

# KHYBER PAKHTUNKHWA LOCAL GOVERNMENT ELECTIONS (PHASE-I)

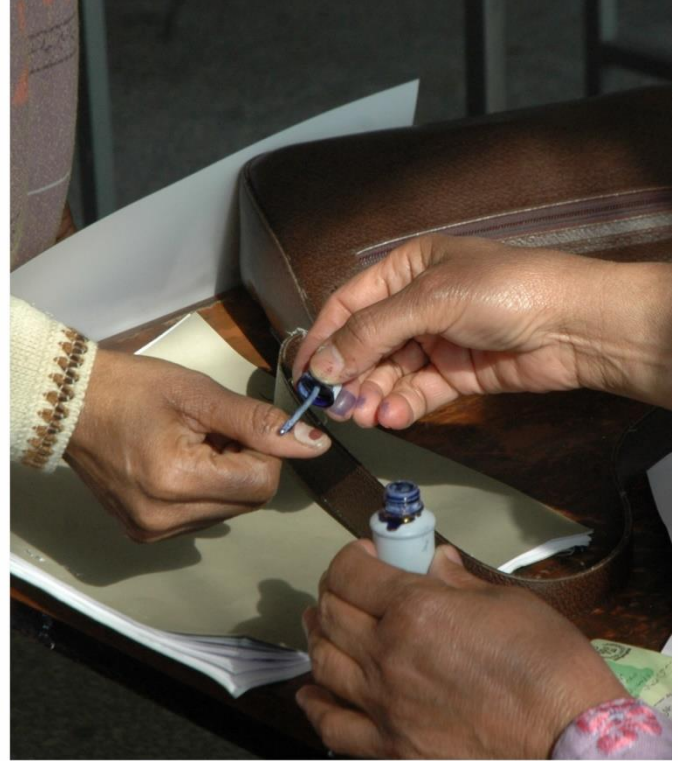


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FREE & FAIR ELECTION NETWORK - FAFEN

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## Largely Orderly but Procedural Compliance Needs Reinforcement

- Acceptance of results by contesting parties to augur well for democracy
- Direct election to all LG tiers sets example for other provinces

Pakistan inched towards the installation of the constitutionally-promised local governments (LGs) when around 40 percent of registered voters in Khyber Pakhtunkhwa (KP) turned out to vote on December 19, 2021 in 17 districts to elect more than 14,000 representatives on general and reserved seats, and four city mayors and 60 *tehsil* chairmen in an election that remained largely orderly, lawful and transparent but fell short on complete compliance with procedural formalities, and registered a considerable percentage of votes that were excluded from the count at the polling stations.

In what was undoubtedly one of the largest and most complex electoral exercises in the country, the Election Commission of Pakistan (ECP) has been able to manage the pre-election and election day processes by law and procedures, despite last minute court orders that had declared the legal scheme of LG elections – that were to be originally contested on a non-party basis – ultra vires to the Constitution. Despite fears of an inordinate delay, the Election Commission ensured the electoral exercise to be conducted by the original schedule, setting the ball rolling for the establishment of the third-tier of the government, which had been on hold for more than two years in all federal entities due to legal hitches curtaining the absence of political will to decentralize and devolve powers to the grassroots.

The KPLG elections during the first phase were held in Peshawar, Buner, Bajaur, Swabi, Nowshera, Kohat, Karak, Charsadda, Dera Ismail (D.I) Khan, Tank, Haripur, Mardan, Bannu, Khyber, Mohmand, Hangu and Lakki Marwat.



During this phase, the LG elections were held for four city mayors of Kohat, Peshawar, Mardan and Bannu. The election for the city mayor of D.I. Khan was postponed due to the assassination of the Awami National Party (ANP) candidate. Moreover, the LG polls were held for 60 *tehsil* chairmen, and more than 2,200 village and neighborhood councils. The ECP had set up a total of 9,132 polling stations including 3,340 male, 2,978 female and 2,814 combined. These polling stations had a total of 28,883 polling booths including 16,327 for men and 12,556 for women to facilitate 12,668,862 registered voters – 7,015,767 men and 5,653,095 women.

A lower turnout than the General Elections (GE) 2018 was recorded during these elections. The turnout remained around 40 percent during the KPLG elections as compared to 45.8 percent in GE-2018. However, the turnout in the current LG elections is almost equivalent to 2015 LG elections, when it remained 40.50 percent for the province. According to the unofficial results of 46 *tehsils* released by the ECP, the turnout remained 40 percent – highest being 60 percent in *Paroa* in D.I. Khan and the lowest 22 percent in *Tall* in Hangu. These turnout figures have been prepared on the basis of Form XIX (Provisional Consolidated Statement of Results of the Count) for the seats of *tehsil* chairmen and city mayors<sup>1</sup>.

Expectation of a high turnout may have not been met due to multiple factors but not excluding a general distrust in the efficacy of LGs, which have largely remained under-powered to deliver upon the expectations of people during their last tenure 2015-2019. However, the gender disaggregated turnout is not available as the 26 Forms XIX do not contain this data. According to available gender-disaggregated data for 20 *tehsils*, female turnout remained 16.69 percent as compared to 26.96 percent male turnout. At none of these *tehsils*, for which gender-disaggregated data is available, the turnout of women remained less than 10 percent of the total polled votes.

More concerning, however, is the number of votes excluded from the count, which stands at seven percent, according to these provisional results. As many as 25 of these provisional results have a Margin of Victory which is less than the number of ballots excluded from the count<sup>2</sup>, though the decision for the final rejection of these excluded ballots will be made after their review by the Returning Officers (ROs) during the proceeding for results consolidation to be completed on December 24, 2021. Of these, eight *tehsils* are won by Pakistan Tehreek-e-Insaf (PTI), six by Jamiat Ulama-e-Islam Pakistan (JUIP), five by Awami National Party (ANP), two by Pakistan Muslim League – Nawaz (PMLN), one each by Pakistan Peoples' Party Parliamentarians (PPPP) and Tehreek-e-Islahaat Party (TIP), and two by Independents.

The positive aspect of these elections is the prompt acceptance of their results by all major political parties in the province particularly the senior leaders of incumbent PTI, which lost ground to rival opposition parties in many of its strongholds. This will augur well for democracy and may just be the first in Pakistan's political history where election results have generally been challenged and electoral defeats not generously accepted. Other major political parties have also accepted the voting and counting processes as largely legitimate, and have yet to contest their quality, notwithstanding some isolated complaints, and scattered and localized incidents of violence that disrupted the polling on election day and in some cases compelling the Election Commission to order either cancellation of election or re-polling. The elections for *tehsil* and village (VC)/neighborhood councils (NC) in Baka Khel Wazir, Bannu will be rescheduled. Similarly, the elections were postponed in seven VCs and NCs in four districts – VC *Kot Esa Khan* and VC *Rata Kulachi-1* in D.I. Khan, NC *Baghe Irum* and NC *Kot Ismail Zai* in Mardan, VC *Azam Michankhel* in Lakki Marwat, and VC *Nawa* in Bajaur due to deaths of contesting candidates. Moreover, the voting at six polling stations in Peshawar was halted and subsequently postponed due to incidents of violence

<sup>1</sup> Information of votes excluded from the count, total votes polled and valid votes were missing on the forms of Badbher and Tangi *tehsils*.

<sup>2</sup> Chamkani, Mathra, Paroa, Paharpur, Kulachi, Garhi Kapoora, Rustam, Mardan, Kakkhi, Wazir, Kohat, Lachi, Gumbat, Swabi, Lahor, Ghazi, Jandola, Daggar, Mandanr, Pabbi, Nowshera, Jehangira, Jamrud, Khewezai/Baizai and Lower Mohmand.

on the election day. However, an exhaustive list of polling stations where the Election Commission would order re-polling is still awaited.

The KPLG election was particularly significant as it was for the first time people in a province were electing their representatives for all tiers of LGs through a direct vote, setting a precedence for other provinces to follow and allow people's will to be the decisive factor for any public office. Although the PTI government which framed the KPLG (Amendment) Act, 2019 had to pay a political price in ceding political ground to its rival parties due the direct mode of elections at a time when it is under public pressure for particularly rising commodity, utility and fuel prices among many of the incumbency weights that it was carrying, it walked through its promises that it made in its GE-2018 manifesto, a fact that needs to be acknowledged.

According to the ECP results of 46 seats for *tehsil* chairmen and city mayors, the largest vote share was bagged by PTI with 24.20 percent of the polled votes, followed by JUIP 23.63 percent, ANP 14.43 percent, PMLN 7.91 percent, PPPP 6.76 percent, JI 5.89 percent and TLP 1.71 percent. The independent candidates secured 13.17 percent votes of the total votes polled on 46 seats.

Followed by a competitive campaign by candidates fielded by 25 political parties as well as independent candidates, the election day remained generally peaceful. More importantly, reports of women being barred from voting were not received, except from five polling areas – one each in D.I. Khan, Hangu, Lakki Marwat, Buner and Kohat.

A total of 1,005 candidates filed their nominations for the offices of mayors and chairmen in five cities and 61 *tehsils*, respectively. Moreover, 41,171 filed their nominations – 21,825 for general seats, 4,214 for women, 8,023 for peasant/worker, 6,745 for youth and 364 for minorities. A total of 2,032 candidates on the village/neighborhood councils' level have been elected unopposed including 217 general members, 876 women, 285 peasants/workers, 500 youth members and 154 minority members. Such large-scale uncontested elections on reserved seats particularly women, youth and minority seats indicate a weak political organization at the grassroots, reinforcing the need for political parties to reach out to these and other marginalized segments of population for their political education and emancipation.

The Election Commission, on the other hand, has made up for the weaknesses observed by FAFEN in the conduct of 2015 LG elections when mismanagement at polling stations had created serious questions on the electoral quality. Notwithstanding the pre-election claims and counter claims by political parties of the misuse of government resources and violation of electoral code of conduct, the election process generally remained smooth, orderly and better managed, although illegalities such as canvassing and campaigning on the election day and incidences of non-compliance of procedure for processing of ballots, setting up of booths crammed in one room and polling agents not given the copies of result forms were reported.

This preliminary report is based on the observation of over five percent of 9,087 polling stations<sup>3</sup> set up for the first phase of LG elections. This includes reports from four percent of male polling stations, nine percent of female polling stations and four percent of combined polling stations. FAFEN deployed 248 nonpartisan election day observers – 171 women and 77 men – to observe the voting and counting processes at more than 10 percent of the total polling stations across 16 districts. With the exception of Khyber, all FAFEN observers in 16 districts were issued accreditation cards by the District Returning Officers (DROs) under the instructions of the Election Commission

<sup>3</sup> The number excluded the polling stations in Baka Khel Wazir Tehsil, Bannu.



issued through a letter on December 10, 2021. As many as six observers in Khyber could not be deployed due to refusal by the DRO to sign their accreditation cards.

FAFEN's observation methodology is based on the KPLG Act, 2013 (as amended up to September 2021), the Elections Act, 2017, the Elections Rules 2017, and the Codes of Conduct notified under the laws. For the training of FAFEN's election-day observers, as many as 17 training sessions were held across the districts on technical aspects of the voting and counting processes. Each observer was required to observe at least four polling stations for in-depth observation of the quality of the electoral process.

The LG polls were held under a system that underwent structural changes including abolition of the district government and district councils, and establishment of *tehsil* local government and *tehsil* councils in all *tehsils* except divisional headquarters where city LGs and city local councils were to be established. The 2019 amendment also extended the LG system to the erstwhile Federally Administered Tribal Areas (FATA), which were merged with the KP under the Constitution (Twenty-Fifth Amendment) Act, 2018.

## — POLLING LARGELY REMAINED ORDERLY AND PEACEFUL —

Despite the massiveness of the electoral exercise which involved additional deployment of election day staff to enable voters to cast six ballots unlike two in the general elections, the voting and counting process at a majority of the observed polling stations (88 percent) remained orderly and smooth. This was a major improvement as compared to a similar exercise in 2015 when mismanagement at polling stations had raised questions about the quality of the then LG election process. However, additional measures are still required to enforce the election laws and procedures in letter and spirit, and to ensure that the executive authorities, which provide assistance to the Election Commission under Article 220 of the Constitution, are delivering upon their duties. Voting generally started on the prescribed time as 63 percent of the observed polling stations at 8:00 am.

One of the major reasons of disorder and chaotic polling environment at 12 percent of the observed polling stations remained overcrowding of voters due to shortage of staff particularly the Assistant Presiding Officers (APOs). To facilitate the processing of six ballot papers in the shortest possible time, the Election Commission had deployed three APOs along with one Polling Officer at each polling booth. However, there were instances where not all APOs turned up for duty, causing voters to wait in queues. Two percent of 1,045 voters interviewed by FAFEN observers outside polling stations also expressed their dissatisfaction with their voting experiences saying that process was chaotic due to overcrowding. At some polling stations, voter queues were clogged due to undue breaks by polling staff for lunch and prayers, etc., although the law requires uninterrupted voting during the prescribed polling hours.

FAFEN observers documented that voters took up to 3.9 minutes from identification to casting of their votes in 34 percent of the observed polling stations where three APOs were processing ballot papers. At 41 percent of the observed polling stations, it took 6.9 minutes for each voter to cast their ballots. At four percent of the observed polling stations, it took 13.9 minutes for voters to cast their ballots. Only at one observed polling station, it took more than 20 minutes for voters to cast their ballots. Nevertheless, the Election Commission may need to simplify the requirements of the entries of the counterfoils which are at times missed due to voter pressure at polling stations.

There also are instances as reported by FAFEN observers where the election staff was not observed to have been following clear instructions on the polling station setup provided by the Election Commission, which also led to unnecessary hassles for voters and disorder inside booths. At 18 percent of the observed polling stations, multiple booths were set up in a single room, which resulted in cramming of voters along with eight polling staff in small spaces, leading to congestion in the days of the Coronavirus Disease 2019 (COVID-19) pandemic.

Scattered incidents of verbal and physical brawls at 46 polling stations in 16 districts did not get much media attention, which remained focused on more severe incidents that left as many as seven people dead. Incidents of violence at some observed polling stations were, however, grave enough that the Presiding Officers (PO) had to report them to the relevant ROs. Security, however, remained well managed at a majority of polling stations where police was constantly at guard both outside and inside. A many as 79,479 police officials were deployed to perform election day security at highly sensitive, sensitive and normal polling stations.

FAFEN observers reported to have seen police performing their security duties outside 91 percent and inside 82 percent of the observed polling stations. At 31 percent of the observed polling stations, CCTV cameras were also installed. However, the law does not specify the use of the footage of these CCTV cameras as to whether these can be used as evidence in cases of election disputes and be presented at tribunals.

## ILLEGAL CAMPAIGNING AND CANVASSING PERSISTED

Election day campaigning and canvassing persisted to be one of the weakest enforcement areas. Despite a legal bar, political parties and independent candidates had set up camps within the prohibited legal limits around 73 percent of the observed polling stations. Such campaigning and canvassing around polling stations at times becomes a source of election day violence due to intense competition, and may also create an atmosphere of intimidation for voters especially when there is a lax control on the display of arms and weapons. FAFEN observers reported to have seen armed persons in party camps around six percent polling stations, a clear violation of the law and code of conduct which proscribes carrying and displaying weapons.

These party camps were observed to have been actively engaged in campaigning and canvassing on election day. In addition to distributing campaign materials such as caps, stickers and badges, etc. at eight percent of the observed polling stations, these camps at 30 percent polling stations were also issuing voting *parchis* (chits) to voters, which bear the serial number of voters on the electoral rolls. FAFEN observed voters at 38 percent of the observed polling stations carrying voter *parchis* with the election symbol of some party or an independent candidate, which also compromises the secrecy of their choice of candidate. Such *parchis*, although illegal and also banned by the Supreme Court's decision in the Pakistan Workers' Party case 2012, facilitate the work of Polling Officers who otherwise have to look up each name in the electoral rolls, which takes additional time in the processing of ballot paper for voters. The Election Commission may consider setting up facilitation desks at polling stations for the purpose to minimize reliance of polling staff on these *parchis*.

Despite instructions to POs in their handbooks as per law and rules, they failed to remove campaign materials at the outer perimeters of 31 percent of the observed polling stations. At these polling stations, the campaign material belonged to PTI (79 percent), followed by PPP (47 percent), JUIP (35 percent), PMLN (18 percent) and JI (15 percent). Similarly, POs did not remove campaign materials inside nine percent of the observed polling stations. These materials belonged to PTI (54 percent), followed by JUIP (34 percent), PPP (30 percent), JI (16 percent) and PMLN (11 percent).

In violation of the provisions of the code of conduct for political parties and contesting candidates, workers of parties and independent candidates were observed to have been providing transport facility to voters at 39 percent of the observed polling stations. There were also reports that unauthorized persons were present inside polling stations before the start of poll at 11 percent of the observed polling stations – a practice that needs to be completely controlled as such persons generally exert influence over election officials. The use of magisterial powers by the POs must be reinforced as a deterrent to eradicate such election day practices.



## SECURITY OF VOTES LARGELY MAINTAINED

Unlike the experience in 2015 LG elections, the Election Commission had demonstrably invested in enforcing the voters' right to maintain secrecy of their vote. According to FAFEN observers, adequate arrangements were made at more than 95 percent of the observed polling stations for the purpose. At 91 percent of the polling booths observed, the ECP-provided secrecy screens were available and installed in a manner that voters could cast their votes in complete privacy, while at the remaining polling booths, the election staff had to make makeshift arrangements. The secrecy screens, however, were placed in a manner at four percent of the observed polling booths that could have potentially compromised voters' secrecy. At 359 polling booths where CCTV cameras were installed in the observed polling stations, they were angled in a manner that their focus remained at the place where voters were stamping their ballot papers at 130 booths.

While adequate arrangements for voters' secrecy were largely in place, FAFEN observers reported breaches of voters' secrecy by election and police officials, polling agents and unauthorized persons. Unauthorized persons were observed to have been accompanying voters behind the secrecy screens at four percent of the observed polling stations; polling agents at four percent, polling staff at five percent, security officials at three percent and candidates at two percent. At six percent of the observed polling stations, polling agents were seen to have been asking the voters of their choice.

## VARIED COMPLIANCE OF VOTING AND COUNTING PROCEDURES OBSERVED

Keeping in view the complexity of the LG election and rigorous legal requirements of the identification of voters by Polling Officers and documentation of the credentials of voters on the counterfoils before the issuance of ballot papers by APOs, the compliance with these legalities remained varied at the observed polling stations. At a majority of the observed polling stations, APOs were partially complying with the requirements of filling the counterfoils with the complete set of entries – name of council, serial number of voters on electoral rolls, NIC number of voters and their thumb impressions along with their own signature and officials stamp. In addition, the APO also had to sign and mark the back of the ballot paper with the officials stamp for it be considered valid at the time of counting.

The complete fulfillment of these requirements depended on the number of voters arriving to cast their vote. An APO who might be completely fulfilling these requirements during slow voting hours may not be able to fully comply with them during the rush hours. Complete compliance becomes particularly cumbersome where all three APOs were not available, requiring at times for two APOs to fill three counterfoils each, and at times one APO to fill six counterfoils for one voter to issue as many ballot papers.

This was one of the reasons for disorder at the observed polling stations and booths where APOs were completely fulfilling the requirements. The Election Commission may need to simplify the requirements of the entries of the counterfoils, which are at times missed due to voter pressure at the polling stations. Similar is the case with the legal requirement for the Polling Officers to call out the names of the arriving voters loud enough so that the polling agents present could hear it. This requirement was also not completely complied with at a majority of the observed polling stations.

The Election Commission may further inquire into the level of compliance with these legalities and their utility through assessing the records of a sample of polling stations in order to further improve their handbooks and other training materials for the election staff. Additionally, notwithstanding technological solutions, the ECP may also consider

using one counterfoil for documenting voter credentials as against as many counterfoils as the ballot papers to further smoothen the voting process in the next phase of the KPLG elections as well as the upcoming elections in other provinces and Islamabad Capital Territory (ICT) where multiple ballots will be involved. This may also reduce the requirement of additional election staff for LG elections.

Voter identification procedures were adhered to almost completely at all the observed polling stations. FAFEN observers reported a few instances of polling staff turning away voters, but these were for the reasons as clearly determined by law such as voters with original NIC being turned away because their name was not on the electoral rolls at the polling stations concerned or voters coming without original NICs. However, there were a few instances where voters were turned away because they were carrying an expired NIC against the law which allows such voters to vote. Similarly, at one polling station voters were allowed to vote on identification documents other than their NICs such as a driving license, etc.

The Election Commission may also need to clarify the role of the police and security officials on guard outside the polling stations in their code of conduct as outside 50 percent of the observed polling stations they were seen to be checking the NIC of voters, a responsibility that seemingly is not assigned to them. A clear separation of election-related responsibilities and security duties will augur well to allay the concerns of political parties over the role security officials in elections.

As far as the counting processes at the polling stations were concerned, FAFEN observers reported these processes were largely compliant with the procedural requirements. At 70 polling stations where counting was observed, the main entrance was closed for voters who were not inside the premises of the polling stations at 5:00 pm in accordance with the law. However, this, although covered by law, leads to disenfranchisement of voters who may be allowed to vote even if they are present outside the polling station in queue. Moreover, this legality is subjectively implemented as in many cases queued voters are allowed to enter the polling station before the main entrance is closed. The Election Commission may further clarify the provision in the spirit of discouraging disenfranchisement.

However, more concerning are reports by FAFEN observers that voters present inside 18 observed polling stations were not allowed to vote after 5:00 pm, although the ECP handbooks clearly specified otherwise. The Election Commission may need to look into such complaints as they lead to controversies over the quality of elections that can otherwise be avoided.

The integrity of the counting process is critically important to the legitimacy of the election results. Polling agents representing contesting candidates 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 is not validly marked, and to sign the result forms and have their copies. In the past observations, the counting process has generally been witnessed as chaotic, with multiple ballots being counted simultaneously by various polling officials, making it very difficult for polling agents to track the process effectively. However, the election staff was observed to be generally compliant with the ballot counting requirements during these elections. At almost all (97 percent) the observed polling stations, the POs placed the ballot boxes at a central location visible to all polling agents before the count of votes. Similarly, at 77 percent of the observed polling stations, the staff was keeping a separate pile of ballots excluded from the count. The POs at 63 percent of the observed polling stations conducted a second count of the ballots on their own motion or on the request of some polling agent.

Generally, the polling agents do not receive any formal training by the political parties or candidate for observing the voting and counting for them to vigilantly monitor as well as adhere to the process. FAFEN observers reported from seven percent of the observed polling stations where polling agents were seen to be touching the ballots during the counting processes. At only 10 percent of the observed polling stations, polling agents raised objection to PO's decisions to exclude a ballot paper from the count.



## GENERALLY TRANSPARENT ELECTORAL PROCESS BUT RESULT FORMS PARTIALLY PROVIDED

Transparency of election is generally determined by the access of polling agents, independent ECP-accredited observers and media to observe the voting and counting processes. While there were no reports of restrictions on media to perform their duties on the election day inside and outside polling stations, FAFEN observers were given access to observe the voting and counting processes at their assigned polling stations barring few exceptions. However, FAFEN has already expressed its concerns over the non-provision of accreditation cards to its six observers in Khyber where the DRO had refused to sign their cards citing paucity of time. As a result, FAFEN could not observe the election day processes in this newly merged district. In addition, there were six other observers who were stopped from observation by either the election or police officials at polling stations in Bannu, Peshawar, Charsadda and Kohat. No observer was stopped from observing the counting process.

FAFEN observed the process prior to the opening of 136 polling stations. At these polling stations, the POs showed the empty ballot boxes to the polling agents as required by the law, but did not acquire signatures of polling agents on Form-XIV (inspection of ballot box form) at 20 percent of the observed polling stations. At seven percent of the observed polling stations, one or more polling agents were not allowed to sit through the opening proceedings or expelled. None but one polling agent at one polling station objected to the opening proceedings.

Before the start of the poll, 91 percent of the observed polling stations had security officials present on duty, 54 percent had candidates and 93 percent had polling agents present inside polling stations. At 11 percent of the observed polling stations, unauthorized persons were reported to have been present inside the polling stations before the start of the poll.

At more than 90 percent of 1,154 observed polling booths, the polling agents were present inside booths and seated in a manner where they could see the ballot box. A majority of them (89 percent) had voters' lists with them. The sign leading to the polling station entrance was found outside of 84 percent of the observed polling stations. As many as 79 percent of the observed polling stations had a chart pasted outside the building with its name and number.

At polling stations where FAFEN observed the counting processes, the POs allowed one polling agent each from contesting political parties and independent candidates inside the counting room. Polling agents were seated at a place where they could clearly observe the counting process at 87 percent of the polling stations. Similarly, at 93 percent of the observed polling stations, the observers were seated in a way that they could observe the counting processes.

At 87 percent polling stations, adequate lighting arrangements were made for the counting process. At 83 percent of the observers polling stations, the polling staff would tell polling agents loudly about retrieval of an unstamped ballot. Similarly, at 77 percent of the observed polling stations, the polling staff called out loud the choice of voter on each ballot while counting. At 10 percent of the observed polling stations, the polling agents objected to the PO's decision to exclude a ballot from the count.

At 59 percent of the observed polling stations, carbon copies of Form-XVII (Result of the Count) for mayor/*tehsil* chairman seats were provided to the polling agents. This percentage stood between 43 to 54 for other seats. Copies of Form-XVIII (Ballot Paper Account) was provided to the polling agents at 50 percent of the observed polling stations for mayor/*tehsil* chairman seats. FAFEN observers could get the copies of Form-XVII for mayor/*tehsil* chairman seats at 50 percent of the observed polling stations.

The POs pasted the copies of Form-XVII on the outer walls of 50 percent of the observed polling stations for mayor/*tehsil* chairman seats; 46 percent for general seats; 36 percent for women seats; 37 percent for



peasants/workers seats; 36 percent for youth and 17 percent minorities seats. Pasting of Ballot Paper Account on the outer wall was observed at 36 percent of the observed polling stations each for mayor/tehsil chairman seat and general councilor seats, 26 percent for women seats, 27 percent for peasants/workers seats, 29 percent for youth seats and 14 percent for minorities seats.

The Election Commission had made arrangements for election day monitoring through its teams. However, 26 percent of the POs interviewed at the observed polling stations confirmed that ECP teams had visited during the day.

## ADEQUATE PREPARATION AND MANAGEMENT OF POLLING STATIONS

The Election Commission had made elaborate arrangements of training of polling staff and supply of election materials. The training of staff and adequate availability of election materials are critical in running the polling station operations.

More than two-third of POs interviewed by FAFEN observers reported that they had the prior experience of managing polling stations. Similarly, 88 percent of the interviewed POs shared that they have received a day-long training by the ECP. Of which, 84 percent expressed their satisfaction with the training and its contents.

At 71 percent of the observed polling stations, the POs were wearing the ECP-issued badges. Inadequate quantities of indelible ink, stamp pads, nine-matrix rubber stamps and rubber stamp with ECP's official mark were reported from a fraction of the observed polling stations. At 95 percent of the observed polling booths, electoral rolls with pictures of voters were present. Moreover, at 91 percent polling booths, the secrecy screens were available, while at the remaining polling booths, the election staff made makeshift arrangements. FAFEN observers reported that transparent ballot boxes were available all the polling booths. The polling agents were observed to be present at 92 percent observed polling booths.

## PREFERENTIAL TREATMENT TO WOMEN, MARGINALIZED GROUPS BUT RAMPS MISSING AT MAJORITY OF POLLING STATIONS

The Election Commission has taken extraordinary measures over the last few years to improve inclusivity of elections particularly by focusing on women, persons with disabilities and transgender people. The election law includes specific provisions to enhance electoral and political participation of women alongside other marginalized groups including minorities and transgender persons. In addition to provisions of encouraging women to participate in elections, the law also requires the election officials to allow voters with disabilities 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. FAFEN observers reported from 14 percent of the observed polling stations where POs prepared a separate list of the persons who provided assistance to voters with disabilities in casting their ballots.

The Election Commission had also installed ramps at 36 percent of the observed polling stations to facilitate wheelchair bound voters. Similarly, access to 50 percent of the observed polling stations was wheelchair worthy.

The code of conduct for security officials required them to facilitate persons with disabilities, pregnant, lactating and older age women as well as those accompanying infants and transgender voters. At four percent of the observed polling stations, the security officials were not giving preferential treatment to these groups of voters.

The participation of women candidates remained a cause of concern as out of the total 1,005 contesting candidates for city and tehsil councils, only three were women – two in Haripur and one in Bannu. One women candidate



contested elections from Haripur on QWP's ticket, while the other candidate ran independently. Similarly, the candidate from Bannu contested the election as an Independent.

In some locations, women continued to be barred from voting by agreement among community leaders and/or candidates. FAFEN observers reported four instances of bar on women voting from five polling areas – one each in DI Khan, Hangu, Lakki Marwat, Buner, and Kohat districts. It is important that the Election Commission may investigate such instances for safeguarding the interest of marginalized groups. In addition, the Election Commission must also take appropriate measures to ensure the gender disaggregated turnout is properly documented of voters on Form-XVII and Form-XIX as currently 26 Form-XIX prepared by ROs do not contain this information that is critical to determine the Commission's action under Section 9(1) of the Elections Act, 2017. According to the section, if the turnout of women voters is less than 10 percent of the total votes polled in a constituency, the Commission may presume that the women voters have been restrained through an agreement from casting their votes and may declare, polling at one or more polling stations or election in the whole constituency, void.

## WEAK ENFORCEMENT OF COVID-19 PREVENTION MEASURES

The outspread of COVID-19 has already overwhelmingly impacted the health and welfare of citizens. In order to prevent the spread of the virus, the Election Commission had made adequate arrangements such as availability of hand sanitizers, face masks and display of posters outside polling stations carrying COVID-19 safety precautions. The Election Commission had also emphasized upon these measures during the training of election officials in order avoid the risk of transmission in polling places. Despite these measures, FAFEN observers witnessed that POs were not wearing face masks at 31 percent of the observed polling stations; APOs at 39 percent; Polling Officers at 44 percent; polling agents at 56 percent; security officials at 56 percent; and voters at 70 percent stations. Similarly, the POs had displayed the ECP-notified COVID-19 protocols outside only 56 percent of the observed polling stations

FAFEN observers reported from 63 percent of the observed polling stations where security officials were allowing voters to enter the polling stations without wearing face masks. At 26 percent of the observed polling stations, the observers reported to have seen sanitizers placed at a location where voters could have used them at the time of entry. The observers noted that voters were maintaining social distance while queuing up at only 29 percent of the observed polling stations.



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