



EUROPEAN PARLIAMENT

DELEGATION TO OBSERVE THE PARLIAMENTARY ELECTIONS IN THE ISLAMIC REPUBLIC OF PAKISTAN

(14 - 21 February 2008)

**Report by
Robert Evans,
Chairman of the Delegation**

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Introduction

In its meeting of 17 January 2008 the Conference of Presidents authorised the sending of a seven-member delegation to observe the elections to the National Assembly and Regional Assemblies of Pakistan on 18 February 2008, subject to the condition that the Pakistani authorities gave Parliament assurances in writing concerning the security of the members of the delegation. Following receipt of a letter from His Excellency Saaed Khalid, Pakistan's Ambassador on 31 January 2008 about the security arrangements put in place by the country's authorities, the Conference of Presidents took the final decision to authorise the delegation on 14 February 2008.

The delegation met twice before leaving for Pakistan. At its first meeting on 30 January, Mr Robert Evans was elected as Chair by acclamation. An exchange of views was held with Chief Observer, Mr Michael Gahler, about the political situation in the country and the work of the Election Observation Mission (EOM).

At its second meeting, on 11 February, the delegation agreed on the programme and the details of deployment for election day. Mr Khalid briefed the delegation on arrangements for the Mission that had been put in place by the Pakistan authorities. The delegation was briefed by representatives of the European Commission on the situation in Pakistan, the background to the EU EOM and security arrangements on the spot. The delegation agreed to split in two groups on the day before the election with one group observing in Lahore and the other in Islamabad and Rawalpindi.

Background to Observation of the Election

While the Government of Pakistan did not issue a formal invitation, the European Union set up an Election Observation Mission (EU EOM) based on informal official assurances and a Note Verbale. The EU deployed 131 long and short term observers in about 70% of constituencies throughout Pakistan where elections were taking place (excluding the few areas where security risks were deemed too high). In accordance with regular practice in these situations, the European Parliament delegation and the EU EOM worked in close cooperation, while both kept in contact with the European Commission Delegation and Heads of EU Missions.

The LTOs arrived in late December 2007, and would have been deployed on 28 December for the election due to take place in early January 2008 had it not been for the tragic assassination of Benazir Bhutto, leader of one of the main opposition parties, the PPP on 27 December. They were eventually deployed in mid-January, for an election on 18 February. Shortly after that, a team of observers from the International Republican Institute (IRI) was withdrawn and replaced by a much more short-term mission by Democracy International. There was also a flying visit by three US senators who arrived on election day and departed a day later. No invitation was extended to observers from the Commonwealth due to Pakistan's prior suspension from that grouping. All this added to the burden of responsibility taken on by the EU EOM once the decision was taken to redeploy.

Political context

These elections were the first major elections to take place in Pakistan since a 2002 election in which President Musharraf's position had been confirmed. That election had been characterised by significant amounts of rigging, particularly in the pre-election phase and in compilation of the results, but had nonetheless been described by the previous EU EOM as a step forward for Pakistan's democratic journey.

Nawaz Sharif, leader of the other main opposition party, PML-N, was himself barred from standing due to pending criminal proceedings. He, like Ms Bhutto, had been allowed to return to Pakistan in late 2007.

Emergency rule had been imposed on 3 November 2007. It was lifted and the Constitution restored on 15 December. This had been a pre-condition for sending an EU EOM. All the same, some of the constitutional changes introduced with the emergency rule remained in place. The recently-dismissed Supreme Court Chief Justice and up to 60 of his colleagues remained under house arrest. Various human rights organisations had reported extensive media censorship, intrusion with party activities and favouritism of Musharraf-backed candidates. Over 3,000 citizens were arrested after the declaration of emergency rule, including politicians, lawyers, journalists, human rights activists and representatives of civil society.

The EP had recalled in its resolution of 15 November 2007¹ that *"the credibility of the election process in Pakistan will depend on the release of all political prisoners, and on an end being put to the disappearance of political opponents"*.

Summary of Meetings Held by the Delegation

15 February

Foreign Minister Mr Inam UL HUQ

Mr Ul Huq said the elections were being held at a key time for Pakistan. He felt the EU was playing an important role in observing the elections and along with the government was helping to provide an atmosphere conducive for the elections to be held in a peaceful way throughout most of Pakistan. The Government was well aware that there are major security problems in the Federally Administered Tribal Areas (FATAs) and that there had been a few unfortunate incidents of terrorism.

Mr Michael GAHLER, MEP, Chief Observer of the EU EOM

Mr Gahler believed the principle concerns of the EOM team were: lack of confidence on the part of the electorate about the election process; imperfect voter registration (i.e. some names absent, others appearing more than once); media freedoms and bias (particularly of state media channels); abuse of state resources; lack of transparency in results (i.e. not publishing results at polling station level and not issuing full breakdown of results at constituency level); the support of local Nazims (mayors) for specific candidates (while this was assumed generally to favour candidates of the party linked to President Musharraf (PML-Q), Nazim bias to other candidates, particularly when also family members, could not be ruled out).

Mr Gahler noted that some critical things would have to be said. It was the EOM's task to assess how good or bad the process was on the basis of international standards. In the end, legitimacy would be decided by the people of Pakistan. He said that as the EU EOM was the largest observer mission for this election, and had the longest period of operation, agreement had been sought from the other observer organisations that they would release their conclusions after the EU EOM.

¹ P6_TA-PROV(2007)0489

EU EOM Core Team briefing

Ms Hannah Roberts said the EOM was committed to acting in accordance with the UN Declaration of Principles (2005). Pakistan was not party to the International Covenant on Civil and Political Rights, so Art 21 of the Universal Declaration of Human Rights was the primary basis for assessing the elections. The EOM would continue after the MEPs' departure and a final report would issue in late March.

13 parties were boycotting the election, mainly Islamist parties (only one main Islamist grouping, the MMA, was contesting). Campaigning had been low-key compared to 2002, in part due to security fears. Most political parties had publicly opposed the continued detention of judges. The PPP in particular had made credible allegations of harassment against its activists, including threats of arrest under investigative detention laws. There were concerns about locations of polling stations and about the barring of certain candidates, particularly as a Bachelors degree or Madrassa equivalent was required before they could stand, which effectively excluded 97% of the population. There were some positives. All political parties had said they welcomed the Mission's presence (except one Baluchi party). Voter lists, while imperfect, were available for public scrutiny. Overall, the elections were more strongly contested with a higher number of candidates than last time.

Ms Roberts said opinion polls had identified a sympathy vote in favour of the PPP, which had strong rural support, particularly in Sindh Province. PML-N was strongest in towns, and in the Punjab. Violence remained a key concern in North West Frontier Province (NWFP). Splits among religious parties made results harder to predict there and in Baluchistan. Final polls gave PPP 50%, PML-N 22% and PML-Q 14%.

Mr. Alexander Matus, Electoral Analyst for the EOM Core Team believed the Electoral Commission of Pakistan (ECP) lacked public confidence. It was poorly managed, had political bias at the top (officials selected without consultation of other political parties) and inexperienced and poorly motivated staff lower down. But it appeared well resourced and genuine in wanting to cooperate with the EOM. The media had been opened up hugely since 2002 and many of the new private outlets were promoting vigorous debate not seen before. Private channels were much more balanced in their reporting of the elections than the state media, which clearly gave more airtime to PML-Q. But repressive laws remained (which the government claimed were targeting 'socially irresponsible elements in the media'). These, together with informal means to influence the media, encouraged self-censorship. Most Pakistanis gained their information from domestic and Urdu-speaking media, which were far more constrained than the English-speaking media.

Ms Rebecca Cox, Human Rights Analyst for the EOM reported that women made up 44% of voter registration, had 17% of reserved seats (Musharraf had raised this proportion) and were free to vote and to stand in either the reserved section or the general vote. In 2002, 28% had voted (lower than for men). In rural areas, there was often social pressure on women not to vote, especially in NWFP and Baluchistan. Pakistan had signed Convention on the Elimination of Discrimination against Women (CEDAW). This was not a legal problem but implementing it in practice was hard due to perceptions of women's role in society. The ECP had been slow to recruit more women.

Ms Cox also explained that religious minorities, mainly Christian in the Punjab and Hindu in Sindh, made up 4% of the population. Together, they had 10 reserved seats out of 342 in Parliament (though none in Senate). Blasphemy laws backed by

investigative detention (based on First Information Reports, FIRs, to the police) were used as tools of harassment. As with women, they were chosen on a party-list system, so there was a need for total loyalty to the (Muslim-majority) parties.

Mr Joe Gordon, the UN Security adviser, saw two main security concerns. Radical militancy, while mainly in the FATAs and Waziristan, was spreading more widely through NWFP and exerting increasing influence countrywide. Suicide bombings were a possibility. Being in the wrong place at the wrong time was a real risk. A government deal with the Taliban had not worked, and Talibanisation was now a reality in some areas. He thought electoral/political violence was to be expected, particularly after the election if it were viewed as unfair. This could in turn encourage terrorist elements. He advised observers to minimise time in at-risk locations (e.g. large crowds, polling stations deemed sensitive, places with a high police presence).

16 February

Interior Minister- Lt Gen (Retd) Hamid Nawaz KHAN

Gen Khan said the government was committed to a free, fair, transparent and peaceful election. The EP delegation would give this credibility. The Ministry would help the delegation go wherever it wished, except for a few areas where security was a major issue (mainly in NWFP, but also Baluchistan and one zone in Sindh). They had a 24-hour security team. The army was assigned to sensitive areas. Elections in Pakistan were normally "a little violent". The delegation should not take this too seriously.

He explained that the government wanted to scare off the militants but not the voters. There was a need of paramilitary protection at the most sensitive polling stations. These were backed by a rapid response force. There had been a proactive campaign against militants and the government thought it could control them. Each polling station had security arrangements and an Armed Force of 81,000 could be called upon, in addition to Rangers and Frontier Corp personnel. But with 64,000 polling stations, the government could not rule out a few incidents as little could be done against individual suicide bombers. Revenge murders were a concern in some areas.

Gen Khan asserted that the international press movements were not restricted. The press themselves would choose where they wanted to go on 18 February, though naturally they would have to fly initially to one of five main regional airports. Obviously security was an issue in a few areas. There were no new polling stations since 2002, this could be checked on the web. Voting stations would shut their doors at 5pm, but it was for the Presiding Officers to decide what to do with those still waiting to vote inside the stations. Voter turnout had historically been between 30% and 52%. There were of course cultural taboos, particularly in NWFP and Baluchistan, so turnout was typically lower there. The Ahmedis were a protected minority. The government would protect them. While the Attorney General had claimed, according to Human Rights Watch, that there would be rigging, it was not for him to say. Gen Khan said he should "clarify his position".

Pakistan Peoples Party - Mr Rehman MALIK (Advisor to Ms Bhutto) and team

Mr Malik said the details of Bhutto's death were still contested. She may have been killed by a bullet, not a bomb (as the Government claimed). Negotiations between the government and PPP had been continuing right up to her death, without agreement.

In his view, Pakistan was a democratic society wrapped in an undemocratic system. There were particular concerns about the role Nazims (local Mayors) would play in

favouring government candidates (they thought 95% were loyal to PML-Q), and about logistical support for electoral apparatus given by the local education and health departments as these were answerable to the Nazims. In some cases, clear evidence was supplied to the ECP about meddling by named Nazims or of police involvement in election advertising. The PPP wanted: 1) suspension of Nazims before and during elections; 2) announcement of election results immediately; 3) removal of local bodies. The PPP also complained of political violence sponsored by the state apparatus (e.g. threat of arrest for many PPP activists), violations of the ECP code of conduct and mass manipulation of voter lists e.g. with fake ID cards. There was concern about "Zakat" funds (i.e. contributions by Muslims to the state for charity to the poor) being used systematically to bribe voters, and of interventions by the intelligence and security services. Mr Malik claimed the ECP had failed to act on any of the PPP's 13,000 complaints. It was inefficient and had been constituted without consultation with other political parties.

The PPP could not say what would happen after the election, but was on record as saying they wanted a government of national reconciliation. The PPP had been the first party to take up the case of the up to 30mn disenfranchised voters.

President MUSHARRAF

Pres Musharraf claimed a "peaceful" election was much expected as a major force had been deployed, and it would be free, fair and transparent as the system was inherently fair. But the election needed to be seen to be fair, and the caretaker system would help. Accusations of gerrymandering, "ghost" polling stations and electoral roll irregularities were unfounded. But with a complex mix of tribal, feudal and clan loyalties, it was simply not possible to check up on everyone who might seek to influence others. He believed all parties would do it, that was the system.

In his view, comments attributed to the Attorney General's about vote rigging were irresponsible and he denied making them. It would be helpful to know where people think rigging might be possible. ID cards had been used since 2001, and due to opposition pressure it had been agreed that old ID cards could also be used in this election in view of opposition estimates of the numbers that did not have the new card (and would otherwise have been excluded). So the current problem of possible double-voting was created by the opposition. More would have the new ID card by the time of the next election. Media reports abroad had not always been fair or helpful, particularly in published opinion polls (eg polls in India 2004 got it badly wrong, as was often the case in developing countries).

Pres Musharraf thought that while there was no scope for a clash in roles between President and Prime Minister, he could imagine a situation of an opposition-controlled parliament where he would need to consider his future as President [Comment: He later backtracked partially on this. "If I have a role, I will play it".]

He stated that the Ahmedis were a declared minority. There was no discrimination. He himself had Ahmedi friends. All minorities could stand for election or take reserved seats, which meant a double advantage. The main problems facing women were in Pashtun areas. But they had 17% reserved seats. Some had fought against men and won. The Government could not go into people's houses and force women to vote. Emancipation was needed and that meant education. The Northern Areas had greater autonomy, but getting them involved nationally was not possible while Kashmir was a disputed territory.

A prediction? Hard to say, but he thought there would be a PPP sympathy vote. He saw a leadership vacuum within the political parties, as there were few democrats in them. He did not think any party would be able to form a government on its own. Outsiders should remember that for Pakistan, stability was of crucial importance.

Free and Fair Elections Network (FAFEN) - Mr Sarwar BARI (Secretary General) and Muddassir RIZVI (National Coordinator)

FAFEN had for the previous 7 weeks been operating in 264 of the 272 constituencies being decided. They had 20,000 observers, of which 5,000 were roving between 8-10 constituencies per day. The preparations and publicity of the political parties was being scrutinised. They were running a parallel vote tabulation to compare as a check with actual election results. They were doing a voter education campaign with adverts and posters to supplement what the ECP were doing. It was hard to maintain the perception of complete impartiality, but all parties had sought advice and information, added to which all observers signed a pledge on non-partisanship.

Mr Bari thought the national ID card was proving a major problem, with an estimated 7.5 million duplicate voters and 17.5% of voters excluded. The sacking of judges was unprecedented and very controversial as the new judges owed loyalty to the government and had a potentially crucial role in ruling on electoral issues. In his view, the Bar Association was a real hope for Pakistan in the long term. In all but 7 districts, Nazims (from most political parties) had family members contesting elections. There were no legal bars to this, but Nazims had resources under their control that could aid candidates. FAFEN thought this to be more blatant where the Nazims were PML-Q. In some constituencies, judicial officers had refused to accredit FAFEN observers.

On a positive note, unprecedented numbers of women were coming forward. While still only 3% of all candidates, it was good that they were participating. In total, 48 parties had applied for symbols, though not all were contesting this election.

Tehreek-e-Insaf (the political party of Imran Khan), Mr Sardar AZHAR (Secretary General)

They saw themselves as the neutrals and included an alliance of 30 former parties. The elections had already been rigged, and the current "caretaker" administration was an extension of the Musharraf regime. Not a single complaint to the ECP had been resolved. No information had been given out on postal votes, government money had been used in political adverts and the Nazims were mostly biased.

Mr Azhar believed that one man (Musharraf) had bulldozed all laws with the sole aim of keeping himself in power. Nothing good had come out of the last 5 years. Society had been polarised. Musharraf was part of the problem, not the solution. As a result, this party's top priority was the restoration of the judiciary, but given that this parliament might well last less than the 5 years, the party had calculated that it would gain more by not participating in this election. [Comment: they only had one MP in the last parliament.]

Ms Samina AHMED: Project Director - International Crisis Group

Ms Ahmed said that lifting emergency rule had not meant removing amendments to the Constitution which affected the election, particularly those limiting the freedom of expression and those limiting the freedom of the press. The ECP was not neutral or independent, and was composed of judges who had a role in the election machinery. In the light of the problems between the President and the judiciary this equated to the

absence of a level playing field. Local government elections were blatantly unfair: there was across-the-board rigging, with all PML-Q local governments playing a partisan role. The police used unnamed FIRs (which open police investigations) to threaten to arrest opposition supporters who returned to active campaigning. She believed Musharraf was in a bind, and knew that he had no support. He had lost touch and had no game plan.

In her view, it was better for parties and election observers to participate, as this could give proof of a stolen election. Voter turnout would be key. There had been military interference in some areas (e.g. in Baluchistan, where a local party leader had been in jail for one year) but not in others. There were media restrictions that had never been in place before (e.g. a gag on investigative reporting). Observers should pay attention to privacy in the polling booths, and consult agents of the political parties on this. The EOM could easily find its role undermined by other, less professional and more short-term, observers. Ms Ahmed believed a bad outcome would be a false election result that was sufficiently palatable to the international community.

17 February

Mr Zahid HUSSEIN - Newsweek journalist and author of "Frontline Pakistan"

Mr Hussein thought this was the most lacklustre campaign in 20 years. The strength of the opposition, particularly with a wave of sympathy and anti-government feeling after the Bhutto assassination, acted as a block against rigging. But there had been irregularities before the election. Violence was a key factor this time. In NWFP there was huge fear of sectarian violence and of the Taliban seeking to disrupt the process. A 40% turnout overall would be good for Pakistan. This time there was something at stake to vote for, but violence on the eve of the election could lead to a low turnout.

For him, Punjab was the main battleground of the election, where PML-Q had lost a lot of ground due to economic problems and Musharraf's poor performance during the last 8 months. The cities would probably go for Sharif. In Sindh, MQM would get the main cities, and PPP most of the rest. They were now very strong after Bhutto's death.

An "unacceptable political views" clause was a bar to candidacy. This was long-standing but in practice had never really been applied (except perhaps in relation to questioning the existence of the state of Pakistan), but it was a hanging threat. Mr Hussein believed Pakistan had never been a police state. While the military had played at politics, society was generally free. You could debate pretty much anything, even Kashmir. Even after his book criticising Musharraf, he still lived in Pakistan and was free to write. He thought the military had lost in standing since 2002, was now an object of political attack and wished to re-establish its position as arbiter. Furthermore, Pakistan had a weak state, but a strong society (the opposite of what most people outside thought). It was sad that the military had used militancy as an instrument of foreign policy. Mr Hussein sensed that Musharraf had not needed to impose marshal law. His worst mistake domestically was to remove the judges. Mr Hussein thought Musharraf had been popular in 2002.

In response to questions, Mr Hussein said the Ahmedi were badly persecuted (worse than the Shia, who were still considered Muslims) given their questioning the issue of the "last prophet". That made them the top target for the blasphemy laws (e.g. more Ahmedis than Christians were in prison for blasphemy). The national administration responsible for information on voters had their details on lists (which contained information about religious views). A small minority thought women voting was

against Sharia Law. But electoral law had made preventing women from voting an offence. Not even Islamic parties had publicly endorsed the view that women should not vote. However, in NWFP there had been Jirgas supporting it, which showed how backward and feudal some elements in Pakistan society were. That said, he stressed that religion had never played much of a role in any election (except perhaps in 1970). Even the PPP supported Sharia Law in public, and tacitly accepted the anti-woman traditions in NWFP. On paper, most people in the party were progressive on women's education, but it was a party supported by the feudal system. It was hard to change things (e.g. Haddoo law) without a full majority in the National Assembly. Mr Hussein added that the rank-and-file of both PML-Q and PML-N were conservative and with links to feudal or clan structures.

Senator Mushahid HUSSAIN: PML-Q Secretary General

Mr Hussain said a rough patch for the party in 2007 had been a chastening experience. They were "carrying the cross of incumbency". But he thought Musharraf had reversed mistakes like the emergency measures. He had been re-elected in October with support from PPP and JUI. Overall, Musharraf had succeeded in strengthening Parliament (e.g. through hearings on a range of issues) and in broadening the political system base by including more minorities (as well as instituting holidays on some religious minority special days). It was no longer (only) about money or bloodlines. The elections would be peaceful, though he was worried about Karachi. This would be the most watched Pakistan election ever, with 106 private radio and 50 TV channels. It was important to reinforce the credibility of the ballot box.

He believed there were few political differences between the parties e.g. on the war on terror or relations with the US. If Germany had a grand coalition, so could Pakistan. The main future priorities would be combating extremism, health and education and a common foreign policy. He thought the PPP could work with PML-Q on most of these, as well as on increasing regional autonomy, and noted that those who now criticised Musharraf or his policies had at one time worked with him. The last session of parliament had seen more collaboration than before (even with religious parties on some issues). Mr Hussain asserted that Pakistan was not a police state. Here, people were allowed to talk, and besides, the bureaucracy was incompetent. The system needed mavericks like Imran Khan. Politicians, including the PML-Q, should learn to lose gracefully! Having a role in the political process was what mattered.

Ms Tahira ABDULLAH: Human Rights Commission of Pakistan (HRC)

Up to 9 January, 800,000 FIRs had been reported to the HRC, of which only 12,500 had been for named individuals. For Ms Abdullah, this suggested major intimidation on the part of the authorities in the wake of the Bhutto assassination. The caretaker government belonged to the PML-Q. She believed there was much unwritten self-censorship by the press due to fear of government reprisals. NWFP was dangerous, as was Karachi. In her view, the military was seen as fighting Bush's war. Since 1988, there had been a progressive decrease in the numbers of women voting, especially in the FATAs and NWFP (partly due to increased conservatism and partly due to the War on Terror). The provisions of CEDAW were being undermined. One good thing Musharraf had done was increase the number of women's reserved seats.

Ms Sheila FRUMAN: Country Director - National Democratic Institute (NDI)

Ms Fruman said the International Republican Institute (IRI) mission had pulled out late due to problems with the Pakistan authorities. The NDI had bid unsuccessfully earlier and did not feel it appropriate to step back in two weeks before the election.

She pointed out that where ID registration was not 100%, parties that could mobilise voters to register had an advantage. The list was perhaps 25% inaccurate, and in some cases whole villages had been omitted (perhaps ones voting the "wrong" way in 2002). There were "ghost" polling stations, but no changes after 24 December 2007. The ECP was not obliged to inform voters where they could vote. This was often left to the political parties, who were not given lists of the electoral roll - instead it was kept at display centres which did not have convenient opening hours. She assessed that overall, the ECP had been ineffective. The Zakat (alms) tax had been abused, with certain targeted voters receiving money from this fund. ID numbers had been purchased. The intelligence agency and the police had helped rig the elections.

Between 9 March and 3 November, there had been concerted attacks on media and lawyers. Ms Fruman believed this had led to a climate of fear. Private TV channels had instantly been shut down on 3 November. There were different rules for domestic and international media. This explained why there could be problems while Zahid Hussein could tell MEPs that he was free to write. Had Bhutto's assassination been a bomb or a gunshot? She thought this a political question. There was no clarity as yet.

Mr Jim MOODY and team: Democracy International

Democracy International had agreed to observe the elections for the US after IRI left. Mr Moody said they felt comfortable with the task because they had been working in Pakistan for a year and since December 2007 had been providing support to the country's political parties. But DI could only deploy only short-term observers at this late stage. It was still uncertain whether all the necessary credentials would be issued to its observers in time. However, provided these were received, Mr Moody expected to be able to establish whether the results announced were representative, through their joint work with FAFEN on parallel tabulation.

Mr Nisar Ali KHAN PML-N

Mr Khan pointed out that PML-N was the only party contesting the election without its leadership, as Sharif's nomination papers had been rejected on the grounds that a case was pending against him in court. For PML-N, this was evidence of manipulation, since Sharif's papers had been accepted in 2002 when he was out of the country and Bhutto's papers had been accepted for the 2008 election even though she had been convicted. PML-N had been told that if they appealed to the High Court the papers would be accepted, but as the entire legal community was at the time boycotting the Provisional Constitutional Order it was politically difficult for the party to bring the necessary action. Sharif had been out campaigning in spite of reports warning him that he was a target.

PLM-Q thought the elections would be massively rigged. Mr Khan claimed that local Nazims and their administrations had been mobilized on a large scale to support PML-Q. He described an occasion when police arrested PML-N activists on spurious grounds and another occasion when houses belonging to PML-N supporters were bulldozed, while many others had also broken planning rules. The party leadership had also often not been allowed to hold meetings. There were irregularities with the voter list, which the party had still not officially received, the list of polling stations

(which included places that did not exist) and lists of polling station staff. Mr Khan ruled out a post-election coalition with PML-Q, but left open the possibility of a deal with PPP although PML-N would not take seats in the Cabinet if PPP had a majority.

18 February - Election Day

One group observed in Islamabad and Rawalpindi (Mr Evans, Mr Leinen, Mr Belet and Ms Gruber) and the other in Lahore (Baroness Nicholson, Mr Mladenov and Ms Mikko).

There was an element of tension about security in some parts, and at one point MEPs were advised to leave Rawalpindi based on advice received. Mr Evans' group witnessed a brief but violent scuffle outside one polling station which was broken up by the police. This followed suggestions of irregularities in the voting in one isolated village polling station. Other than that, with a few minor exceptions, election day as witnessed by the EP Delegation passed off smoothly. There was little evidence of violence or intimidation and with the one exception mentioned above, MEPs were able to go wherever they wished in their areas of responsibility.

Most MEPs reported minor irregularities during the vote and the polling station count, but without widespread, premeditated or systematic abuses. Problems encountered included the following: some complained to various MEPs that they had been unable to vote; women's sections were consistently overcrowded as their sections were often smaller than those for men and with more women illiterate, it took longer for many of them to vote; the fact that women were not always asked to unveil was noted by Ms Mikko; the off-putting presence of men were reported to Baroness Nicholson in some women's sections; some party representatives were viewed as too keen to offer guidance, particularly to women that might have been perceived as less well educated. In some cases, this included handing less educated people a paper with the symbol of their party on it.

Ms Mikko noted that at the prison she visited in Lahore, inmates were not allowed to vote (contrary to what President Musharraf had said). There were still problems for minorities. Baroness Nicholson said that many Ahmedis in particular were not on any voting list. While a voting list for Ahmedis might exist, that did not mean that the Ahmedis themselves had seen it. Mr Leinen noted the difficult position of many Christians and other minorities. Mr Mladenov reported that in more than one station he visited, there were excess unused ballot boxes, and in one case only two out of three voting booths had been in use. He further noted that while he checked reports of one station having 10,000 registered voters to be false, the station in question was all the same "dismal" and overcrowded which led him to conclude that insufficient attention had been paid to voting station locations and Presiding Officers needed to read instructions more carefully. This, and the fact that some voting stations had not been open on time, suggested a lack of professionalism on the part of the ECP.

Where there were notable problems, (e.g. impaired access, lack of transparency, failure to disaggregate results by individual polling station), this was usually with the Returning Officers at a central constituency level.

There had been more problems at the stage of compilation of the vote. Observers had not always been admitted to the building where compilation was happening. It was not always clear how final numbers had been arrived at.

But MEPs noted some very positive signs too. Mr Evans stressed that while imperfect at a technical level (though sometimes due to incompetence rather than by design), from a political point of view there had been a (largely) peaceful handover of power in Parliament with the ruling party publicly acknowledging defeat. That pointed to some degree of democratic progress. Most MEPs commented favourably on the dedication of many of the voting station staff they had encountered. Mr Mladenov had been happily surprised at security. Mr Leinen said there had been remarkable transparency on the day. As Baroness Nicholson put it: it had been an exceptionally good day. Mr Gahler pointed out that the pre-emptive assessment by US senators took no account of the pre-election period.

Mr Gahler reflected MEPs' views in his press conference and preliminary statement (see below).

19 February - Return to Islamabad. De-briefing with Mr GAHLER, Chief Observer

MEPs reported back their findings in accordance with the views of what was reported on the day. There was debate about ways in which the elections had had minor irregularities but a broad consensus emerged that what most had seen on the day was broadly acceptable. Most MEPs recognised the sincerity and hard work of many of the officials with whom they had had contact.

There was broad agreement between the Chief Observer and the Leader of the EP Delegation, with the latter focusing relatively more on political considerations like the willingness of the government party to accept defeat publicly, and the former speaking more about technical issues.

20 February - Press Conference and Release of Preliminary Statement

Overall, Mr Gahler's headline statement was: **'Pakistan holds competitive elections despite significant problems with the election framework and environment'**.

In his press conference, Mr Gahler noted significant technical reservations. This was particularly during the weeks ahead of the vote (e.g. media bias, advertising irregularities and problems with voter lists), but to a smaller extent also in voting procedures on the day. However, politically, it seems to be a major step forward in the sense that the ruling party could concede defeat without rancour and that opposition parties were able to take a majority of seats between them. While there was significant loss of life on election day (most estimates suggest at least 30 people, mostly in NWFP and Baluchistan), in the main the day itself was far more peaceful than most observers had feared beforehand. This was certainly so in areas where MEPs were assigned. A copy of the preliminary statement overview is attached.

Conclusion

While the election had fallen short of best international standards, Mr Gahler concluded that it had been a significant step forward for Pakistan in its progress towards full democracy.

- There was no level playing field. The environment and framework provided significant challenges and favoured the former governing party. e.g. misuse of state funds by Nazims, lack of confidence in the voter register, few Returning Officers displaying results by polling station.

- However, this had been a competitive election. It had increased confidence in the system under challenging conditions. On the day, voting had generally been in order.

All connected with the mission agreed that it was very important for the EU to have been present to provide what was the only professional long-term assessment of the elections, and at a crucial time for Pakistan.

Results

Confirmed seat allocations were as follows:

PPP: 88 (up from 63). Partially due to a sympathy vote

PML-N: 68 (up from 15). Benefited from boycott of most religious parties

PML-Q: 41 (down from 79). The clear loser, but not a melt-down.

MQM: 19 (up from 12). All in urban Sindh. A good result

MMA: 6 (down from 46). The only Islamist party. A poor result. Lost control of NWFP

Voter turn-out: 44.6% (up from 41.6% in spite of broader security concerns).

List of Terms and Abbreviations

Ahmedis:	Islam-based religious minority believing in a further prophet after Mohammed. Viewed as un-Islamic by the Pakistan Government
Baluchistan:	One of Pakistan's four provinces
ECP:	Electoral Commission of Pakistan
EOM:	European Union Election Observation Mission
FATAs:	Federally-administered tribal areas. In the north west. Have seen a higher degree of lawlessness in recent years
FAFEN:	Pakistani NGO. Free and Fair Elections Network
FIR:	First Information Report. Initial document issued by Police in making an arrest.
Frontier Corp Patrol:	A Pakistani Government border security force
IRI:	International Republican Institute
JUI:	Jamiat-ul-Ulama-i-Islam. A major Islamist political party. Did not contest these elections
LTO:	Long-Term Observer. Typically in country for at least 3 months
Madrasa:	Muslim religious theological school/seminary
MMA:	Muttahida Majlis-e-Amal. The only Islamist party to contest these elections
MQM:	Muttahida Qaumi Movement. Political party mainly representing urban Sindh and with links to migrants from India at Partition
Nazim:	district mayor
NDI:	National Democratic Institute
NWFP:	North West Frontier Province - one of four provinces in Pakistan
PML-N:	Pakistan Muslim League (Nawaz) - a split of PML formed by Sharif
PML-Q:	Pakistan Muslim League (Quaid-e-Azam) - a split of PML formed by Musharraf
PPP:	Pakistan People's Party - Bhutto's party
Punjab:	the largest of Pakistan's four provinces
Rangers:	A Pakistani Government special security force
Sindh:	the second largest of Pakistan's four provinces
Zakat:	alms-giving in Islamic practice. In Pakistan sometimes levied as a tax by the authorities

PARLEMENT EUROPEEN

LEGISLATIVE ELECTIONS IN PAKISTAN ON 18 FEBRUARY
2008

ELECTION OBSERVATION DELEGATION

(15-21 FEBRUARY 2008)

List of participants

Members

Mr Robert EVANS, PSE, United Kingdom, Head of Delegation
Ms Lilli GRUBER, PSE, Italy
Mr Jo LEINEN, PSE, Germany
Ms Marianne MIKKO, PSE, Estonia
Mr Ivo BELET, EPP-ED, Belgium
Mr Nickolay MLADENOV, EPP-ED, Bulgaria
Baroness NICHOLSON, ALDE, United Kingdom

Secretariat

Ms Anne Louise McLAUCHLAN, Administrator
Mr Andrew WOODCOCK, Administrator
Ms Alyson WOOD, Assistant

Political Group Staff

Ruth DE CESARE MUELLER, PSE

Other officials

Lorinc REDEI, DG Communication

Abbreviations :

EPP-ED	European People's Party/European Democrats
PSE	Party of European Socialists
ALDE	Alliance of Liberal and Democrats for Europe

Programme for EP Delegation mission to Pakistan

Friday 15 February 2008

- 14:00 Meeting with Mr Inam ul Hague, Minister of Foreign Affairs, MoFA, Islamabad
- 15:30- Briefing sessions given by the EOM, Serena Hotel, Islamabad
- 15:30 Welcome session
Mr Michael Gahler, Chief Observer of the EU EOM
- 15:40 EU EOM methodology
Ms Hannah Roberts, Deputy Chief Observer of the EU EOM
- 15:50 Political background
Mr Marian Gabriel, Political Analyst of the EU EOM
- 16:10 Electoral and legal framework
Mr Michael McNamara, Legal Analyst of the EU EOM
Mr Alexander Matus, Electoral Analyst of the EU EOM
- 16:30 Media background and election coverage
MS Giovanna Maiola, Media Expert of the EU EOM
- 16:45 Participation of women and religious minorities
Ms Rebecca Cox, Human Rights Analyst of the EU EOM
- 16:55 Election administration, observation of polling, counting and results compilation
Mr Alexander Matus, Electoral Analyst of the EU EOM
- 17:30 Observer report and EU EOM security arrangements
Mr Manfred Bernhard, Security Expert of the EU EOM
Mr Joe Gordon UNDSS Chief Security Advisor
Ms Isabelle Ribot, Observer Coordinator of the EU EOM
- 18:30 Reception at Residence of the EC Head of Delegation, Jan de Kok, Islamabad

Saturday 16 February 2008

- 10:00 Meeting with Lt.Gen (Retd) Hamid Nawaz Khan, Minister of Interior and Syed Kamal Shah, Secretary, Ministry of the Interior, Islamabad
- 11:00 Se. Latif Khosa and Team, PPP at Central Secretariat
- 13:15 Meeting with H.E. Mr Pervez Musharraf, President of Pakistan, Islamabad
- 14:30 Ms Afreina Noor, Mr Muddassir Rizvi, FAFEN

- 16:00 Pakistan Tehreek-e-Insaf, Sardar Azhar + 3, Islamabad
- 17:30 Samina Ahmed, Project Director, International Crisis Group, Serena Hotel, Islamabad

Sunday 17 February 2008

- 09:00 Mr Zahid Hussain, correspondent Newsweek, author of "Frontline Pakistan", Islamabad
- 10:30 Mr Mushahid Hussain Syed, PML-Q, Islamabad
- 11:30 Ms Tahira Abdullah, WAF Working Committee, HRCP Office
- 13:00 Lunch with Sheila Fruman, Country Director, National Democratic Institute (NDI) (US based and part USAID funded involved in training for political parties), Serena Hotel, Islamabad
- 14:30 Meeting with Democracy International (Glenn Cowan and Jim Moody), Serena Hotel, Islamabad
- 15:00 Departure for Lahore (part of the EP Delegation)
- 16:00 Bars, Zafarullah, Ch Nisar, PML-N Central Secretariat

Monday 18 February 2008

Election Day

Two European Parliament teams observe elections and count in Lahore

Three European Parliament teams observe elections and count in Islamabad / Rawalpindi

Tuesday 19 February 2008

- 16:30 Press conference by US Senators, Serena Hotel, Islamabad
- 17:00 Meeting with EOM, Serena Hotel, Islamabad

Wednesday 20 February 2008

- 16:30 EOM Press Conference, Serena Hotel, Islamabad



**EUROPEAN UNION
ELECTION OBSERVATION MISSION PAKISTAN 2008
NATIONAL AND PROVINCIAL ELECTIONS, 18 FEBRUARY 2008**



PRELIMINARY STATEMENT

**Pakistan holds competitive elections, despite significant problems
with the election framework and environment**

20 February 2008, Islamabad

Mission members have been present in Pakistan since 9 December 2007, following an invitation from the Pakistani authorities. Due to the imposition of emergency rule, the mission began as an Election Assessment Team, became a Limited Election Observation Mission from 27 December, and an Election Observation Mission (EOM) on 4 January. The EU EOM is led by Michael Gahler, Member of the European Parliament (MEP). The EU EOM is independent from EU Member States, the European Parliament and the European Commission in its findings and conclusions. The EU EOM deployed 131 observers from 23 EU Member States, Norway and Canada. The observers were deployed throughout Pakistan covering 65% of constituencies to observe and assess the different stages of the electoral process in accordance with international standards for elections. Over the election day period, the EU EOM was joined by a seven member delegation from the European Parliament, led by Robert Evans MEP, which endorses this preliminary statement. On election day, observers visited 445 polling stations in 115 constituencies to observe voting, counting and the compilation of results. The EU EOM is currently observing the results consolidation process and will remain in country to observe post-election developments, including complaints and appeals. A final report containing the EU EOM's overall assessment and detailed recommendations for the future will be published two months after the completion of the election process. The EU EOM adheres to the Declaration of Principles for International Election Observation, commemorated at the United Nations in New York in October 2005.

Preliminary Conclusions

- **The 18 February National and Provincial Assembly elections were held under a framework and environment that provided significant challenges for the conduct of democratic elections. A level playing field was not provided for the campaign, with public authorities primarily favouring the former ruling parties. However, on election day, voting was assessed as positive on the whole, although some disorder and procedural irregularities were noted.**
- **The elections were competitive and the voting process, while not without problems particularly in female polling stations, achieved increased public confidence. Significantly, the election period saw courageous commitment to the democratic process by voters, candidates, election staff, and representatives of media and civil society under challenging security conditions.**
- **On the whole counting was well conducted in the stations observed, although statements of the count were not always issued to agents and were generally not displayed. Observers and candidate agents were not granted sufficient access to results compilation at constituency level. Very few returning officers displayed constituency results with a breakdown by polling station – a basic transparency requirement.**
- **The election process began while emergency rule was in place and the constitution**

was suspended, together with its guarantees of fundamental rights. Several thousand people, including journalists, were detained. Emergency rule was lifted only one day before the beginning of the campaign period. During the period of emergency rule, many judges were removed, which undermined public confidence in the independence of the judiciary and the rule of law. These developments were not conducive to a good environment for elections.

- The elections took place in a difficult security environment. Tragically, Benazir Bhutto was assassinated at a campaign rally, leading to widespread anger, violence and rioting around the country. As a result of major attacks on party gatherings, over one hundred party supporters were killed during the campaign. In addition, over 50 people were reportedly killed in clashes between supporters during the campaign. In this context, the threat of violence and an atmosphere of fear prevailed over the campaign period and on election day.
- Elements of the legal framework for elections were problematic, including restrictions on fundamental rights of expression, assembly and movement, essential to a genuine democratic process. There were also restrictions on candidacy and a lack of transparency in results tabulation.
- The right to stand as a candidate is breached by the requirement for a BA degree or madrassa qualification, which excludes the overwhelming majority of the population.
- There is a lack of confidence in the independence of the Election Commission of Pakistan (ECP) among election stakeholders. Technical preparations saw some improvement and were generally undertaken efficiently and on time. Nonetheless, problematic issues identified during the 2002 elections have not been sufficiently addressed. The ECP lacks transparency in some areas of its working practices and has not taken sufficient responsibility for key aspects of the process which should be under its control, including supervising the work of returning officers, enforcing the Code of Conduct for Parties and Candidates, staff training and voter education.
- The complaints and appeals framework fails to provide an effective remedy for violations of electoral rights. Many appeals are not resolved within a reasonable timeframe or at all, and the Electoral Tribunals lack public confidence. The handling of complaints is inadequate, characterised by an abdication of responsibility, with the result that many complaints remain unresolved.
- There were almost 81 million voters registered to take part in the election, but shortcomings in the voter registration process resulted in the inclusion of a significant number of duplicate entries and inaccuracies. As a result, there is a lack of confidence among political parties and civil society in the accuracy of the voter register. Following the Supreme Court ruling in 2007, 26 million names were added to the register, but of these a significant number could not vote because they did not hold an ID card. This affects predominantly the rural poor and women. The Ahmadis are required to register on a separate voter list, as a result of which they boycotted the elections.
- The campaign was low key and subdued, but saw a broad range of views expressed, including criticism of the government. Most campaigning took the form of small meetings or door-to-door visits with only a few large rallies held. A number of parties actively boycotted the process, in particular in Balochistan.
- *Nazims* were directly involved in campaigning activity and the misuse of state resources in their areas, mostly on behalf of PML-Q candidates. There were credible reports of police harassment of opposition party workers and agents. Some candidates across the board placed undue pressure on public authorities within their

constituency to make public resources available to them.

- **Since the 2002 elections the media environment has become more diverse and vibrant. Restrictions and pressures were placed on the media before, during and after emergency rule, and limited freedom of expression during the election period. Nonetheless, private media outlets provided candidates and parties with pluralistic coverage. In contrast, the public broadcasters, the main source of information for most of the population, failed to live up to their responsibility to maintain balance. They provided substantial coverage of the President, government and PML-Q and limited coverage of other parties.**
- **In a positive development, civil society organisations had a greater involvement in these elections than in previous ones. In particular, the Free and Fair Elections Network (FAFEN) observed and reported on the campaign period at district level. While over 18,000 observers were accredited, some faced restrictions on their access to polling stations and results compilation centres. Civil society organisations also worked on voter education.**
- **Although women’s political rights are protected in the law, in practice there are a number of limitations on the exercise of those rights. Women are under-represented in all aspects of the electoral process: as voters, candidates for general seats, electoral officials, and in political parties. Insufficient measures were taken to enable women to exercise their right to vote.**
- **In the coming days, it is vital that the ECP meets its public commitment to publish all polling station results on its website, and that complaints and appeals are dealt with in an efficient, transparent and prompt manner. In the longer term, it is essential that the three branches of government demonstrate sufficient political will to improve the framework and conditions for elections in line with international standards.**

Preliminary Findings

BACKGROUND

The election process began during emergency rule, proclaimed by President Musharraf in his capacity as Chief of Army Staff on 3 November 2007, when he suspended the 1973 Constitution and issued a Provisional Constitutional Order (PCO). This action followed a period of political instability involving controversy over the suspension and reinstatement of the Chief Justice and the re-election of President Musharraf by the sitting assemblies. While emergency rule was officially explained on the grounds of increased terrorist threats and activity, the action was widely considered to have been taken to replace an increasingly independent judiciary, which was about to rule on the legality of Musharraf’s re-election as President.

Under emergency rule, fundamental civil and political rights were suspended, including safeguards relating to arrest and detention, freedoms of movement, assembly, association and speech. Several thousand people, including journalists and lawyers, were detained. Significantly, in view of the upcoming elections in which the judiciary play an important role, some 60 judges of the superior courts who refused to take an oath under PCO were deposed. Several were detained, including Supreme Court Chief Justice Iftikhar Chaudhry, and have remained so throughout the election period. President Musharraf stepped down from the post of Chief of Army Staff on 20 November and confirmed that the elections would be held on 8 January, within the time period stipulated by law. Emergency rule was lifted on 15 December, a day before the start of the official campaign period, but after key elements of the election process had been completed, including the filing of candidate nominations

Significantly, before the start of the election process, Benazir Bhutto, leader of the PPP, and Nawaz Sharif, leader of the PML-N, were allowed back into the country. Following the declaration of emergency rule, opposition parties, under the banner of the All Parties Democratic Movement (APDM), expressed strong objections to the conditions for the elections and threatened to boycott the process. However, no agreement on a boycott was reached between the PPP and PML-N, the two main opposition parties, and in the end both decided to participate in the process. While this ended a nationally effective boycott, the remaining parties of APDM continued to boycott and became the major political force in Balochistan province.

The elections took place in a difficult security environment. Political violence increased prior to the elections and included the suicide attack at Benazir Bhutto's first rally on 18 October. The security environment was further affected by ongoing military operations against militants and insurgents in FATA, Swat district of NWFP and some parts of Balochistan. As a result, the threat of violence and an atmosphere of fear prevailed over the electoral campaign period. Tragically, on 27 December, Benazir Bhutto was assassinated at a PPP rally in Rawalpindi. This led to widespread violence and rioting around the country and resulted in the postponement of the elections to 18 February.

INTERNATIONAL STANDARDS

In accordance with EU election observation methodology, the EU EOM to Pakistan assessed the conduct of the national and provincial assembly elections in line with international standards for elections. The primary source was the Universal Declaration of Human Rights (UDHR)². This provides for the fundamental rights essential to a genuine democratic process. These elections fell short of a number of international standards, including the right to stand as a candidate, freedom of expression and assembly, and the right to an effective remedy.

LEGAL FRAMEWORK

The legal framework governing the elections includes the 1973 Constitution and numerous laws and regulations made from 1974 to the present. Internal instructions and notifications also have the force of law, and it is problematic that some of these are not accessible or made public, a key requirement for any law.

There are a number of issues of concern in the legal framework that need to be addressed ahead of future elections. These include restrictions on candidacy that discriminate on the basis of education, and other restrictions based on vague grounds that are open to abuse. The limits on candidates' campaign spending are not properly enforced, and there is no restriction on parties' spending. The legal framework lacks safeguards for transparent tabulation, with the procedures for results compilation found only in an internal instruction, and no legal requirement to publish Form 16, a breakdown of results by polling station. Provision for observation of the electoral process is found only in a guideline, not in the law.

The legal environment in which these elections took place was problematic. Confidence in the independence of the judiciary is essential in Pakistan's electoral system, which relies on judges holding key positions throughout the electoral administration as well as for providing judicial oversight of it. The PCO and the removal of many judges undermined public confidence in judicial independence and in the rule of law.

The context for the elections was marred by restrictions to the fundamental rights provided for in the UDHR and the Constitution. These rights were suspended or severely limited by the PCO, and remain limited after the state of emergency was lifted.

² The UDHR, adopted by Pakistan in 1948, is broadly accepted to form part of customary international law and was acknowledged as such by the Permanent Representative of Pakistan to the United Nations in December 2007. The EU EOM also considered treaties to which Pakistan is a State Party, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of Racial Discrimination.

ELECTION ADMINISTRATION

There is a continuing lack of confidence in the impartiality of the Election Commission of Pakistan (ECP) among election stakeholders. The system of appointing the Chief Election Commissioner (CEC), other members, and the temporary staff is questionable. The CEC and four members are all directly appointed by the President without proper consultation with electoral stakeholders, in particular political parties. The temporary ECP staff, who in practice take ultimate responsibility for the election process and outcome in each district and constituency, are headed by District Returning Officers (DROs) and Returning Officers (ROs), recruited almost entirely from the judiciary. Given many stakeholders' lack of confidence in the independence of the judiciary, the extensive involvement of judges in all significant levels of the election administration is problematic. The system for selection and appointment of polling personnel is limited to public employees, and it is feared they could be pressured by local authorities not to act neutrally. Many polling staff were transferred and replaced before election day, amidst some accusations of this being politically motivated, with the ECP doing little to stop this. As a result those appointed did not have the confidence of all stakeholders.

Despite the ECP having extensive powers, it failed to effectively enforce legal bans on the use of state resources, misuse of official positions and transfers of civil servants. Faced with reports of *nazims*³² violating the law by being involved in campaigning, the ECP expressed its helplessness to stop this, stating that DROs are in charge of investigations. However, given that the law puts the DROs under the control and direction of the ECP, this appears to be an abrogation of the ECP's responsibility. Such failures to act made the ECP appear vulnerable to pressure.

Problems identified during the 2002 elections have not been sufficiently addressed, in particular the need for the ECP to have its own functional training and civic education departments, and an effective mechanism for dealing with complaints and appeals. Central management and oversight of what is done at constituency level is needed. Implementation of centrally issued instructions was often inconsistent, with one of the most striking examples being the accreditation of domestic observers at district level.

Technical preparations for the elections saw improvement in a number of areas and were generally undertaken efficiently and on time. Most significantly, there has been a substantial improvement in the training of election staff, which was conducted for all levels of election officials with user-friendly training handbooks. In another positive development, translucent ballot boxes and uniform voter screens were used for the first time. Nevertheless, the training process was largely carried out by external partners (supported by UNDP/SNEP). Similarly, civic and voter education was significantly improved, but with international assistance. The ECP had little involvement, leaving concerns about sustainability.

There is a lack of transparency in some areas of the working practices of the ECP, although the ECP's website contains some helpful information. There are no rules on the frequency and openness of ECP meetings and no requirement to publish the minutes of its meetings. Rather, the ECP issues press releases to inform the public about the most important decisions it has taken. Its internal instructions and notifications are not made public. Key decisions, such as postponement of the election date, were taken without formal consultation with other relevant stakeholders.

VOTER REGISTRATION

Universal suffrage for all Pakistani citizens over 18 has, in principle, been respected. However it was undermined in the case of the many people without an ID card (NIC or C/NIC⁴), predominantly the rural poor and women, who could not vote, even though many of

³ *Nazims* (mayors) are elected local leaders, at district, town and village level.

⁴ National Identity Card and the newer Computerised National Identity Card.

them were on the electoral roll. An ID card, necessary for voting, costs 75 rupees – a sum beyond the reach of the very poor. Ahmadis are required to register on a separate voter list, which is unjustified discrimination, as a result of which they boycotted the elections.

There are 80,910,318 names on the Final Electoral Roll (FER). The ECP has computerized the electoral roll, in principle a good development, but the accuracy of the FER has been compromised. The ECP's enumeration process of 2006-7 resulted in only 55 million names on the draft electoral roll. Following a Supreme Court ruling, the ECP included 26 million additional names from the old 2002 database, making a total of almost 81 million. A significant number of these people have no ID card, and therefore could not vote. While the resulting total is close to the estimated number of eligible voters, there is a lack of confidence among political parties and civil society in the accuracy and reliability of the FER. Studies have raised concerns about the high number of duplicates, and those citizens who are not included on the roll at all. The EU EOM has documented numerous cases of inaccuracies and suspicious entries in the Final Electoral Roll. For example, in Balochistan, there were several cases of the same C/NIC number being used for the registration of several voters, incorrect C/NIC numbers, an implausibly high percentage of women on the electoral rolls, and polling stations with a very high increase of registrants since 2002.

In a positive development, the FER has been available on the ECP website since early January 2008 and electronic copies were distributed to the main political parties, which enabled them to orient voters on where to vote.

REGISTRATION OF CANDIDATES

The universal right to take part in elections as a candidate is breached by the requirement for candidates to have a bachelor's degree or an equivalent educational certificate issued by religious schools (*madrassas*). Given the small proportion of the population who hold a higher education qualification, this requirement excludes the vast majority from standing for election, and is highly unusual in other democratic countries.

The Constitution contains controversial provisions that a candidate can be disqualified for outstanding debts or even for unpaid utility bills. There are other vague and subjective restrictions relating to a person's moral nature and previous political activities and views. Such restrictions on candidacy are contrary to international standards for elections as they limit a citizen's ability "to take part in the government of his country" and limit the choice available to voters. The law prevents party candidates from running in FATA and no independent candidate can run for reserved seats for women and non-Muslims.

CAMPAIGN ENVIRONMENT

The competitiveness of the elections was boosted by the return of two major leaders from exile, Benazir Bhutto and Nawaz Sharif, and their active participation in the campaign. The election campaign was interrupted by the assassination of Benazir Bhutto on 27 December, reaching full swing only in the last ten days before election day. All parties were less active than in the run-up to previous elections, and there were lower levels of participation by party supporters. Opposition parties attributed their muted activity to an unwillingness to recognize an electoral process which began under emergency rule, and to the threats of violence and atmosphere of fear which prevailed throughout the campaign period.

The assassination of Benazir Bhutto sparked countrywide riots, which saw the destruction of electoral buildings and materials, and led to a number of deaths. There were four major terrorist attacks against political party gatherings, killing over one hundred party supporters since the beginning of the campaign period (16 December). Two secular political parties, PPP and ANP, were targeted by these terrorist attacks. There have also been several clashes

between party supporters, with over 50 people reported to have died and three candidates killed.

Nazims at all three levels and district government officials were directly involved in campaigning in their areas, mostly on behalf of PML-Q candidates. This activity has included the provision of state resources such as their offices, vehicles and employees. EU observers documented numerous cases of family members of *nazims* contesting the elections, with the *nazims* appearing on campaign publicity and attending candidate rallies, a misuse of state resources and of their official position. The caretaker governments were not perceived as neutral by opposition parties.

The campaign period has seen restrictions on freedoms in a number of areas. The continued detention under house arrest of Supreme Court judges, including deposed Chief Justice Iftikhar Chaudry, and three prominent lawyers violate freedoms of movement, assembly and the right to liberty. Freedoms of speech and expression have been curtailed and civil society activities in support of detained judges and lawyers have been curbed. Political parties' freedom of assembly has been restricted: in particular, large scale meetings and processions have been prohibited under section 144 of the penal code. The restrictions have been selectively applied against the opposition and independent candidates. Campaigning by political parties of APDM in support of the boycott has also been limited. Imran Khan, one of the leaders of APDM, was not allowed to enter Karachi and the Sindh government banned the APDM from holding public rallies in the province.

There were credible reports of police harassment of opposition party workers and agents. Particularly in the aftermath of Benazir Bhutto's assassination, many named and unnamed First Information Reports (FIRs), which allow for a person's arrest, have been used against PPP activists and supporters. Opposition parties complained that FIRs were often used by the police as a tool to discourage their activists from participating in campaigning.

Candidates of all political parties violated the Code of Conduct for Parties and Candidates issued by the ECP. The ECP expressed its concerns over the unending series of complaints received and maintained that the code is being flouted constantly. The main breaches reported by EU observers include vote-buying, harassment of voters and display of firearms at public meetings. Several candidates admitted that they have exceeded the campaign finance limits.

In Balochistan the degree of campaigning was significantly lower than in other provinces. The active boycott by the Baloch and Pashtu nationalist parties allied with the APDM was widely supported and significantly affected voter turn out.

MEDIA ENVIRONMENT

Since 2002 there has been exceptional growth in the broadcast market. The media landscape is vibrant and diverse and the sources of information available to citizens have increased significantly. A large number of print and electronic media outlets provide a plurality of alternative viewpoints and opinions. At present, more than 100 local FM community radio channels are available, and around 80 national and international TV stations on cable, which are mainly available to the urban population. The public broadcasters are the principal source of information for most of the population. The national and local press is robust and very active with more than 150 dailies published.

However, before and during the election period, interference in media activities by the state authorities created an environment of legal uncertainty and self-censorship. As part of the proclamation of emergency rule on 3 November, cable distribution of private TV channels was blocked and two presidential decrees restricting the media were passed. These include a bar on printing or broadcasting "*anything which defames or brings into ridicule the head of state, or members of the armed forces, or executive, legislative or judicial organ of the state*". Heavy sanctions (imprisonment or large fines) for violating these provisions contributed to a

chilling effect on freedom of reporting. Following the proclamation of emergency rule, more than 200 journalists were arrested, and only released after some days.

In parallel, the Pakistani Electronic Media Regulatory Authority (PEMRA) issued a so-called “voluntary” Code of Conduct that broadcasters were obliged to sign as a condition to get back on air. After signing the Code, many stations cancelled productions viewed with suspicion by the government and suspended critical anchors. The *GEO* network refused to sign the Code and was barred from cable distribution for more than two months. During the election period, the authorities exerted pressure on media owners and journalists to influence their editorial lines through temporary interruption of cable distribution and the issuing of threatening “show cause” notices.⁵

Strict provisions regulating media activity resulted in journalists tending not to express opinions on issues of public interest and the tone of political coverage being generally uncritical, with the exception being the English language media which was more critical. Nevertheless, coverage of the campaign was comprehensive and provided parties and candidates with the opportunity to present their platforms. The EU EOM monitored a selection of private and public media during the campaign period from 2 January to 16 February. The three monitored private channels covered the main parties in a plural manner, even though they devoted the largest airtime to PPP (*AJJ* devoted 29% to the PPP, *ARY* and *GEO* both 26%). The semi-private *ATV* also provided the main contestants with equitable coverage. Similarly the monitored press (*Jang*, *Nawa-i-waqat*, *Dawn* and *News*) offered voters a plurality of opinions and information regarding candidates.

In contrast, the publicly-funded media, *PTV* and *PBC*, devoted the largest part of their political reporting to the President, the government and the PML-Q, giving other parties only limited coverage. Overall their coverage of the President, government and PML-Q was more than double that allotted to all the other parties contesting the elections. On *PTV Home* this was 82% of the total time devoted to politics and elections, on *PTV News* it was 72%, and on *PBC* 85%. The editorial line adopted by the publicly funded media breached the duty of state-funded media to maintain balance and present the news about the election campaign in as factual, accurate and impartial a manner as possible.

COMPLAINTS AND APPEALS

The complaints and appeals framework fails to provide an effective remedy for violations of electoral rights. It thus breaches a key international standard that Pakistan has accepted⁶. The law provides for judicial appeals on two issues: candidate nomination and results. The procedure for appeals on candidate nomination is flawed because the selection process for the Electoral Tribunals lacks independence. Their members are appointed by the Chief Election Commissioner, head of the very body whose decision is being appealed, with the approval of the President. Several hundred candidates had their nominations rejected and a number made appeals, but details on the grounds of rejection are not available from the ECP. Some of these appeals remain pending before the courts after the elections. Appeals against election results are supposed to be resolved within a four month period, but some appeals from the 2002 elections remain outstanding. Only candidates can make such appeals, voters are denied this right.

There are serious shortcomings in the system for the administrative resolution by the ECP of complaints on other issues, for example, breaches of the Code of Conduct or of the prohibition on misuse of an official position. The primary responsibility for dealing with these complaints lies with the ECP. However, it sends complaints on to other bodies and to its subordinate officials, such as the DROs or ROs, without exercising its extensive powers over these persons to ensure that the complaints are effectively dealt with. A system for recording

⁵ The show cause notices were warnings and instructions issued by PEMRA to broadcasters for alleged violations of media legislation. They were defined by journalist unions as a way to silence and pressure the media during the electoral process

⁶ The right to an effective remedy is provided by UDHR Article 8.

and tracking complaints received by the ECP centrally was introduced for these elections with the help of international technical assistance. This increased transparency is welcomed, but nonetheless the majority of complaints received went unresolved. Over 2,200 complaints were received by the ECP centrally before the elections, and sent to DROs and ROs or other local staff for investigation and resolution. These people are frequently called upon to investigate and adjudicate complaints regarding their own activities and decisions (for example, the location of polling stations), in breach of fair procedures. No statistics were available from the ECP on how many complaints were finally resolved, but in a number of cases the ECP website reported that the allegations were denied by *nazims* and candidates, and found to be baseless by DROs. Only in a small minority of cases is it reported that grievances were resolved and remedial action taken.

No sanctions are provided for violations of the Code of Conduct for Parties and Candidates, which severely weakens its force. Although various provisions of the legal framework make it a criminal offence for government figures and public servants to participate in candidates' campaigns, actions against government figures and public servants may only be initiated by the ECP, and have been rare. This undermines the deterrent effect of the law.

PARTICIPATION OF WOMEN

Although women's political rights are protected in the law, in practice there are a number of restrictions on their exercise. Women are severely under-represented in all aspects of the electoral process, seriously undermining the universality and equality of the electoral process. The ECP has not taken sufficient measures to enable women to exercise their right to vote.

Women were under-represented as voters, making up only 44 % of the electoral roll. The ECP used only male enumerators during voter registration, resulting in women being under-registered. Furthermore, several million of the women on the roll would not have been able to vote because they did not hold an ID card⁷. Security concerns, cultural restrictions on women's movement and significantly lower rates of literacy among women also reduced their ability to receive information about the elections, and to go and vote. There were reports of at least two agreements in FATA and three agreements in Punjab among local leaders to ban women from voting. The EU EOM will follow the ECP's response to see whether the elections in those places are declared null and void. A civic and voter education campaign was carried out by NGOs and through media spots as part of the UNDP/SNEP project, which included some targeting of women.

Women represented less than three per cent of candidates for general seats⁸. The requirement for candidates to hold a Bachelor's degree has a disproportionate affect on women. Female candidates were often accompanied and represented by male family members during the campaign and very few examples were observed of women candidates representing their own political platforms.

Most political parties have women's wings, but these have not integrated women into the upper ranks or mainstream of the party. The parties' manifestos contained commitments to women's issues, but only a few of these went beyond rhetoric to set out concrete strategies.

In 2002, 13 women were elected on general seats in the National Assembly which, combined with the 60 reserved seats, brought women's representation to 21%. In 2008, preliminary results indicate that 12 women were elected on general seats, a slight decrease. Affirmative action in the form of reserved seats is a positive factor in increasing the participation of women. However, reserved seats are not accessible to independent candidates; women are

⁷ An additional 14 million women were added to the Electoral Roll from the 2002 database, following the 2007 Supreme Court decision. Of these, eight million did not hold an ID card.

⁸ The ECP website on 16 February listed 64 women candidates and just over 2000 male candidates for general seats in the National Assembly. For general seats in the Provincial Assemblies there were 116 women candidates and 4341 male candidates.

thus entirely reliant upon political parties for their nomination. Women's organisations expressed concern at the lack of connection between reserved seat-holders and constituents.

Women are absent from the senior levels of the election administration. At RO level, women stood at two per cent, reflecting the very low levels of women in the judiciary. On election day, women represented 23% of Presiding Officers in polling stations observed by the EU EOM. Male staff were observed in 24% of female polling booths, although having only female staff is likely to facilitate women's voting. The ECP reported no gender policy, and made available only limited gender-disaggregated information.

PARTICIPATION OF MINORITIES

According to the 1998 census, religious minorities comprise 3.7 % of the population. Religious minorities categorised by the census include Christians, Hindus and Ahmadis. Three per cent of the seats of seats in the National and Provincial Assemblies are reserved for non-Muslims.

Religious minorities in some regions claim to be under-represented on the electoral roll. The Ahmadis participation as voters was negatively affected by the discriminatory requirement that they register on a separate list. Religious minority representatives expressed dissatisfaction with the number of reserved seats in all assemblies, and the lack of reserved seats in the Senate, and shared similar concerns to women's organisations regarding the party-based system for allocating reserved seats. A particular concern of these organisations was the worsening climate of religious intolerance and extremism which contributes to the reported resistance of political parties to nominate non-Muslims for general seats, and to allow non-Muslims in reserved seats to raise issues of concern to non-Muslim minorities.

CIVIL SOCIETY

Civil society involvement is one of the positive features of the 2008 electoral process. There were a number of election activities carried out by civil society organisations, including election observation, civic education, political party development and efforts to increase women's participation.

A new domestic observer coalition was established, the Free and Fair Elections Network (FAFEN). They deployed observers at district level during the campaign period and published regular statements on the election process. On election day FAFEN deployed almost 19,000 observers who covered 12% of polling stations in more than 250 constituencies. There were problems with FAFEN observers' accreditations issued at a very late stage, and also they reported difficulties in gaining access to voting and counting. The Pakistan Coalition for Free and Fair Elections (PACFREL) also observed the elections.

VOTING, COUNTING AND RESULTS COMPILATION

Overall, voting was assessed positively in 83% of polling booths visited, with procedures generally being implemented appropriately. Of the remaining polling booths observed, 4% were assessed negatively with a potential to impact on the election outcome. EU EOM observers reported a number of problems including disorder, the presence of unauthorized persons, and failures to apply and check for ink. In 15% of visits, instances of registered voters being turned away for non-possession of an identity card were observed. Despite the use of voting screens, breaches of the secrecy of the vote were observed in various parts of the country. Conditions were observed to be worse in female polling booths. In a positive contribution to transparency, candidate agents were present at 94% of polling booths visited, and domestic observers at 21%.

Counting was assessed positively in the vast majority of stations observed. Polling agents were present at 98% of counts observed. In a few cases observed the statement of the count was not given to all agents present. Furthermore, in nearly two thirds of observations, the statement of

the count was not found to be displayed, thus a crucial transparency measure was not fully implemented.

The results compilation process was positively assessed in the majority of the 50 constituencies observed to date. However, it was noted that a high number of polling station statements of count contained errors, and statements and materials were often not stored in a secure manner.

Regrettably, six EU observer teams were denied access to the compilation process (NA constituencies 20, 48, 49, 60, 96, 126 and 259). This is a clear violation of ECP instructions and the conditions for deployment of an observation mission. In contrast to other parts of the process, agents were not present in over half of constituencies visited. Domestic observers were present in less than one third of compilations. When agents or observers were present, they were frequently not granted sufficiently close access for effective scrutiny. In more than half of constituencies observed, copies of the statements were not given to all agents present. There was a serious failure by the electoral authorities to ensure the display of results with a breakdown by polling station (as is recorded on Form 16). Thus, there was a fundamental lack of transparency in the results compilation process.

The official results consolidation is currently underway, and will continue to be observed by the EU EOM.

The EU EOM wishes to express its appreciation to the Pakistani state authorities for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Commission in Pakistan and to the International Organisation of Migration for their support throughout.

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This preliminary statement is available in English and Urdu but only the English version is official.

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European Union Election Observation Mission Pakistan 2008



Pakistan's elections competitive despite significant problems

ISLAMABAD, 20 February 2008 – The National and Provincial Assembly elections were competitive and the polling process achieved increased public confidence, but there were significant problems with the election framework and environment, concludes the preliminary assessment of European Union Election Observation Mission (EU EOM).

“We are relieved that election day has passed off better than had been anticipated and commend the commitment shown by voters, candidates, election staff, and representatives of media and civil society,” said Michael Gahler, Chief Observer of the EU EOM. “However, elections were held in an environment that provided significant challenges for the conduct of democratic elections.”

The EU EOM concluded that polling was assessed positively on the whole, although some disorder and procedural irregularities were noted, particularly in female polling stations. The compilation process was positively assessed in the majority of constituencies observed. However, candidate agents and observers were not granted sufficient access to results compilation at the constituency level. Very few returning officers displayed constituency results with a breakdown of polling stations - a basic transparency requirement.

Problems with the framework and environment included public authorities favouring the former ruling parties, serious restrictions on the right to stand as a candidate, restrictions and pressure on the media, involvement by *Nazims* in campaigning activity, and a complaints and appeals framework that fails to provide effective remedy. Technical preparations for the elections saw some improvement. However, problematic issues identified during the 2002 elections have not been sufficiently addressed. Lack of confidence in the independence of the Election Commission remains.

“The election period has shown the strong desire of the Pakistani people for democracy and the rule of law”, said Robert Evans, Chair of the European Parliament Delegation. “In response, we urge political parties to work responsibly to address the challenges ahead and demonstrate commitment to strengthening the electoral and wider democratic process”.

While the campaign was low key and subdued, it saw a broad range of views expressed. Regrettably, there was significant loss of life, including the assassination of Benazir Bhutto. Restrictions and pressures were imposed on the media during the election period, limiting freedom of expression. Private media provided candidates and parties with pluralistic coverage during the campaign but the public broadcasters gave substantial coverage to the President, government and PML-Q and only limited coverage of other parties.

Chief Observer Michael Gahler said that the Mission is currently observing the results consolidation process and will remain in Pakistan to observe post election developments, including complaints and appeals. He called for “all outstanding complaints and appeals against the results to be processed quickly, impartially and transparently”, as well as the publication of detailed results by polling station.

“A final report containing detailed recommendations for the future, will be published within two months of the completion of the entire process,” Gahler added.

The EU EOM has been in Pakistan since 9 December 2007. On the election day the Mission had 131 observers from 23 European Union countries as well as Norway and Canada, including a seven person delegation of Members of the European Parliament.

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Pakistan Elections Press Releases

MEPs to observe elections in Pakistan - 14-02-2008 - 11:02

The European Parliament is to send an electoral observation mission to Pakistan, to monitor the parliamentary and provincial elections of 18 February.

The delegation is chaired by Robert Evans (PES, UK), and will complement the long-term EU observation mission, also headed by an MEP - Michael Gahler (EPP-ED, DE).

The six other Members of the delegation are: Ivo Belet (EPP-ED, BE), Lilli Gruber (PES, IT), Jo Leinen (PES, DE), Marianne Mikko (PES, ET), Nickolay Mladenov (EPP-ED, BU) and Baroness Emma Nicholson of Winterbourne (ALDE, UK).

The delegation will be in Pakistan from 15-20 February and will hold meetings with political figures and officials before observing the events of election day, 18 February. Initial conclusions will be announced at a joint press conference of the EU and the EP observation missions to be held on 20 February in Islamabad (time to be confirmed).

MEPs in Islamabad watch as Pakistan counts and waits - 19-02-2008 - 09:02

"The world is holding its breath as the results are tallied in these crucial elections," said Robert Evans, Chair of the European Parliament's Election Observation Delegation in Pakistan. He is leading a mission of 7 MEPs in the country, who observed the polls throughout election day on Monday.

The Delegation arrived on 15 February, and has held meetings with President Pervez Musharraf and all the major political parties participating in the elections. Members have also met local and international election observers, as well as representatives of civil society.

"This has been a comprehensive mission that has observed every aspect of the election in fine detail," said Mr Evans. "We are now watching the counting and compilation processes in order to see if the announced results are in line with the votes cast and that the process is carried out transparently and accurately."

EU Election Observation Mission: in for the long haul

The European Union has deployed a team of over 130 observers up and down the country to cover these elections, under the leadership of another MEP, Chief Observer Michael Gahler (EPP-ED, DE). Many of them are long-term observers, who have been in Pakistan for almost two months, observing the campaign, the media environment and the performance of the entire election administration. The Parliament's delegation has closely cooperated with this mission, and the overall findings will be presented at a joint press conference on Wednesday at 16.30 in Islamabad.

The full list of members of the EP delegation are: Robert Evans (PES, UK - Chair), Ivo Belet (EPP-ED, BE), Lilli Gruber (PES, IT), Jo Leinen (PES, DE), Marianne Mikko (PES, ET), Nickolay Mladenov (EPP-ED, BU) and Baroness Emma Nicholson of Winterbourne (ALDE, UK).

Pakistan finally held parliamentary elections on Monday and a team of MEPs were there to observe the poll. Although overshadowed by the assassination of Benazir Bhutto on 27 December and some tensions, the observers reported "a lot of enthusiastic voters and healthy rivalry" among parties. The team was part of a wider EU election observation mission headed by German Christian Democrat MEP Michael Gahler, whose remit included monitoring the media as well as local and national authorities.

The election pits the Pakistani People's Party (now run by Benazir Bhutto's widow) against the Pakistan Muslim League-Nawaz (PML-N) (run by former Prime Minister Nawaz Sharif) and the Pakistan Muslim League - Quaid-e-Azam, (PML-Q) - the party supporting President Pervez Musharraf.

On the ground - looking for irregularities

The MEPs were there as part of the 131-member EU election observation mission in the country since December. The Members divided themselves into five teams, three around Islamabad and two around Lahore. They randomly select polling stations to visit, where they record whether procedures are being complied with; for example: are ballot boxes sealed, are people voting in private, does everyone vote only once?

They are also on the lookout for any intimidation of voters and whether the staff manning the polling stations are aware of their duties. In addition, each team is present for the opening and closing of a polling station and the counting of votes.

In addition, the observers had meetings with President Musharraf and the leaders of the main political parties.

"World is holding its breath"

Speaking after the polls British Labour MEP Robert Evans, who headed the Parliament's seven-person mission, said the "world is holding its breath" for the result. He said "my experiences today may not be typical of the whole country, but I have witnessed election day from start to finish and seen a lot of enthusiastic voters and healthy rivalry among the political parties."

He spoke of the spectre of violence that has stalked the elections: "in one incident, this spilled over as tensions ran high, but generally the picture has been of a serious attempt to make these elections as democratic as possible".

Who is in the delegation?

As well as the Chairman Robert Evans the delegation from Parliament consisted of: Belgian Ivo Belet (EPP-ED), Italian Lilli Gruber (PES), German Jo Leinen (PES), Estonian Marianne Mikko (PES), Bulgarian Nickolay Mladenov (EPP-ED) and Britain's Baroness Emma Nicholson of Winterbourne (ALDE).