

Electoral Reforms – EU Observation and Pakistani Priorities

DISCUSSION TOUR REPORT, OCTOBER 2013

**DEMOCRACY
REPORTING
INTERNATIONAL**

Electoral Reforms – EU Observation and Pakistani Priorities

DISCUSSION TOUR REPORT, OCTOBER 2013

SUMMARY

Democracy Reporting International (DRI) organized a series of one-day seminars across Pakistan to discuss the recommendations made by the recent EU Election Observation Mission (EOM) and participants' reform proposals and priorities. Overall, the seminars revealed that the national and international celebration of the 2013 elections, which saw an elected government completing its term for the first time, was not matched by experiences on the ground. Participants generally felt that the elections had multiple shortcomings that urgently need to be addressed and emphasised that without reform, future elections could be more problematic and run the risk of results not being accepted.

During the seminars, EOM recommendations and the corresponding part of Pakistan's international law commitments were presented and discussed. Over 940 people participated, including national and provincial elected representatives, staff from the Election Commission of Pakistan (ECP), and a wide range of representatives from political parties, the media, and civil society.

This discussion-based engagement reflected the nature of the EU's role in election observation, not as an arbiter, but rather as a constructive interlocutor with political and civil society. While there was some criticism of the EOM, particularly its limited presence, participants from all provinces agreed with almost all of the mission's 50 recommendations and provided additional suggestions consistent with positions taken by the EOM. These included: allocation of party tickets earlier in the process, review of the use of civil procedures by tribunals, requiring the ECP to prepare reports on "rigging" and election crimes, limiting the amount of time media outlets can devote to paid-for content, and requiring parties to have quotas on women's participation. Obstacles to reform identified included a lack of (i) will by political parties, (ii) will and understanding within institutions of their role, and (iii) on-going attention to reform.

Nineteen recommendations emerged as priorities from the recommendations made by the EOM and by participants. These included: revision of the legal framework, requirement for and enforcement of internal party democracy, empowerment of the ECP to "act as an institution rather than a clerical desk", implementation of the ECP strategic plan, strengthened transparency measures, an effective system for updating the electoral roll, constituency delimitation, candidates to run in one constituency only, a clear system for dispute resolution, improved security for media personnel, and requirements for the participation of women in parties.

Participants stressed the urgency and importance of election reform, needed to make Pakistan a functioning democracy. One participant noted "Pakistan's international legal obligations are about



improvement and are good for bringing people together for reform.” Another commented “if reforms are not implemented then democracy may be occupied by cheaters or taken over by terrorists.” It is hoped that this report will help those in authority with further information about the views of a wide variety of stakeholders, and further understanding of the urgency and importance of such electoral reform, for the benefit of Pakistan.

BACKGROUND: THE 2013 EU ELECTION

OBSERVATION MISSION (EU EOM)

The EU was invited by Pakistan state authorities to send an EOM to the 2013 elections. As in 2002 and 2007/8, the EU deployed a full observation mission, in accordance with EU established observation methodology.¹ All EU EOMs are conducted according to professional standards, as detailed in the Declaration of Principles for International Election Observation², introduced at the United Nations in 2005.

Key features of EU EOMs are

- The EU only sends a mission if the country invites it to do so
- Comprehensive – it is not enough just to look at election day
- First hand observation must be undertaken of the reality in different parts of the country
- Elections are assessed using a framework of international law – i.e. the commitments a country has made related to elections in signing and ratifying various treaties
- Recommendations are made for improved future elections
- Strict impartiality and neutrality. EU EOMs are independent, so they can look at the election process without having to consider any vested EU interests.

The 2013 EU EOM was led by Chief Observer, Michael Gahler, Member of the European Parliament. The mission was in country from 3 April 2013 with field observers going out on 16 April 2013 thus missing the candidate nomination process. The mission left on 4 June 2013, while the work of the tribunals was still on-going. The mission was also restricted in not deploying field observers to all parts of the country, as security conditions in certain places meant that while some meetings may have been possible, the mission would not have been able to comprehensively observe and therefore substantively and reliably comment on the process. In particular the EU did not send observers to Balochistan or FATA. While this limited what the mission directly observed, analysis and recommendations made by the mission can still apply and be useful in these areas. In total the EU EOM had 52 long-term observers³ working in teams of two, accompanied by a national interpreter/assistant, who covered 184 National Assembly (NA) constituencies. On election day there were extra observers, bringing the total to over 140, including a delegation from the European Parliament.

On 13 May 2013 the EU EOM issued a preliminary statement⁴ with the headline, “*A competitive and improved election process in Pakistan despite militant violence and procedural shortcomings*”. In July 2013 the Chief Observer issued a final report that is more critical - because of the nature of the post-

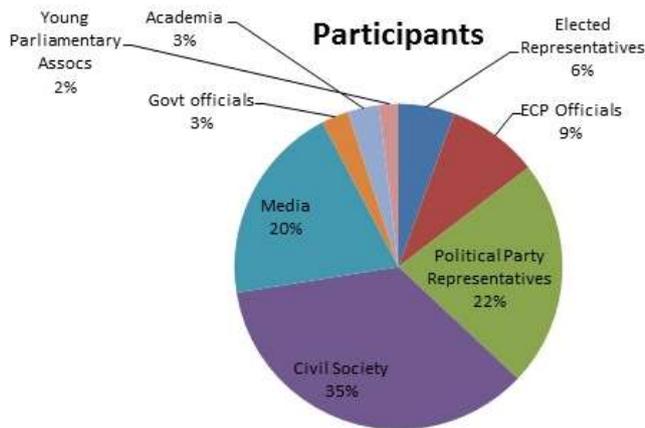
¹ For more information see: http://eeas.europa.eu/eucom/missions/2013/pakistan/reports_en.htm.

² http://eeas.europa.eu/eucom/pdf/declaration-of-principles_en.pdf.

³ Observers from Canada, Norway and Switzerland joined the mission.

⁴ For mission reports from the EU EOMs in 2013, 2008 and 2002, in English and Urdu, see http://eeas.europa.eu/eucom/missions/2013/pakistan/reports_en.htm.

election day issues. The final report includes 50 recommendations for improvements to different aspects of the election process. Seven of these are assessed to require a change in the Constitution and 17 require a change in primary legislation. All other recommendations could be implemented without a change in the law. The recommendations are detailed in a chart format that lists if legal change is required, which body has primary responsibility for implementation, and the text of the related international commitment.⁵



AIMS AND METHODOLOGY - THE DISCUSSION TOUR

DRI, through a project funded by the EU to support advocacy for electoral reform, organized an “unpacking” tour of the 2013 EU EOM recommendations. This was designed to: i) enable more people to know about the recommendations and their basis in international law commitments ii) hear reactions from stakeholders about the recommendations and their priorities for reform iii) encourage debate between different stakeholders, and iv) strengthen the ability of stakeholders to constructively advocate for reform based on international law commitments.

In total over 940 participants attended the seven seminars held in: Lahore, Multan, Sukkur, Karachi, Quetta, and Islamabad. Following various security incidents, the Peshawar seminar was relocated to Islamabad. Out of nearly 2,000 invitees, those who participated included: 3 Members of the National Assembly (MNAs), 49 Members of Provincial Assemblies (MPAs), 211 political party representatives⁶, 86 ECP staff, 187 media representatives, 5 members of the judiciary, 29 academics and 333 representatives from civil society organisations. Participants did not have costs reimbursed, but did receive lunch and tea. Seminars began with a briefing on the EU EOM methodology, which was followed by a series of smaller-group discussion sessions with themed presentations by EU EOM, international and Pakistani experts. Participants could also leave written comments and suggestions.

While the 940 participants may not be typical of the population at large, as participants were invited and self-selecting in choosing to come to the seminars, their views provide a very rich source of information on attitudes to election reform. Furthermore participants’ generally extensive experience with different aspects of elections in Pakistan further reinforces the value of paying heed to their constructive analysis and suggestions.

PARTICIPANT REACTIONS TO THE EU EOM'S APPROACH

Participants were appreciative of the EU EOM, although some shortcomings of the mission were identified

⁵ Pakistan has ratified various international treaties, which contain election related obligations. These include the International Covenant on Civil and Political Rights (ICCPR) in June 2010, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1996, the Convention on the Rights of Persons with Disabilities (CRPD) in 2011, and the Convention Against Corruption in 2007.

⁶ Including ANP, JI, JUI, MQM PML-N, PPP, PTI, QWP and six other political parties

- Not observing the province of Balochistan. Some participants commented that the security situation was not so bad in some areas and the EU EOM could have gone to these parts of the province.
- Not going to more remote places, and therefore not having a representative sample. One participant noted *“The EU mission must go to villages and far-flung areas for observation. Going to urban areas for observation is not representative of socio-political situations in Pakistan.”* Another participant emphasised that interior Sindh has had *“massive rigging”* but the EU and others have focused too much on Karachi. The EU EOM final report states that the mission’s sample is limited and is *“indicative rather than representative”*.
- The EU EOM left and wrote its report while the important and revealing work of the tribunals was still underway. These tribunals are highlighting huge problems with the 2013 elections.
- The EU EOM did not monitor the more than 40 by-elections held nationwide in August that were part of the 2013 election.
- Electronic and print media in regional languages were not monitored by the EU EOM, but are very influential in Pakistan.
- One senior party representative was very critical saying that the EU has supported the status quo as it has not been critical enough of these elections, the worst ever held in Pakistan in his view, and in so doing has given legitimacy to rigged elections
- Several participants commented that the EU has not referenced the hand of the military and the bigger forces at play in the political process.
- Others commented on the lack of analysis of party manifestos and the limited attention to smaller parties.



There appeared to be appreciation of the use of international law as a framework for electoral assessment, formulation of recommendations, and for constructive informed discussion of reform.

REACTIONS TO EU EOM RECOMMENDATIONS FOR REFORM

The national and international celebration of the historic 2013 elections, with an elected government for the first time completing its term, does not appear to be matched with positive experiences on the ground. Seminar participants were typically in agreement that the 2013 elections had multiple shortcomings that urgently need addressing. It was emphasised that if there is not reform, future elections could be more problematic with overall outcomes not necessarily accepted.

There was wide concurrence with the 50 recommendations made by the EU EOM. This seemed to be consistent across different provinces and types of stakeholders, with for example representatives of the ECP and political parties commenting that they *“agree with all these recommendations”*. Other comments included: *“EU recommendations are workable and should be implemented.”* Also *“the recommendations were good as they seemed to be objective. They are practical and feasible. If they are implemented they will bring change in Pakistan.”*

However there were three EU EOM recommendations that gave rise to some differences of opinion.

- A few participants felt that candidates should be able to carry on running in multiple constituencies as this provision for multiple candidacy is still necessary given that rigging in one constituency can destroy a candidate’s chances of winning. However the majority of

participants strongly emphasised that candidates should only be able to run in one constituency, as it is fairer to voters, would save the cost of running by-elections, and would mean that the full formation of assemblies would not be delayed. One elected representative asked if *“limiting a candidate to standing in only one constituency is against fundamental human rights as stated in ICCPR article 25.”* Discussion followed about how such a restriction is *“reasonable”* in order to provide for the other rights contained within the article (e.g. a *“genuine”* election process). Some participants commented that candidates should be required to be registered voters in the constituency they are standing in.

- The EU EOM recommendation that Ahmadis not be on a separate electoral roll caused some strong reactions mainly in support but also against the recommendation. Some participants commented that this is an important but it is a difficult subject for Pakistanis to speak about. For example one MPA said that people *“cannot speak openly in the favor of Ahmadis due to very strong radical discrimination against them in society. If I speak up for them, my fellow colleagues will be first one to declare me an infidel. Being branded an ‘infidel’ takes you to the chains of death by anyone, anywhere. It is a matter of utter discrimination that they are on a separate electoral roll.”* Overall there seemed to be some agreement that treating one group differently for voting because of their religious categorization was discriminatory.
- There were some differing views on which body should undertake media monitoring during a campaign period. The EU EOM recommended PEMRA, but some participants also suggested the ECP or the Ministry of Information and Broadcasting. One participant from a political party noted *“media don’t like to be controlled, nevertheless these elections show that they have to be monitored and have to be held accountable for ignoring so many parties.”*

ADDITIONAL PARTICIPANT RECOMMENDATIONS FOR ELECTION REFORM

ADDITIONAL PARTICIPANT RECOMMENDATIONS NOT IN KEEPING WITH EU EOM POSITIONS

At all seminars participants expressed interest in the use of electronic voting technologies. However there was understanding of the EU EOM’s position *“that electronic voting machines (EVMs), which while offering potential for efficiency and reliability, could also be problematic given the associated practical challenges and reduced opportunity for transparency and therefore trust.”*⁷ This seemed particularly pertinent given the mixed levels of trust there have been in the 2013 elections. Also the problems identified with different stages of the 2013 election process mean that electronic voting alone cannot provide for sufficient improvements. For further information see DRI briefing paper *“Electronic Voting Machines: The Promise and Perils of New Technology”*.⁸

Another issue raised was ECP provision of services for overseas Pakistanis to vote abroad. The EU EOM had noted *“Such a fundamental decision on the composition of the electorate and the rules of the game should involve political discussion, in order for there to be broad agreement and so that those elected are exercising real governmental power.”*⁹ However there was no such parliamentary process. There is no international commitment requiring countries to provide opportunities for citizens living in other

⁷ EU EOM 2013 final report, page 16.

⁸ http://www.democracy-reporting.org/files/dri_briefing_paper_11_-_electronic_voting_machines.pdf.

⁹ UN Human Rights Committee, ICCPR General Comment 34, paragraph 7 “Where citizens participate in the conduct of public affairs through freely chosen representatives, it is implicit in article 25 that those representatives do in fact exercise governmental power.”

countries to vote.”¹⁰ For further information see DRI briefing paper “Out-of-Country Voting: Principles and Practices”¹¹

While the EU EOM recommended that sanctions for electoral offences be “made reasonable and proportionate”, a few participants at different seminars suggested that punishment for electoral offences should be extended to include capital punishment. The EU is against the use of capital punishment.



ADDITIONAL PARTICIPANT RECOMMENDATIONS REQUIRING CHANGES TO THE LEGAL FRAMEWORK

It appeared that many participants were not aware of the structure and content of the legal framework, for example, what regulations are, and how magisterial powers can be used. This further shows the importance of the EU EOM’s recommendation that “The electoral legislation be consolidated so that repetitions and inconsistencies are avoided, and the legal framework is made more accessible to stakeholders.” The following additional participant recommendations were made:

- Requiring party tickets to be allocated earlier in the process, i.e. at candidate nomination. This it was argued would reduce the horse trading and buying off which strongly advantages the rich and would help bring the process closer to voters. One participant noted, “The parties make people wait until the last moment. I strongly recommend that parties work out the candidates early before the nomination papers are submitted. It would make for a fairer process”
- Candidates not being allowed to contest an election if they have already been elected to that house three times. This was deemed necessary to break up the entrenched elitist culture and domination by a few political families.
- Review of the use of civil procedure for the work of tribunals, as the current system delays the process and therefore the application of justice.
- The ballot paper having an option “none of the above” so voters can reject all the choices given to them. For example, in the event of more than 50% voters marking this option a new election could be made mandatory.
- Legal provision be made for a wider range of people to have access to a postal ballot or be able to vote in the polling station they are working in, to extend opportunity for franchise. This was particularly emphasised for observers and agents working away from their home location on election day. Postal voting could also provide for the franchise for persons with disabilities.

ADDITIONAL PARTICIPANT RECOMMENDATIONS ON ECP ACTIONS

- The ECP hold consultations with citizens. Currently the ECP is seen as consulting only with political parties - leaving the public voice unheard. This would provide for elections that serve the people and not just the parties.
- The ECP examine the election materials and processes and make reports on vote rigging and election crimes, identifying where improvements can be made to avoid problems recurring in the future.

¹⁰ EU EOM 2013 final report, page 17.

¹¹ http://www.democracy-reporting.org/files/dri_bp_23_out-of-country_voting_principles_and_practices.pdf.

- Voter and civic education be undertaken in all regional languages, not just Urdu. This would particularly help rural and women voters. ECP funds be allocated to voter education in the local media.



- Establish an in-house Capacity Building and Training Unit, at the federal and provincial levels, so the ECP can substantially improve all of its training.
- Make checks on polling staff to prevent malpractices. Effective monitoring be established with swift responses to problems. Some participants suggested that in some areas polling staff should not be allowed to be from the area in which they are working, to avoid risk of influence.
- Have an optional column on the Form XIV: Statement of the Count where election observers, in addition to polling agents, can sign the form.
- Provide more Form XIVs with polling materials.
- Increase the number and locations of polling stations so that they are closer to voters and there are fewer voters per station.
- Establish security features on ballots papers.
- Establish stronger systems for checking and counter-checking invalid ballots.
- Establish a timeline for the submission of results by presiding officers (PrOs), as some turned up very late the next day and in some cases the next week.
- Stronger appointment mechanism of PrOs, and a wider recruitment process so there's a greater variety of PrOs. One participant noted "ROs [Returning Officers] ask political parties which Presiding Officers they want in which polling stations, by name... some were told at the last minute and had no clue of what was going on, didn't even know that thumb prints have to be recorded on the counterfoil. They didn't have any training."
- Security, law and order, in and outside polling stations be provided. Participants gave various personal accounts of law and order problems:

"Polling staff were abused and given physical punishment, made to squat in a corner, till the rigging was done in the station."

"I was a presiding officer at a female polling station. I was kept hostage at gunpoint and there was a bomb blast at my polling station. If I left the ballot box to save my life I would have lost my job. If I stayed the polling staff and I were risking our lives. I called the RO and he did not answer my call. I called the SHO [Station House Officer], and he didn't answer either. The ECP had no directions as to what should be done in such circumstances. By 12:30pm all ballots were cast and there were no more ballot papers. Neither did they arrive the rest of the day. Why did I and the rest of the polling staff have to stay in such dire circumstances?"

ADDITIONAL PARTICIPANT RECOMMENDATIONS ON THE MEDIA

- Introduce limitations for media on the time that can be devoted to the paid-for content in order to provide for higher quality of information for voters.

- More incentives for voter education, for example one participant noted *“The Government should offer tax reductions to the media houses that broadcast a lot of voter education spots.”*
- A proper legal framework be established for monitoring of the media, and the framework be transparent. Also the penalties and the mechanisms need be spelt out clearly.
- Secure PEMRA’s independence and increase its capacity, for example through capacity building trainings for PEMRA officials.
- Scrutiny of the spending of media houses. The ECP inspect media houses’ incomes before and after the campaign, and then take action to enforce financial requirements, so that paid content is assessed under the ceiling for election expenses.
- The ECP provide local media with more voter education information and other election-related information, in local languages as well as Urdu.

ADDITIONAL PARTICIPANT RECOMMENDATIONS ON THE PARTICIPATION OF WOMEN, MINORITIES AND VULNERABLE GROUPS

- Parties be required to fulfil a quota for participation of women within parties, on the basis of the 30% Beijing target, in senior party positions and in tickets for general seats.
- Parties be required to have publically available policies on the promotion of women and people with disabilities.
- State media be directed to allocate a minimum time for the promotion of women in the electoral process.
- Establish a threshold for minimum women’s voter turnout at polling stations, so there is an incentive for participation.
- Review the criteria for polling staff, so that it is easier to recruit women staff.
- Greater participation of women as observers, particularly in rural areas: this is essential as a basic check in the process.
- The ECP be required to show how it is making efforts to provide services for persons with disabilities. It could determine the number of persons with disabilities at the local level and then plan more specific opportunities for access. One participant noted *“Disabled persons make up 15% of the population yet voting conditions make it inaccessible for such persons to vote on election day.”*
- The CNIC process for persons with disabilities be simplified, with reduced certification required for proving impairments.
- Establish criteria and a credible selection processes for reserved seat nominations (women and minorities) and this all be in the public domain. Others thought the reserved seats system should be replaced with a form of direct election to provide a more meaningful system of representation.
- Parties be required to nominate members of minority groups to reserved seats approximately in proportion to the numbers of different minority groups in the province. Instead they were accused of giving reserved minority seats to their loyal supporters.
- Introduction of reserved seats for women from FATA in the National Assembly and in the Khyber Pakhtunkhwa Provincial Assembly.

ADDITIONAL MISCELLANEOUS PARTICIPANT RECOMMENDATIONS

- MNAs and MPAs no longer have development budgets as this corrupts the process through promotion of patronage politics.

- The international community and the EU in particular pressure the Pakistan state authorities to implement reforms.

OBSTACLES TO REFORM

Participants expressed concerns about various obstacles and hindrances to reform. One participant commented *“The faces are changing again and again but the system isn’t changing”*. The following hindrances to reform were noted:

- A lack of will from political parties. It was argued that many reforms are not in favour of political party interests and therefore parties do not promote reform, putting their own interests above the interests of the country. One participant stated *“Every single person needs to take responsibility, perform their duties honestly, sincerely for the sake Pakistan's betterment not for the interests of one candidate or party.”*
- A lack of willingness within institutions such as the assemblies, the ECP and PEMRA, to implement the law and to undertake reform. Also a lack of understanding within institutions about issues and how to undertake reforms.
- Too much interference by the judiciary in areas which are the competence of parliament and the ECP.
- A lack of attention to electoral reform and electoral issues between general elections. Participants emphasised that lawmakers should be made more accountable on this matter, and strict monitoring and follow up systems should be set up at every level of the ECP.
- The non-elected political elite, mainly the bureaucracy and Army, were seen by some as responsible for creating obstacles, intimidating and ultimately distorting electoral processes and outcomes. It was emphasised that institutional encroachment needs to be avoided so that the ECP and others can function independently.
- A culture of feudalism that gives people a sense that they cannot make their own individual choices, a fundamental element in a genuine election process.
- Complicated legal documents and terminology that make it hard for the public to understand the electoral law in Pakistan.
- A lack of knowledge of ground level realities. Organisations were not seen as knowing about how things really are for their lower-level staff, and not listening to the ideas they have.
- Insecure conditions, particularly in parts of the country and for some parties. For example one participant in Balochistan said *“People were afraid to leave their homes to vote. They had no clue if they would return alive after they voted.”* Participants emphasised that the lack of security makes other aspects of election reform are even more important, in order to minimize the risk of dispute and to strengthen democracy.



- Negative attitudes. People not believing that reform can happen, that the standard of elections in Pakistan can be improved. Participants also emphasised the danger of seeing the law as acceptable and problems being merely a matter of implementation. However, significant legislative reform is needed. Another problem identified was an overly legalistic attitude which prevents innovation that is not precluded by the law, based on the

reasoning that actions can only be undertaken that are specifically prescribed in law.

- Media houses were described as overly eager to maximize profits at the expense of programming quality, and journalists were viewed as preferring to make sensationalistic reports because it pays better than conducting an investigative story/news item.
- A lack of data on the participation of women, persons with disabilities etc. as voters, candidates, in the election administration etc. Without this data it is hard to know where exactly the problems are.
- The prevailing culture that makes it hard and dangerous to speak openly on some issues, such as the inclusion of Ahmadis on the electoral roll.
- Political parties not being willing to increase the number of female candidates. One participant commented "*Parties have little confidence in women candidates because they are seen as not having the financial capacity for an election campaign and also there are cultural limitations such as women not being able to carry out campaigns at night.*"
- Parties not trusting their female candidates to participate in TV debates. Journalists not speaking with female candidates about the policies they represent, but instead talking with them about their family background and personal issues.

PRIORITY RECOMMENDATIONS EMPHASISED BY PARTICIPANTS

The following recommendations were prioritised by participants in different seminars

Improve the legal framework

1. Laws and regulations be revised, consolidated and presented in easy-to-understand language. Consultations be undertaken by the Parliament on law reform.

Improve party functioning

2. Real internal party democracy be required with stronger regulations, monitoring and enforcement. One participant remarked, "*internal party democracy needs to be strengthened for the country. There is a need to hold party elections in proper way.*" Who, when, where and how such elections are held and who will scrutinise them needs to be spelt out. It was noted that currently although the law binds parties to have intra party elections, very few are really fulfilling this.

Improve ECP independence and functioning

3. The ECP be empowered and "*act as an institution rather than a clerical desk*".
4. The judiciary not be involved in the election administration. The judiciary refrain from involvement in the functions of the election administration and Election Day.
5. ROs be under the ECP. Participants emphasised that currently ROs feel their judicial authority overrides ECP directives. The ECP could use their full time staff as ROs and District Returning Officers (DROs).
6. Trainings of ROs, PrOs, and Assistant PrOs be more serious and rigorous. It was seen as urgent that training and master trainers be of a higher standard. Also better training of polling and results data entry staff. Such training be carried out in-house and not outsourced.
7. No late changes to the polling scheme and staff. One participant noted "*We as candidates had no idea that the polling scheme was changed around three in the morning. We found out on election day.*" Another commented "*One RO changed about 300 polling staff just a*

few days before election day. It was not clear why he made such changes. These actions need to stopped in future."

8. The ECP implement its five-year strategic plan for electoral reform. One ECP official commented "The strategic plan has been a complete failure. None of it has been implemented."
9. Transparency requirements be established in law and regulations and enforced. One participant noted "*The judge prepared the results in private behind closed doors, and said that security was at stake. I took my Form XIV to him later and challenged the results, and he said that he made an error. This could have been avoided.*" Another participant noted "*access to information is key to solving a lot of problems. If the right to information is properly recognized and information is made public, this will help in ensuring accountability and transparency which will help with addressing many issues.*"
10. The ECP make more regulations to fill gaps, especially on complaints, instead of relying on the power of individuals.
11. Codes of conduct be enforced - so they are really binding.

Maintain the electoral roll

12. Have a good system for updating the electoral roll.

Undertake delimitation

13. Timely delimitation of boundaries based on census data or CNIC or electoral roll data. Also participants in Balochistan emphasised that the size of territory should be somewhat considered given the very large geographical spread of the relatively thinly-populated province.

Candidates only run in one constituency

14. Candidates be allowed to run in one constituency only with a requirement that they registered as a voter in that constituency. One participant noted "These by-elections involved voting on more than 40 seats, which was a waste of time, resources and insulting for electors. It doesn't benefit the people."

Establish a clear system of electoral dispute resolution

15. A more developed system of electoral dispute resolution with clear separation of judiciary from the ECP.

Media

16. Improve security for media practitioners. One media practitioner commented "When we report something critical on the government, they threaten us that there will be no payments at the end of the month, if we are reporting something on the militia, they threaten to kill us and our families. We cannot work freely in Balochistan". Another participant remarked "Journalists in FATA are intimidated not only on the election day, but on a daily basis. The Press and Publicity Ordinance is not in place in FATA. I think that the government is obliged to take concrete steps to protect journalists working there."
17. Training and capacity building for journalists. A series of seminars for media practitioners, particularly on how to promote and conduct unbiased pre-election debates and how to analyse political party performance.

ADDITIONAL PARTICIPANT RECOMMENDATIONS ON THE PARTICIPATION OF WOMEN, MINORITIES AND VULNERABLE GROUPS

18. Political parties be required to have a quota of women in senior positions in parties, based on the 30% Beijing target and also for tickets for general seats. This be made public in real time.

19. Real efforts be made by law makers and the ECP to help minority groups participate - Ahmadis, other religious minorities, and persons with disabilities.



NEXT STEPS FOR REFORM

- On-going attention to election reform – it should not be just a one-off event.
- Parliament take a stronger role in reviewing election laws and looking at the election process.
- A genuine inclusive and participatory consultation process, to ensure that different stakeholders can participate and give their input to parliament and the ECP.
- All election-related information be made public. Reform of the Freedom of Information Ordinance would help facilitate this.
- Those with authority take these recommendations and Pakistan’s international law commitments into consideration for the local elections, and implement what is possible even at this late stage.
- The EU play a stronger political role in pushing for electoral reform. It could put pressure on the government to review legislation in order to harmonize it with its international obligations. The international community needs to pressure the government to act on these recommendations. The EU and others should use the “power of the purse”.
- Training and other development activities begin immediately, rather than waiting until just before the next general elections when it’s too late.

PARTICIPANT COMMENTS

“This cleared up a lot of misrepresentations. For example people don’t know that the EU was invited. We thought they just turned up.”

“The ECP should organize such discussions with stakeholders in different areas.”

“The ECP representatives reacted positively pointing out that EU EOM final report is a good working document and they did not become defensive but instead were looking for ways forward to improve the processes.”

“There should be sessions like this before an election, to orientate us.”

“We're a democracy, but it will take time for Pakistan to become a functioning democracy.”

“These international legal obligations are about improvement and are good for bringing people together for reform, for Pakistan.”

“We must follow international treaties for electoral reforms and the promotion of democracy.”

“All the recommendations are 100% correct and are for the betterment of the whole nation.”

“Election reforms are the basis for democracy in Pakistan.”

“International legal provisions made much more sense.”

ABOUT DEMOCRACY REPORTING INTERNATIONAL

Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

www.democracy-reporting.org/pakistan

Contact: info@democracy-reporting.org.pk



DRI's programme is funded through a grant from the European Union.