



EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION TO THE GENERAL ELECTIONS IN PAKISTAN

(11 May 2013)

**Report by
Richard Howitt, Chair of the Delegation**

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- A. Final programme (including list of participants)**
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Introduction

Following an invitation sent by the Ministry of Foreign Affairs of the Islamic Republic of Pakistan, the Conference of Presidents of the European Parliament authorised the sending of an Election Observation Delegation to observe the general elections in Pakistan scheduled for 11 May 2013.

The European Parliament has always attached the greatest importance to the development of the democratic process in Pakistan. In the past, the country's democracy had been threatened by the dominant role of the military apparatus, conducting repeated Coups d'Etat against elected governments. In 2013, for the first time in Pakistan's history, the power will be handed over from one elected government to the next.

The European Parliament Election Observation Delegation was composed of Mr. Richard HOWITT (S&D, United Kingdom), Mr. Joachim ZELLER (EPP, Germany) and Mr. Phil BENNION (ALDE, United Kingdom). Mr. Richard HOWITT was appointed Chair of the Delegation at its constitutive meeting.

The Delegation conducted its activities in Pakistan from 9 to 13 May 2013 and was integrated within the framework of the EU Election Observation Mission (EU EOM), which had been in the country since 7 April 2013 and was led by Mr. Michael GAHLER.

The European Parliament Delegation performs election observation in accordance with the Declaration of Principles of International Election Observation. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 13 September 2012.

The Delegation wishes to highlight its excellent cooperation with, and express its particular thanks to, the EU Election Observation Mission and the EU Delegation in Pakistan.

Pakistan - EU Relations

Cooperation with Pakistan dates back to 1974, but the 2004 cooperation agreement paved the way for closer relations. The Country Strategy Paper 2007 - 2013 focuses on poverty reduction, notably through assistance in rural development and natural resources management as well as education and human resources development, notably in the North-West Frontier Province (NWFP) and Baluchistan.

In March 2012, a new political framework - the EU-Pakistan 5-year Engagement Plan - was endorsed by both sides. The Plan is intended to take relations to a new level by intensifying dialogues across priority areas including: political cooperation, security, governance and human rights, trade, energy and a range of sectoral cooperation areas.

Pakistan would like increased access to the EU market — currently its most important — and to develop trade relations further. The EU has responded positively to Pakistan's overtures and has supported Pakistan's integration in the world economy by offering the country improved market access with autonomous trade preferences through the Union's Generalised System of Preferences (the GSP, which will continue to apply even after the scheme is reformed on 1 January 2014).

Political and general situation in Pakistan

The 2013 parliamentary elections in Pakistan are a historic moment for the democratic development of the country as they mark, for the first time, the transition of power from one elected government to the next and the first completion of a full term in office of a civilian government. However, the overall political situation remains fragile and instable.

Pakistan's semi-presidential system includes a bicameral legislature consisting of a 104-member Senate whose members are chosen by elected provincial legislators for a six-year term (of the 104 seats, 17 seats are reserved for women, 17 others are reserved for technocrats and ulemas and 4 for non-Muslims) and a 342-member National Assembly. 272 seats are directly elected, whereas 60 are reserved for women and 10 for non-Muslim minorities and are allocated to the competing parties according to their results. The President of the Republic is elected for a five-year term by an electoral college consisting of members of the Senate and National Assembly and members of the provincial assemblies. He is eligible for re-election but no individual may hold the office for more than two consecutive terms.

Corruption continues to be endemic. In polls, 73 % of Pakistanis say that the government is ineffective in fighting corruption, and 77 % say corruption has increased. The police are accused of abusing their powers and of not protecting the population and frequently demanding bribes for performing routine police duties. Corruption was recently estimated to cost the country around USD 51-72 million per day in losses.

In the run-up to the general election on 11 May 2013, there is a wave of violent pre poll attacks all over the country, in particular targeting election candidates and offices. For the major part of the increased violence the Pakistani Taliban can be made responsible as they have announced to disrupt the vote by attacking candidates. Since April 2013, the Taliban have killed at least 60 people in attacks on candidates and party workers. The rise of militant Islam within Pakistan and the strong presence of the Taliban in Afghanistan have a direct and considerable impact on the political and human rights situation in the country.

Major parties and candidates in 2013

The Election Commission of Pakistan (ECP) was facing an enormous challenge as the country was not only organising national elections, but also elections for the provincial assemblies. And the participation and interest in both of them has reached new record heights: a total of 16462 nominations were validated for the provincial, 7020 for the national elections. After the withdrawal of various candidacies still 10958 candidates competed for the 588 seats in several provincial assemblies and 4671 were contesting the polls for the 332 seats in the National Assembly, where 10 additional seats are reserved for non-Muslim minorities and were contested by 71 candidates. There was a more than two-fold increase in the number of female candidates, but still only 3,4% of the candidates on general seats were women.

The main political parties in Pakistan are the centre-left Pakistan People's Party PPP and the centre-right Pakistan Muslim League (Nawaz) PML-N who had repeatedly taken turns at governing the country in the past (with changing coalition partners and interrupted by military regimes). In this year's elections, a third party challenged Pakistan's two dominating

political forces: the Pakistan Movement for Justice founded by former cricket star-player Imran Khan.

Following the assassination of PPP-leader Benazir Bhutto in December 2007, the PPP secured a landslide victory in the 2008 parliamentary elections, winning 121 seats. Later during the same year, the widower of Bhutto and the party's co-chairman, Asif Ali Zardari, managed to win the presidential race. Shortly after the elections, the PPP formed a coalition government with the PML-N, which ultimately only lasted for a few months. A new PPP-led government was formed with the support of the Awami National Party ANP and the Pakistan Muslim League (Quaid e Azam Group) PML-Q.

The PTI is a new and interesting player in the 2013 elections. The party rapidly gained media and public attention thanks to its founder's popularity and challenged the traditional two party system with good scores in surveys and polls. Concentrating on criticism towards the status quo and the high corruption, it has become the fastest growing political party in Pakistan.

Former president Musharraf, who returned from his self-imposed exile in March 2013, was banned - for reasons of misconduct while in office (e.g. firing senior judges, including the chief justice of the Supreme Court, and not doing enough for the protection of former Prime Minister Benazir Bhutto, who was assassinated during her election campaign in 2007) - from running in the parliamentary elections 2013 and from running for any public office for the rest of his life on 30 April 2013. His party - founded while he was in exile in 2010 - the All Pakistan Muslim League, contested the polls but was broadly considered as an outsider.

The Electoral Context

The 2013 general elections were the first to be held under the obligations of the International Covenant on Civil and Political Rights ICCPR, which Pakistan ratified in June 2010. Various amendments to the Constitution additionally improved the legal framework since the last elections took place in 2008. Back then, the President nominated a Chief Election Commissioner of his own choosing, whereas for the 2013 elections the Commissioner was chosen unanimously by a Parliamentary Committee. The provision that required candidates to hold a university degree (which excluded the vast majority of the population) was struck down by the Supreme Court in 2008, thereby allowing more citizens to contest these elections. However, the electoral law still contains several vague and moral notions, which - for example - require candidates to be "of good character and not commonly known as persons who violate Islamic injunctions" or to have a "good moral reputation". Also, the practice criticized by the 2008 EU EOM of candidates being able to contest elections in multiple constituencies, continues.

Lack of legal provisions on competencies and procedures for the resolution of complaints at the administrative level, as well as a lack of relevant regulations by the Election Commission, undermined the opportunity for stakeholders to seek effective remedy. Plaintiffs lodged complaints simultaneously at various administrative and judicial levels. No deadlines or procedures for their resolution were put in place. This lack of clearly defined competences and procedures created confusion among stakeholders and undermined opportunity for effective legal redress. In general, the Election Commission did not receive any information nor did it compile any statistics on complaints filed at provincial and district level; leaving the process lacking in oversight.

A total of 86.19 million voters were registered, roughly 6 million more than back in 2008. Nevertheless, although women represent around 50% of the population entitled to vote, still there were 11 million fewer women registered than men. Positively, authorities made efforts to "adopt all possible measures to ensure that female voters are not refrained from casting their votes". This is significant given that in the 2008 elections there were 564 female polling stations with zero turnout. Some parties also took positive measures, publicly encouraging women to exercise their right to vote. However, female underrepresentation in the media did not encourage women's engagement in politics.

With the exception of Balochistan, FATA and Karachi the media generally enjoyed freedom of speech. The media provided a range of viewpoints, as well as scrutiny of the election process. However, in the absence of a transparent and efficient enforcement mechanism for the otherwise sound Code of Conduct for the Media, state and privately owned broadcasters did not provide the main contestants with equitable coverage. The media coverage thus benefited just a few parties, namely the PML-N and the PTI with its frontrunner Imran Khan. Nevertheless, this bias was unlikely due to governmental interferences as both parties were part of the opposition.

While state authorities, political parties and civil society expressed strong commitment to the democratic process, armed groups undertook attempts at sabotage. The Tehreek-e Taleban Pakistan (TTP) and other organisations initially targeted certain political parties in three provinces in particular and then an increased number of parties across the country. There were a reported 130 attacks resulting in more than 150 people killed during the last four weeks of the campaign. Most of the attacks were directed against candidates and supporters of parties identified as secular, in particular the Awami National Party (ANP) in KPK and the Muttahida Quami Movement (MQM) in Sindh, two of the three political parties the TTP had threatened to attack, the third being the Pakistan Peoples Party (PPP). The high number of attacks affected campaigning and unbalanced the playing field, in particular in KPK, Balochistan and Karachi. In contrast, in vast parts of the country the pre-electoral environment was generally vibrant with a lively campaign period, notably in all Punjab and central and interior Sindh. While some parties were able to undertake large-scale rallies, overall the campaign was largely characterized by small-to medium size rallies, corner meetings and door-to-door activities to allow for personal contact with potential voters.

Programme of the EP Election Observation Delegation

Before Election Day, the EP Delegation met the EU EOM's Core Team and the Chief Observer Michael Gahler which provided a full briefing on the pre-electoral situation in Pakistan. The Delegation also met with the EU Head of Delegation in Pakistan, Ambassador Lars-Gunnar Wigemark.

In order to have a general overview of Pakistan's political landscape, the Delegation held meetings with several candidates and political party leaders, members of the caretaker government (including Prime Minister Mir Hazar Khan Khoso) and of the Election Commission, as well as civil society representatives. The EP Delegation also participated in pre- and post-electoral coordination meeting of the different international election observation organisations present in the country.

Election day

The EP delegation split into three groups to observe in Islamabad and Lahore. The three teams observed from the opening (8:00 a.m.) to the closing and counting. All EP teams deployed reached similar conclusions, which were in accordance with the EU EOM observations.

- Election Day kicked-off slowly, with several polling stations delaying the opening up to one hour.
- Despite the threats of and actual violence, participation rate was the highest in Pakistan's history (nearly 55.02%), showing commendable commitment to the democratic process.
- There were two major explosions on Election Day, amongst 62 reported election related security incidents covering all four provinces. These resulted in 64 deaths and 225 injured. Violence unbalanced the playing field and distorted the election process considerably in the concerned locations. In one constituency elections were cancelled for security reasons.
- The Election Commission's very late decision - just minutes before the close of polling - to extend voting by one hour to allow more opportunity to voters, caused confusion and was not announced on the ECP website. Observers saw inconsistent application with some stations staying open, while others closed, some of which then reopened.
- Polling procedures were mostly followed and in the vast majority of stations all essential material was present. Negative ratings were higher in women's polling booths and stations. Negative factors included a lack of transparency and interference by party and candidate agents.
- Counting was more negatively assessed. A number of stations were rated as poor or inadequate. Observers reported cases of non-displayed results for public scrutiny, a neglect of reconciliation procedures and a lack of transparency. The Results management system seems to have been used inconsistently.
- Although some parties had publicly encouraged women to vote, and the government of the Khyber Pakhtunkhwa (KPK) province had issued a directive on the exercise of the right to vote by women, in some constituencies of KPK and FATA women were barred from exercising their right to vote.

After Election Day, the EP delegation held an internal meeting to discuss its observations. A debriefing with Chief Observer Gahler and the EU EOM Core Team also took place.

EOM Press conference and preliminary statement

On 13 May, the Chief Observer Michael Gahler presented the preliminary statement of the EU EOM and Mr Howitt spoke on behalf of the EP delegation, in his capacity as Chair of this delegation.

Mr Howitt expressed the "serious concern at the impact of the terrible violence on the campaign and on election day", and endorsed "the findings of procedural shortcomings in the EU EOM preliminary statement". Nonetheless, at the same time, Mr Howitt stressed "the huge turnout" which was "a vote against violence" and "an extraordinary vote of confidence in democracy itself". Mr Howitt also added that "the decision of threatened political parties to

continue to contest the election, the clear improvements in relation to the electoral roll, the very impressive e-parchee to 40 million mobile phone users and the ordering of a re-poll in parts of Karachi, all suggest that Pakistan's democratic system can demonstrate a capacity to address its own shortcomings". In conclusion, Mr Howitt stated that this election in Pakistan was "a step forward".

Results

The Election Commission announced the first provisional election results on 14th May. The Pakistan Muslim League, led by Nawaz Sharif, won the largest number of votes and seats. Nawaz Sharif will in all probability be appointed as the new Prime Minister. The results are still provisional since re-poll will be held, on 1st and 5th June, in a number of polling stations where violence disrupted the vote on election day. The number of voters interested by the re-poll is not such to affect the election results on the whole.

Provisional results (27 May 2013):

Pakistan Muslim League (N) 14,874,104 votes (32.77 percent), 145 seats
Pakistan Peoples Party 6,911,218 votes (15.22 percent), 31 seats
Pakistan Tehreek-e-Insaf 7,679,954 votes (16.92 percent), 28 seats
Muttahida Qaumi Movement 2,456,153 votes (5.41 percent), 18 seats
Jamiat Ulema-e-Islam (F) 1,461,371 votes (3.22 percent), 10 seats
Pakistan Muslim League (F) 1,072,846 votes (2.36 percent), 4 seats
Jamaat-e-Islami 963,909 votes (2.06 percent), 3 seats
Pakhtun-khwa Milli Awami Party, 214,631 votes (0.47 percent), 3 seats
National Peoples Party, 197,829 votes (0.44 percent), 2 seats
Independents, 5,880,658 votes (12.95 percent), 7 seats

Total number of seats in the National Assembly is 272. Parties that gained less than three seats are not included in the above list.

Conclusions

The Election Observation Mission of the European Union will remain in Pakistan until the end of the election process to observe electoral dispute resolution mechanisms. The EU EOM will publish a final report within two months of the conclusion of the electoral process. This report will contain recommendations to the authorities of Pakistan, aiming to improve certain aspects of the electoral process for future elections.

The election observation Delegation of the European Parliament as part of long-term EU mission was an important tool in the evaluation of the electoral situation in Pakistan. The delegation recommends that the Democracy Support and Election Coordination Group, the Committee on Foreign Affairs, the Committee on Development and the relevant Delegations monitor the findings and recommendations of the final report of the EU EOM and use it as a basis for their political dialogue with Pakistan.