Act 1976, Conduct of Elections Rules 1977 and instructional handbooks provided to the election officials by the ECP. The by-election was held on the same polling scheme adopted for the 2013 General Elections.

***Recommendations:***

1. The ECP should probe the barring of women from voting and penalize the responsible candidates under Section 81(1) of Representation of the Peoples Act (1976).
2. The ECP should reprimand all election officials who failed to enforce the election rules and laws; especially those working at polling stations where women were not permitted to vote.
3. Polling officials should ensure all campaign personnel, materials and camps are removed from around the polling stations.
4. Adequate training for polling staff must be ensured for all by-elections.