

Chapter 6

Conclusions and Recommendations

Conclusions

Pakistani voters turned out in very large numbers on 11 May 2013 to cast their ballots and express their will to elect their Provincial and National representatives. The elections were credible and represent notable progress for Pakistan towards holding fully democratic elections.

The positive features of the 2013 elections included: an improved legal framework; a higher level of confidence in the ECP at the national level; a significantly improved voter registration process; election day procedures which in most instances were well managed, with the notable exception of parts of Karachi; and a very high turnout of the electorate to cast their votes.

Of particular concern were: the level of violence in some parts of the country, which impacted on the democratic process; the handling of candidate nominations; the low level of women's participation as voters and candidates, despite some improvements in this regard; and, the need to further improve mechanisms to ensure compliance with the codes of conduct.

This is not the first Pakistan election to be marred by violence; nor is Pakistan the only country where there is election-related violence. However, this election was affected by a significant level of violence, which impacted most dramatically in the city of Karachi and Balochistan and Khyber Pakhtunkhwa (KP) Provinces. While the violence in Karachi included inter-party violence, the bulk of the violence during the elections emanated from militant groups external to the elections. According to reports three candidates were killed in targeted attacks, with well over a hundred party supporters killed and several hundreds injured.

The violence was largely, though not exclusively, targeted against three political parties, seriously impeding their ability to campaign openly in many parts of the country and limiting their freedoms of movement and assembly. Affected parties were critical that more was not done to improve their security for the campaign and the integrity of the process in affected areas was compromised. What was remarkable, though, was that despite the level of violence against the process by militants, there was a determination by political parties to remain engaged in the process and ensure it was not derailed. Also, the high turnout of voters was in spite of threats of violence and reports of actual violence. These two factors bode well for the further consolidation of democracy in the country.

The legal framework provides the basic conditions for credible, competitive elections and the 18th, 19th and 20th Constitutional Amendments and various electoral reforms have strengthened the framework for the elections. Significantly the 18th Amendment provides for increased independence of the ECP and a more inclusive process in the nomination of ECP

members. This has increased the level of confidence in the election management body at the national level. It is significant that these are the first elections held under the full treaty obligations of the ICCPR, following Pakistan's removal of its reservations in 2010. This has further helped to improve the overall legal framework for the polls and the democratic process in the country.

There was a significant increase in the number of candidates and political parties contesting these elections compared to the previous general elections. This is in spite of the short time period for candidate nominations and inconsistencies among returning officers (RO) in applying legal criteria in the confirmation of candidacies. It also appears that some ROs reportedly went beyond their remit of simply administering the process. The process for the nomination of candidates caused some controversy and is an area where the ECP struggled to assert administrative control and coherence. The existing regulations on candidate eligibility, as detailed in Articles 62 and 63 of the Constitution, contain a number of clauses which are highly subjective and in practice were interpreted and implemented differently by various Returning Officers. Further, as returning officers were drawn from the judiciary they were apparently not under the control of the election management body.

One of the ECP's main successes was the much improved electoral rolls and universal suffrage is better provided for than previously, though the shortfall of registered women voters remains to be addressed. The use of NADRA's database to create the electoral roll and the use of CNIC's for the purpose of voter identification has created a far more reliable list of voters compared to previous elections. The ECP's use of SMS to enable voters to verify their registration and identify their polling station was also an excellent innovation.

The level of representation of women as candidates remains relatively low. For instance, while there are 60 reserved seats for women in the 342-seat National Assembly, women represented just over 3 per cent of the total number of candidates contesting the general seats for the Assembly.¹⁸ The level of women as registered voters also remains relatively low and despite some improvements in the number of women on the voter register and some positive initiatives by the ECP there remains, according to ECP data, a shortfall of over 10 million women compared to men on the electoral rolls. In its Strategic Plan the ECP is committed to increasing the number of women employed in its full time staffing structure. Such an aspiration is to be commended but the current level of female employees is just 1.8 per cent.

The ECP issued a series of codes of conduct to help regulate the election campaign, media coverage, election observers and behaviour of election officials. Such an innovation is a helpful supplement to the Representation of the People Act. The ECP deployed monitoring teams to report on violations of the code of conduct during the campaign but there was some criticism that there was not adequate enforcement of campaign violations.

On election day Commonwealth observers reported that the ECP was generally well prepared for the polls in most areas and the process was well administered. But delays and other

¹⁸ It is notable, however, that a woman contested a General Seat in the FATA for the first ever time.

problems were experienced in some locations, with Karachi particularly affected. There was a very large security deployment in support of the process throughout, and this was generally effective and helpful. But there were reports of some localised disturbances and a number of violent incidents, including a number of fatal attacks, which are deeply regretted.

Some polling stations struggled to deal with large numbers of assigned voters, particularly in places where the premises were too small for the task, but overall, faced with the high voter turnout, polling station officials worked diligently to administer the process and the new electoral roll proved to be reliable. In Karachi problems were also caused by the late delivery of materials, resulting in delays.

Towards the end of polling the ECP extended the hours of polling but this was not adequately communicated down to polling station level, leading some inconsistencies in managing this. The count at polling stations was conducted in a transparent manner and polling agents were able to get a copy of the result at the completion of the count and the result was announced and posted. Such measures helped to provide transparency and accountability.

Recommendations

Electoral framework and election administration

- It is important for the ECP to have managerial control of all aspects of the electoral process they are responsible for, to ensure full compliance and consistency in application of rules and regulations. In this regard, returning officers should be more directly accountable to the ECP in exercising their electoral duties.
- The ECP has issued a series of codes of conduct to help regulate the electoral environment. However, in order to be effective these require suitable enforcement mechanisms to ensure compliance and accountability. Of particular note in this regard are the codes of conduct for the election campaign and media, which require the ECP to have the means to monitor violations and the will and capacity to enforce accountability measures.
- The moral criteria contained in Article 62 of the Constitution, as currently phrased, give scope for subjective interpretation and are contrary to Pakistan's obligation under the ICCPR.
- The relative advancements in increasing the levels of women's participation as voters, candidates and ECP staff/management need to continue. In particular, emphasis should be placed on ensuring women's access to a CNIC, which is vital for them as a citizen in general but critical for them as a voter in future elections.
- Further effort should be made to resolve the case of Ahmadi voters being excluded from the main electoral roll, bearing in mind the constitutional right and treaty obligations with regard to equal treatment of Pakistani citizens in this regard.

- The listing of voters on the electoral rolls by household number does not appear to be helpful, as it is not known in many instances. Further, the use of the household number in this regard means that voters still want to know their serial number on the roll and this opens the door to political parties establishing their camps around polling stations to fulfil this function. Such camps have the potential for undue influence on voters and represent campaigning on election day which is proscribed by the law. As voting is now on the basis of the unique CNIC number, this would appear to offer a solution, with lists able to be organised by CNIC number, facilitating the work of poll officials.

Election campaign and media

- Review the effectiveness of measures to ensure security to candidates and parties, in light of the experiences of this election period, and in consultation with political parties.
- Review the limits on campaign spending in consultation with political parties so that limits are realistic.

Voting, counting and results

- Where possible the ECP should ensure that adequately-sized premises are provided for polling relative to the number of voters assigned to the station. Further, again as far as possible, the ECP needs to ensure a reasonable equalisation of numbers between stations, so that one station does not have several hundred voters while a neighbouring station has some thousands.
- In selecting the premises for polling stations more account should be taken of the ease of access for persons with disability, the elderly and other persons for whom access may be an issue.
- The ECP needs to ensure that on the day of the polls election officials at all levels are able to communicate with their respective colleagues. For instance, POs should be able to effectively communicate with ROs, possibly through an intermediary where necessary, in order to seek clarification on any matters of concern. Likewise, instructions from the ECP, such as an instruction to extend polling, should be able to be communicated from the ECP, through officials at other levels and to POs. This process needs to be timely and effective to prevent misunderstandings and inconsistencies.