

BALUCHISTAN LOCAL GOVERNMENT ELECTIONS (MAY 2022)



FAFEN Observation Report



FREE & FAIR ELECTION NETWORK - FAFEN

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LG polls in Balochistan remain controversy-free, orderly

- Sporadic illegalities, irregularities persist
- Low women contestation warrants urgent attention by political parties

Balochistan completed the first phase of the local government (LG) polls to elect over 6,000 general councilors in an election that remained controversy-free followed by prompt acceptance of the results by all major political parties. Such an acceptance augurs well for democracy and development in the province where the integrity of electoral exercises has previously been questioned.

Despite sporadic illegalities and irregularities, the elections remained largely peaceful, orderly and better-managed. Campaigning and canvassing around polling stations, non-provision of copies of result forms to polling agents, inconsistent compliance with the legal provision to permit voters present inside the polling station after 5:00 pm to cast their vote and issues of secrecy of voters remained some of major areas that need to be stringently enforced. FAFEN observers reported large number of voters turning out to vote on election-day. Although majority of polling stations (65 percent) were categorized as sensitive or most-sensitive security-wise, the election-day remained largely peaceful with scattered incidents of local violence reported in 23 districts.

32
DISTRICTS



6,259
WARDS

RURAL
5,345



URBAN
914



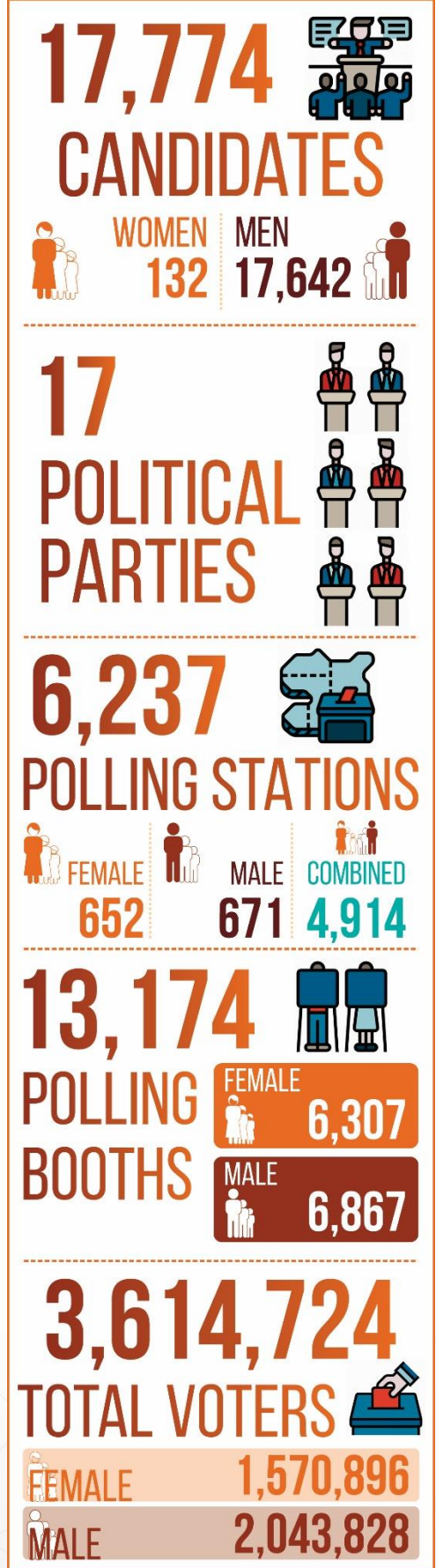
Election Day followed a highly competitive campaign with political parties and independent candidates freely canvassing in a largely peaceful environment. As many as 17,774 candidates - 17,642 male and 132 female - were in the run for general seats fielded by 17 political parties in 6,259 wards (5,345 rural and 914 urban wards) in municipal corporations, municipal committees and union councils. The ECP had set up a total of 6,237 polling stations – 671 male, 652 female and 4,914 combined. These polling stations had a total of 13,533 polling booths including 6,867 for men and 6,307 for women to facilitate 3,614,724 voters – 2,043,828 male and 1,570,896 female voters.

Following the May 29 elections of representatives on general seats, ECP is now due to hold indirect elections for the seats reserved for women, peasants or workers, and religious minorities, and the elections for Chairmen and Vice Chairmen of the local councils. Moreover, the ECP has yet to announce schedule for general seats elections in two major districts with sizeable urban population in the province i.e. Quetta and Lasbela, which were earlier withheld because of issues with the delimitation of wards.

After the expiry of LGs in Balochistan on January 27, 2019, it took over three years for ECP to conduct LG elections as these continued to face delay on one pretext or the other by the provincial government. Lack of consensus among political parties over amendments to the Balochistan LG Act (BLGA), 2010 and delimitation of constituencies remained the primary hurdles before the conduct of election. The Balochistan Assembly in February 2019 and April 2022 recommended to the Election Commission through resolutions postponement of the LG polls due to impending amendments to the BLGA and subsequent delimitations. The provincial government had also petitioned the Election Commission to withhold the elections to allow introduction of necessary amendments to the BLGA, 2010. However, a three-member bench of the ECP rejected the petition on April 14, 2022 and announced the date for election-day.

Scattered incidents of localized violence in 23 districts partially disrupted the polling processes on election-day. FAFEN observers reported 63 incidents of violence inside or around 53 polling stations. A majority of these were verbal brawls and scuffles between workers of contesting candidates and political parties, while a few incidents of armed and unarmed physical clashes were also reported. As many as six persons including a child were reportedly injured due to these armed and unarmed physical clashes. In addition to FAFEN observation, local media also reported various incidents of armed and unarmed clashes resulting in at least one death and multiple injuries.

Though 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, women participation as candidates has remained a cause of serious concern. As witnessed during Khyber Pakhtunkhwa (KP) LG elections, only 132 women (less than one percent) contested in various wards in urban and rural councils of Balochistan. No woman contested elections on any general seat in 10 districts – Killa Abdullah, Chaman, Nushki, Chagai, Zhob, Sherani, Killa Saifullah, Harnai, Ziarat and Surab. Such low contestation by women reinforces the need for political parties to reform their local structures and organization to encourage more women and other members of marginalized segments of population to emerge as leaders.

This preliminary report is based on the observation of over 12 percent of 6,237 polling stations on which elections were held for the first phase of LG elections. This includes reports from 128 male polling stations, 93 female polling stations and 527 combined polling stations. FAFEN deployed 266 nonpartisan Election Day observers – 70 women and 196 men – to observe the voting and counting processes at around 15 percent of the total polling stations across 32 districts. Each observer was required to observe up to four polling stations for in-depth observation of the quality of the electoral processes. FAFEN's observation methodology is based on the BLGA, 2010 (as amended up to April 2019), 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 25 training workshops were held across the province covering technical aspects of voting and counting processes.

1. Polling Remained Orderly, Smooth and Largely Peaceful

Despite security concerns, the election-day was well-managed, orderly and largely peaceful with sporadic incidents of violence reported in 23 districts. FAFEN observers reported 63 incidents of violence inside or around 53 polling stations. A majority of these incidents were minor in nature including verbal brawls and scuffles between workers of contesting candidates and political parties, while a few incidents of armed and unarmed physical clashes were also reported. As many as six persons including a child were reportedly injured due to the armed and unarmed physical clashes. The polling process at 30 polling stations had to be temporarily stopped due to these incidents. The suspension period ranged from five minutes to 70 minutes. The security officials at 19 of these polling stations promptly responded to the situation.

Overall, the voting and counting processes at a majority of the observed polling stations (97 percent of 748) remained orderly and smooth. The election staff was duly present at all the observed polling stations, while security officials were present at 85 percent.

FAFEN observed the opening of polls at 198 polling stations. Voting generally started on the prescribed

time of 8:00 am at 72 percent of the observed polling stations. The first vote was cast within an hour at nearly two-third (64 percent) of the polling stations.

According to the Elections Act 2017, not more than 1,200 voters may be allocated to any polling station. The law provides for exceptions in non-practicable situations, but reason must be documented in writing. According to FAFEN's assessment of the list of final polling stations published by the ECP on its website on May 20, 2022, as many as 374 polling stations had more than 1,200 assigned voters, while 81 polling stations had more than 2,000 allocated voters.

More than three-quarter (76 percent) of the 1,397 observed polling booths were set-up in separate rooms while multiple polling booths in the same room were found to be set up in one quarter of observed polling stations. Security officials were present inside the two-third (66 percent) of the observed booths.

FAFEN observers interviewed the Presiding Officers (PrOs) at 165 polling stations at close of the polling. Around 21 percent of these PrOs shared that they had reported disorderly incidents to the Returning Officers.



2. Illegal Campaigning and Canvassing Observed on Polling Day

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 of around 74 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 the code of conduct which proscribes carrying and displaying weapons.

The 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. these camps around 13 percent of the observed polling stations were also issuing voting parchis (chits) to voters, which bear the serial number of voters on the electoral rolls. FAFEN also observed voters inside eight 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 PrOs in their handbooks as per law and rules, they did not remove campaign materials at the outer perimeters of 15 percent of the observed polling stations. At these polling stations, around 32 percent of the campaign material belonged to independent candidates, followed by 21 percent to Jamiat Ulema-e-Islam Pakistan (JUI-P), 16 percent to Baloch Awami Party (BAP), eight percent each to Pakistan Tehreek-e-Insaf (PTI) and Pakistan Peoples Party Parliamentarians (PPPP) and seven percent to Awami National Party (ANP). Similarly, PrOs did not remove campaign materials inside four percent of the observed polling stations. These materials belonged to JUI-P, BAP and Balochistan National Party (BNP) (13 percent each), followed by independent candidates and ANP (six percent each), and PTI (three 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 14 percent of the observed polling stations. There were also reports that unauthorized persons were present inside polling stations before the start of poll at seven percent of the observed polling stations – a practice that needs to be completely controlled as such persons can potentially exert influence over election officials. The use of magisterial powers by the PrOs must be reinforced as a deterrent to eradicate such election-day practices.

3. Compliant Enforcement for Maintaining Secrecy of Voters

According to FAFEN observers, adequate arrangements were made at 89 percent of the observed polling booths. The ECP-provided secrecy screens were installed at 85 percent of the observed polling booths in a manner that voters could cast their

votes in complete privacy, while at the remaining 15 percent, the secrecy screens were placed in a manner that could have potentially compromised voters' secrecy. At four percent of the observed 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 39 booths.

Although sufficient 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 15 percent of the observed polling stations, of which polling agents were seen at four percent, election agent at one percent, candidates at two percent, polling staff at four percent, security officials at three percent and others at five percent polling stations. At three percent of the observed polling stations, polling agents were seen to have been asking the voters of their choice.

4. Voting and Counting Processes Compliant with Procedural Requirements

The voting processes were observed to be largely compliant with the procedural requirements. 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 National Identity Card (NIC) being turned away because their names were not on the electoral rolls at the polling stations concerned or voters coming without original NICs. However, there were a few instances (reported from two percent of the observed polling stations) where voters were allowed to cast their votes on a copy of their NIC. Similarly, voters at two percent of the observed polling stations were turned away because they were carrying an expired NIC against the law which allows voters with expired NICs to vote. At four polling stations, voters were allowed to vote on identification documents other than their NICs such as a driving license, etc.

The Assistant Presiding Officer (APOs) were observed to be 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 – at 98 percent of the observed polling stations. However, at three percent of the observed polling stations, the APOs were not signing and stamping the counterfoils, while they were not signing and marking the back of the ballot papers with the official stamp at four percent

of the observed polling station, which is crucial for validity or acceptance of vote.

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. At around 81 percent of the observed polling stations, security officials were observed checking the NIC of voters, a responsibility that seemingly is not assigned to them. A clear separation of election-related responsibilities and security duties is required to allay the concerns of political parties over the role of security officials in elections.

As far as the counting process at the polling stations was concerned, it remained largely smooth and well-managed. At 165 polling stations where counting was observed, the main entrance was closed at 96 percent polling stations, while voters at 68 percent polling stations who were inside the premises of the polling stations at 5:00 pm were allowed in accordance with the law to cast vote. 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. More concerning are reports by FAFEN observers that voters present inside 32 percent of the 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 avoidable controversies over the quality of elections.

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. The election staff was observed to be generally complying with the ballot counting requirements. At 81 percent of 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 75 percent of the observed polling stations, the staff was keeping a separate pile of ballots excluded from the count. The POs at 60 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. At these observed polling stations, polling agents and security officials were found touching the ballot papers at 29 (18

percent) and nine (five percent) polling stations, respectively.

At 74 percent polling stations, the doors were properly closed before counting so that no person can leave or enter the room during the counting process. However, 12 percent polling stations were such where unauthorized persons were present during the counting process. The election staff was checking the official stamp and signature of APOs on the ballot papers at 82 percent of the observed polling stations. At 65 percent of the observed polling stations, the polling staff was telling polling agents loudly about the retrieval of an unstamped ballot. Similarly, at 65 percent of the observed polling stations, the polling staff called out loud the choice of voter on each ballot while counting. At 12 percent of the observed polling stations, the polling agents objected to the PrO's decision to exclude a ballot from the count. Polling agents at three percent of the observed polling stations refused to sign Form-XVI (Statement of the Count) and Form-XVII (Ballot Paper Account).

5. Transparency of Electoral Process Maintained

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. FAFEN observers were given access to observe the voting and counting processes at their assigned polling stations. Only one observer in tehsil Maach of Kachhi was barred from observation by a security official.

As mentioned earlier, FAFEN observed the process prior to the opening of 198 polling stations. At 99 percent of these polling stations, the PrOs showed the empty ballot boxes to the polling agents as required by the law, but did not acquire signatures of polling agents on the relevant form (inspection of ballot box) at nine percent of the observed polling stations. At 12 percent of the observed polling stations, one or more polling agents were not allowed to sit through the opening proceedings or expelled. At eight percent of the observed polling stations, the polling agents

objected to the opening proceedings. Before the start of the polls, security officials were present at 85 percent of the observed polling stations, candidates at 59 percent and polling agents at 74 percent. At seven percent of the observed polling stations, unauthorized persons were reported to have been present inside the polling stations.

At 87 percent of the 1,397 observed polling booths, ballot boxes were placed at the place where these were easily visible to polling agents. Similarly, at 85 percent of the observed polling booths, the polling agents present inside booths had voters' lists with them. CCTV cameras were installed at four percent of the observed polling booths. 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.

At polling stations where FAFEN observed the counting processes, the PrOs allowed one polling agent each of the contesting candidates and political parties inside the counting room at 80 percent polling stations. The polling agents were seated at a place where they could clearly observe the counting process at 81 percent of the polling stations. Similarly, at 84 percent, the observers were seated in a way that they could observe the counting processes. At 70 percent of the observed polling stations, carbon copies of Form-XVI (statement of the count) were provided to the polling agents. Copies of Form-XVII (ballot paper account) were provided to the polling agents at 62 percent of

the observed polling stations. FAFEN observers could get the copies of Form-XVI and Form-XVII at 62 percent and 56 percent of the observed polling stations, respectively. The PrOs were also observed to have pasted the copies of Form-XVI and Form-XVII on the outer walls of 89 (54 percent) and 76 (46 percent) of the observed polling stations.

The Election Commission had made adequate arrangements for monitoring the election-day through its teams. However, the election officials at one percent at the observed polling stations confirmed that ECP teams had visited during the day.

6. Adequate Arrangements for Management of Polling Stations

The Election Commission had made elaborate arrangements for 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 (70 percent) of PrOs interviewed by FAFEN observers reported that they had the prior experience of managing polling stations. Similarly, 93 percent of the interviewed PrOs shared that they have received a day-long training by the ECP and all expressed their satisfaction with the training and its contents.

The sign leading to the polling station entrance was found outside of 74 percent of the observed polling stations. As many as 81 percent of the observed polling stations had a chart pasted outside the building with its

name and number. At 82 percent polling stations, adequate lighting arrangements were made for the counting process.

At 58 percent of the observed polling stations, the PrOs were wearing the ECP-issued badges. Adequate quantities of indelible ink, stamp pads, nine-matrix rubber stamps and rubber stamp with ECP's official mark were reported at most of the observed polling stations. At 92 percent of the observed polling booths, electoral rolls with pictures of voters, indelible ink and stamps were present. Moreover, at 89 percent polling booths, the secrecy screens were available, while at the remaining polling booths, the election staff made makeshift arrangements.

7. Sufficient Facilitation to Women and Marginalized Voters

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 32 percent of the observed polling stations where PrOs prepared a separate list of the persons who provided assistance to voters with disabilities and elderly people in casting their ballots.



The Election Commission had installed ramps at 53 percent of the observed polling stations to facilitate wheel-chair bound voters. Similarly, access to 27 percent of the observed polling stations was wheelchair worthy. Nearly 59 percent of the observed polling stations had toilets, while 64 percent had clean drinking water.

The code of conduct for security officials required them to facilitate persons with disabilities (PWDs), pregnant, lactating and older age women as well as those accompanying infants and transgender voters. At 65 percent of the observed polling stations, the security officials were not giving preferential treatment to women and PWDs, while they were seen facilitating transgender voters at 25 percent of the observed polling stations.

The participation of women candidates remained a cause of concern as out of the total 17,774 candidates, only 132 (less than one percent) women contested in various wards in urban and rural councils. Of these, 22 women contested elections in Kohlu, followed by 21 in Kech, 13 in Jaffarabad, 12 in Nasirabad, nine each in Kharan and Sibi, seven in Pishin, six each in Gwadar and Barkhan, five in Kacchi, four in Sohbatpur, three each in Panjgur, Musakhel and Kalat, two in Khuzdar and one each in Loralai, Duki, Washuk, Dera Bugti, Jhal Magsi, Mastung and Awaran. No women contested elections on general seats in 10 districts – Killa Abdullah, Chaman, Nushki, Chagai, Zhob, Sherani, Killa Saifullah, Harnai, Ziarat and Surab.



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