

# FROM LEGISLATION TO ACTION: NEXT STEPS FOR IMPLEMENTING ELECTORAL REFORMS IN PAKISTAN

## EXECUTIVE SUMMARY

The Elections Act 2017 is the most extensive effort to date to reform the electoral process in Pakistan. Successful implementation of the law requires secondary legislation, the review of administrative practices and guidelines, and the training of election officials. To this end, the new law mandates the Election Commission of Pakistan (ECP) to develop comprehensive administrative regulations and solicit public inputs – an unprecedented move in Pakistan’s electoral history, which has significant potential to strengthen electoral procedures.

The ECP took an important step in fulfilling its new responsibilities by publishing draft election rules for public comment in October 2017. The Election Rules 2017, since approved, substantially address several aspects of the electoral process, such as voter registration process and management of electoral rolls, postal voting, and delimitation. There are, however, a few areas where the rules deserve a second look. Furthermore, some electoral practice not regulated by the rules could be reviewed and formalised prior to the next elections.

Key areas that were reformed by the new law but which are in need of additional regulation include:

- Delimitation of electoral constituencies
- Electoral dispute resolution process
- Process for challenges of candidacy
- Special measures for women participation
- Accreditation of electoral observers
- Management and publishing of election results
- Monitoring and enforcing rules for financing campaigns
- Internal party democracy

While not strictly necessary to be included in the ECP rules, the following processes could also be reviewed and formalised:

- Security
- Coordination with other state institutions
- ECP Communication strategy
- ECP Action plan
- Reporting to Parliament
- Use of IT technology in elections
- Voting of overseas Pakistani

In the spirit of cooperation, this briefing paper puts forth proposals on the operationalisation of the 2017 legislative electoral reforms and areas requiring complementary regulations. Proposals are made within the framework of international election standards, primarily international treaties to which Pakistan has subscribed. The paper also refers to practices proposed in the guidelines of various international organisations.

## INTRODUCTION

After Pakistan's 2013 General Election, which saw controversies over results and related allegations of "rigging", political parties increased their advocacy efforts to reform the election process. The parliament responded by establishing a joint Parliamentary Committee for Electoral Reforms (PCER) in July 2014. The work of the committee resulted in the enactments of the 22<sup>nd</sup> constitutional amendment and the Elections Act, 2017.<sup>12</sup> The PCER's work represents the most substantial effort to date to reform the electoral process in Pakistan.<sup>3</sup> The introduction of a new election law, however, has its natural limits: legislation cannot prescribe all necessary practices of the electoral management body (in this case the ECP) and the other state institutions. The successful implementation of elections in Pakistan requires secondary legislation (such as governmental and administrative regulations, mandatory instructions and procedures) and review of the ECP practices and internal guidelines.

The development of complementary secondary legislation in Pakistan, which augments the primary legislative framework for elections, has been inadequate in the past. However, for the first time in Pakistan's electoral history, the new election law invests the ECP with the power to make election rules, pass its own procedures, and issue orders and directions equivalent to the power of the High Court.<sup>4</sup> The ECP has already taken important steps in fulfilling its newly-expanded mandate by drafting consolidated rules for the implementation of elections and publishing the draft rules for public input.<sup>5</sup> However, the ECP's rules only form part of the regulatory and operational framework needed to implement elections. This framework includes additional components, which are presented in this paper.

## ELECTORAL STANDARDS

This review is done within the framework of international election standards, primarily international treaties to which Pakistan has subscribed: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the

Convention against Corruption (CAC), the Convention on the Rights of Persons with Disabilities (CRPD), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

While the international treaties define the key principles for democratic elections, which should be protected by the primary legislative framework, election management bodies should implement these principles by developing an administrative framework that is best suited to the country context. United Nations treaty bodies, such as the Human Rights Committee,<sup>6</sup> provide authoritative conclusions, interpretations, and guidelines of international instruments. Other sources of standards are found in the guidelines of the International Institute for Democracy and Electoral Assistance (IDEA),<sup>7</sup> the Organisation for Security and Cooperation in Europe (OSCE),<sup>8</sup> and the European Commission for Democracy through Law (Venice Commission).<sup>9</sup>

## KEY REFORMS WHICH REQUIRE FOLLOW UP

### DELIMITATION

The law limits population variances between constituencies up to maximum 10%, which is in line with international standards<sup>10</sup> and was one of the key recommendations made by the 2013 European Union Election Observation Mission (EU EOM) and DRI.<sup>11</sup> The ECP is required to delimit electoral constituencies after every official census. The latest census was conducted in 2017 (the first since 1998), with provisional results presented in August 2017. However, the official census data are not expected until mid-2018, too late for delimitation to take place before the scheduled General Election. The provisional census data revealed a significant increase in overall population and even disproportionately larger increase

<sup>1</sup> The constitutional amendment enabled the Chief Election Commissioner (CEC) and four ECP Members to be drawn from a wider base rather than exclusively from the judiciary. It removed the requirement for a judge of the Supreme Court to act in the absence of the CEC, staggered the terms of Members, and stipulated a time limit for fulfilling vacant Member and CEC posts. It also gave the Federal Parliament authority to legislate for local government elections, and the ECP responsibility for such delimitation.

<sup>2</sup> Elections Act - Act No. XXXIII of 2017 was passed on 2 October 2017

<sup>3</sup> The Elections Act fully or partially implements 29 of the EU's 36 recommendations that required legislative action.

<sup>4</sup> For the purposes of this paper, primary legal framework is considered the Constitution and the Acts of Parliament. The secondary legal framework is the ECP's rules, orders, directions and other administrative measures, such as forms, manuals and guidelines.

<sup>5</sup> The Draft Rules were published on 12 October 2017. The public was invited to submit objections and comments until 26 October 2017. The CEC also committed to a public hearing to review the received submissions.

<sup>6</sup> Human Rights Committee (UNHRC) is the official monitoring body for the implementation of the ICCPR.

<sup>7</sup> IDEA is an international organisation with 30 member-states from all seven continents.

<sup>8</sup> The OSCE has 57 participating states from Asia, Europe, and North America, who adopt "politically binding" rather than legally binding commitments on various politico-military, economic, environmental and human rights issues. The Copenhagen Document elaborates the core election-related commitments made by OSCE states. See:

<http://www.osce.org/odihr/elections/14304?download=true>.

<sup>9</sup> The Venice Commission is an advisory body of the Council of Europe, composed of independent experts in the field of constitutional law. While Pakistan is not a member state of the Venice Commission (formally called the European Commission for Democracy through Law), the body has 61 Member States from five continents and its "Code of Good Practice in Electoral Matters" is a widely respected resource that documents good electoral practice in dozens of countries.

<sup>10</sup> ICCPR, article 25(b), UNHRC General Comment 25 (21), CoE (Venice Commission): Code of Good Practice in Electoral Matters, section 22

<sup>11</sup> 2013 EU EOM Final Report, Recommendation 14; and DRI, "Fix It before It Breaks," 2016, Recommendations 12-14.

in the ten largest urban areas, implying substantial urban/rural migration.<sup>12</sup>

However, with the official census results expected in mid-2018 only, delimitation for the 2018 General Election cannot be conducted using the official data as foreseen in the Elections Act and the Constitution. In order to facilitate delimitation based on provisional census data, a constitutional amendment was introduced to parliament and passed in December 2017. The 24<sup>th</sup> amendment retains the total number of seat of the National Assembly, while redistributing seats among the provinces based on the provisional census data.<sup>13</sup> Given the substantial variations between constituency sizes in the 2013 elections and evident increases in the interim, the use of provisional census data for delimitation is an important step towards equality of the vote in the 2018 General Election.<sup>14</sup>

While the details of how delimitation should be implemented are not contained in the election law, the ECP has elaborated this process in its election rules. The rules on delimitation represent a significant improvement; however, they could be further strengthened with additional elements which would increase transparency of the process. For example, the rules could require the ECP to publish preliminary and final delimitation data as well as delimitation maps on its website.

The existing legislation lays down the key parameters of delimitation: geography, population, administrative units, and facilities of communication and public convenience. In practice, the ECP must decide how to interpret these parameters and to decide on criteria for ranking the priority of the parameters. This is especially important in cases of conflicting parameters. The ECP should develop criteria for compliance with the delimitation parameters and elaborate on what the key parameters mean in practice.

An additional operational challenge in the delimitation of past elections, especially local government elections, is the incompatibility between the electoral rolls, census blocks, and polling scheme. Delimitation officers routinely used outdated census blocks as units for building the constituency.<sup>15</sup> This led to complications for voters and

candidates who find themselves assigned to the wrong constituency.<sup>16</sup>

#### RECOMMENDATION:

- The ECP to amend the rules to require that the preliminary and final delimitation data are also published on its website and include maps, to establish the criteria for challenges and objections, and to increase transparency in adjudication process.
- ECP develops criteria for compliance with the delimitation parameters and elaborates what the key parameters mean in practice
- The ECP to review the use of census blocks and update census block information in the voters rolls to match the recent census data.

## COMPLAINTS & ELECTION DISPUTES

The new law introduces a key change in disputes over election results: a petition is now to be submitted directly to election tribunals instead of through the ECP.<sup>17</sup> This is a positive step to address the ECP's previous delays in the allotment of cases to tribunals.<sup>18</sup>

However, the judicial process for the resolution of disputes was notoriously delayed in the past because of the application of the civil procedure code and the fact that virtually no guidance was provided by the election laws and rules. The new law and ECP rules attempt to address this issue; however, since the legal provisions are explicitly based on the existing civil procedure code, it is uncertain whether they will improve the process.<sup>19</sup>

The new law also formalises a pre-judicial dispute resolution process by requiring the ECP to establish a complaints mechanism.<sup>20</sup> The ECP has previously instituted various interim complaints processes; however, this is the first time that a complaints mechanism has been mandated by law. The complaints mechanism allows any aggrieved person to lodge a complaint regarding any ECP decision or action or regarding a political party's or candidate's violation of the Code of Conduct.

<sup>12</sup> <http://www.pbscensus.gov.pk>. Overall population increased by 57%, while population in urban areas increased by 75%

<sup>13</sup> The 24<sup>th</sup> amendment reduces Punjab's share of seats by nine and increases seats for Khyber Pakhtunkhwa by five, Balochistan by three and Islamabad Capital Territory by one.

<sup>14</sup> Equality of vote means that vote of one person should be equal to another. The population of electoral constituencies should therefore be relatively equal to one another. International good practice dictates a maximum of 10-15% variation as an acceptable limit. The Pakistan's Election Act 2017 reflects this, prescribing a 10% maximum variation.

<sup>15</sup> DRI, Electoral Delimitation in Pakistan: "Formula for Inequality", 2015.

<sup>16</sup> DRI, Assessment of the KP Local Elections, 2015: "A number of nominations were rejected as the candidates applied for nomination in wards where they believed to be, but were not in fact, registered".

<sup>17</sup> Elections Act, 2017, section 142.

<sup>18</sup> See FAFEN, "Political Parties Petitions with Election Tribunals, July 2014 Update", pg. 4. <http://fafen.org/political-parties-petitions-with-election-tribunals-july-2014-update/>

<sup>19</sup> DRI, Analysis of Pakistan's Mechanism for Election Dispute Resolution, 2013. Primary legislation modifying the application of the Civil Procedure Code is not without precedent in Pakistan. See, e.g., Fiscal Responsibility and Debt Limitation Act, Act. VI (2005).

<sup>20</sup> Elections Act, 2017, section 15.

#### RECOMMENDATION:

- Election Tribunals and judicial sector to review the procedure for resolution of disputes of election results, which is defined in the new law, and use their authority to streamline the trial process until revisions of the law can provide for the modification of the civil procedure code. This may include regulating standards for conduct of further investigation as well as protocol for inter-agency cooperation, adjudicatory procedures with clear deadlines for each type of submission, and definition of burden of proof.
- The judiciary to develop recommendations for changes in the law, which, in addition to modifications to trial practice, should also include specific appellate procedures for reviewing the decisions of Election Tribunals.
- The ECP to establish a permanent internal section for receiving, recording, reviewing and advising the Commission on electoral complaints.
- The ECP to develop procedures for a complaints mechanism that will include complaint forms, timelines, transparency and response requirements.

## SCRUTINY OF CANDIDATES

Arbitrary and subjective questioning of candidates by Returning Officers (ROs) was one of the most contentious issues in the 2013 elections, and the new law limits the types of questions that the candidates may be asked. It effectively establishes that the purpose of the scrutiny process is only to examine nomination papers and to address objections raised by petitioners.<sup>21</sup>

The Elections Act prescribes the form of nomination papers, but is silent on the process for challenging candidacy. The election rules similarly provide limited guidance on the process for raising objections to candidate nominations.

#### RECOMMENDATION:

- The ECP to develop rules to guide procedure for raising objections on candidate nominations, including criteria for objection and burden of proof. The ECP should also develop guidelines for ROs on the nomination and scrutiny of candidates.

## SPECIAL MEASURES FOR WOMEN

To address challenges to the participation of women, multiple measures are introduced in the new election law. The ECP and NADRA must undertake special measures for the registration

of female voters when the gap between men and women in registration exceeds ten percent.<sup>22</sup> The ECP is empowered to nullify results of polling stations and/or entire constituencies where women's turnout in a constituency is less than ten percent, but neither the law nor the ECP's rules provide guidance on how these measures should be implemented. The collection of gender-disaggregated polling turnout data is now mandatory, and collusion to prevent women from voting has been made an election offense.<sup>23</sup> The law also addresses the participation of women in political parties, as it requires that parties include women as at least five percent of their candidates to parliament and the provincial assemblies.<sup>24</sup>

#### RECOMMENDATION:

- The ECP and NADRA to set up a permanent joint advisory committee for the review of voter registration data and for coordinating measures for increasing the registration of women, as required by the law.
- The ECP to review results management system to ensure the inclusion of gender-disaggregated data.
- The ECP to develop a procedure for the review of polling stations and constituencies with low turnout of women voters and for declaring results void if necessary. The ECP to publicly report the reasoning for its decision to void or not to void the result.
- The ECP to develop procedures for the certification of the women's quota for general seat candidates. This may be linked with the guidelines for intra-party selection of candidates. The ECP to publish information on candidates with overall percentage of women candidates fielded by each party prior to elections.

## OBSERVATION

Though election observation has been allowed in practice in Pakistan for the past three decades, it was not until now provided for in election legislation.<sup>25</sup> The ECP is now explicitly allowed to provide accreditation for international and domestic election observers to observe the polling, counting, and consolidation of results.<sup>26</sup> However, the proposed law does not define the accreditation process and hence defers it to the ECP.<sup>27</sup> Moreover, it unfortunately introduces a vague and prohibitive clause under which all observers need to obtain "security clearance from the government". This is contrary to the principles of a transparent elections process, as election information is not a protected government secret

<sup>21</sup> Elections Act, 2017, section 62(7).

<sup>22</sup> Elections Act, 2017, section 47.

<sup>23</sup> Elections Act, 2017, sections 9, 91, and 170.

<sup>24</sup> Elections Act, 2017, section 206.

<sup>25</sup> For more information about election observation in Pakistan, see, e.g. DRI, "Creating Enabling Conditions for Citizen Election Observation."

<sup>26</sup> Elections Act, 2017, section 238.

<sup>27</sup> DRI, "Fix It before It Breaks," 2016, Recommendation 14.

but rather public information. Registration of election observers should serve to manage the observation process, not to restrict it. To comply with international standards, the election law should be amended to remove security clearance; in the meantime, however, it is within the ECP's power to undertake steps to mitigate the problem.

#### RECOMMENDATION:

- In lieu of certificate from security services, the ECP to accept declaration from applying organisations in which they confirm that the observers are trained and will adhere to the Code of Conduct.
- The ECP to develop regulations for observers that would define the criteria for applying to observe elections and thus create consistent and objective practices for the accreditation of observers. The regulations to include developed schedules, application forms and remedy in case the application is rejected. Regulations may include a mandatory code of conduct for observers, as previously developed by the ECP in consultation with observer groups. It may also include a requirement that the individual observers are provided with training by an accredited organisation and a declaration that they are familiar with electoral procedures. In the regulations, the ECP could explicitly allow access to all aspects of the electoral process, including nomination, scrutiny, complaints, etc.
- The ECP to establish observation focal points to coordinate the accreditation of observers, communication, and a hot line for critical reporting.

## TABULATION & RESULTS MANAGEMENT

The Election Act introduces transparency measures in tabulation and results management. The law requires ROs to communicate provisional results to the ECP electronically, including scans of forms created by ROs and Presiding Officers (PrOs), and obligates the ECP to publish results on its website, including results forms received from ROs.<sup>28</sup> The use of a computerised results management system and the online publication of results was attempted previously,<sup>29</sup> but the ECP reported that it was suspended due to operational and technical challenges.<sup>30</sup>

#### RECOMMENDATION:

- The ECP to develop tabulation rules that provide guidelines for ROs on initiating recounts and checks of polling station results.
- The ECP to establish a procedure to check ROs' results prior to notification to ensure greater reliability and institutional responsibility. Full results data to be placed on the ECP website, with a complete breakdown of data by polling station.
- The ECP to develop formal specifications for the Results Management System (RMS) and adopt a plan for commissioning software development, testing and release. The ECP to develop a formal schedule of training and testing of the system, which should include a mandatory full simulation with the appointed ROs and RMS data operators.

## CAMPAIGN FINANCES

To facilitate the monitoring of campaign and political finances, candidates must use a dedicated bank account for the management of campaign finances under the new law. The law sets new ceilings for candidate campaign expenditures and introduces reporting requirements for party spending on campaigns.<sup>31</sup> These new rules make it easier to monitor and enforce rules for campaign finances; yet for effective implementation, they must be operationalised by the ECP. The ECP needs to build its internal capacity and create a dedicated section to provide support in monitoring, analysing, recording, and enforcing financial rules.

#### RECOMMENDATION:

- The ECP to establish an Electoral Finance Unit with specific Terms of Reference, which will include monitoring and registration of assets, auditing, and public access to information on expenses.

## OUT OF COUNTRY VOTING

In response to a 2013 directive from the Supreme Court and a presidential ordinance, an option for Pakistanis who are overseas to vote was introduced into the new law. However, it remains an option – authorising, but not requiring, the ECP to conduct pilot tests for voting of overseas Pakistanis.<sup>32</sup> With regard to operational considerations, key elements of the electoral procedures are omitted from the law, such as the creation of special electoral rolls, how votes polled overseas are to be counted into the in-country process, or securing the availability of appropriate ballots.

<sup>28</sup> Elections Act, 2017, sections 13 and 98.

<sup>29</sup> In the 2013 general elections and Balochistan local elections.

<sup>30</sup> The ECP took steps to improve the process of centrally recording and transmitting results data to the ECP for the elections in 2013, but this was not implemented effectively, according to the ECP's Post-Election Review Report.

<sup>31</sup> Elections Act, 2017, sections 132-136 and 211.

<sup>32</sup> Elections Act, 2017, section 94.



#### RECOMMENDATION:

- The ECP to form a separate section to develop and manage pilot projects for voting of overseas Pakistanis.
- The ECP and the Ministry of Foreign Affairs to form a joint committee for the coordination of overseas electoral process well in advance of the election day.

## ELECTRONIC VOTING

As a result of intense advocacy by some political parties, the new law does not authorise the use of electronic voting and biometric verification machines in elections instead of manual process. However, it allows for testing and piloting these technologies in by-elections, along with the existing procedures.

As electronic voting substantially changes the nature of an electoral process, the legal framework should ensure that the operational demands of introducing electronic voting do not undermine principles for democratic elections. Since electronic voting is uncharted territory for Pakistan's election administration, without a strong primary legal framework operational demands may override the transparency, accessibility, security, and verifiability of the voting process.<sup>33</sup>

#### RECOMMENDATION:

- The ECP to continue with the exploratory process and build internal capacity to understand and manage electronic voting. The ECP to establish an advisory working group which will propose a regulatory framework, including legislative amendments, for the use of electronic voting machines. The ECP to continue testing and piloting voting technologies in various parts of the country to assess whether e-voting would be a useful tool in Pakistani elections.

## REPORTING TO PARLIAMENT

In order to increase the accountability of the ECP while preserving its independence, the new law introduces formal annual reporting by the ECP to the federal and provincial governments and legislatures. It also requires the ECP to produce an action plan four months before general elections are due and to conduct post-election reviews.<sup>34</sup>

#### RECOMMENDATION:

- The ECP to assign senior permanent staff as coordinators for reporting and planning.

## OTHER PRIORITY AREAS

The above sections presented electoral areas that were substantially reformed as a result of the new election law. The following section identifies additional areas that require attention and administrative action, as they remain insufficiently regulated or unaddressed.

## SECURITY

The security environment in Pakistan is persistently challenging and demands the extensive deployment of security forces during all phases of the electoral process to ensure the safe conduct of elections. However, the role of security forces in elections is a sensitive issue, as all security forces must act neutrally and avoid the perception of serving partisan interests.

Positively, the ECP devised a Code of Conduct for Security Personnel ahead of the 2015 local government elections, which provided guidance to security forces. In an effort to enhance the security of the voting process, the ECP also marks certain polling stations as "sensitive". This method has, however, proved less effective than hoped in preventing incidents of electoral violence. Counterparts in the security sector are more aptly qualified to make such determinations than the ROs who currently designate the stations. The ECP could therefore benefit from enhancing its coordination with security forces when determining sensitive polling stations. Moreover, the ECP may consider developing clearly-defined criteria to designate these stations and the security protocol that is employed for them.

On occasion, the ECP has taken extraordinary measures, such as assigning magisterial powers to the Rangers on election day or authorising them to enter polling stations, and affording judicial authority to the military in a civilian electoral context.<sup>35</sup>

Coordination between government, the security forces and the ECP represents a further challenge, which was perhaps most obvious during the 2015 local government elections in Khyber-Pakhtunkhwa.<sup>36</sup> Electoral controversies in the polls led provincial authorities and the ECP to openly accuse each other of mismanagement, among other things, of adequate security for polling stations.<sup>37</sup>

<sup>35</sup> ECP, Notification F.4 (3)2015-LGE(P) (Vol IX), 2 December 2015. The ECP invoked the Anti-Terrorism Act of 1997, the Constitution and other legislation, but the use of the Rangers reflects a militarisation of the electoral process in the face of administrative and institutional weaknesses.

<sup>36</sup> DRI, "Khyber-Pakhtunkhwa Local Government Elections Assessment."

<sup>37</sup> Ismail Khan, "Analysis: Who's responsible for 'mismanaged' polls?" <http://www.dawn.com/news/1187652>

<sup>33</sup> Useful guidance can be found on the Council of Europe's 2004 "Recommendation on Legal, Operational and Technical Standards for E-voting."

<sup>34</sup> Elections Act, 2017, section 16.

#### RECOMMENDATION:

- The ECP and the security sector to setup a full-time coordinating body and operations room for the duration of the electoral process. The ECP to contribute to the development of trainings for security personnel to ensure that security forces understand critical phases of the electoral process. The ECP to transfer the authority for identifying critical polling stations to the security sector, limiting itself to an advisory role.

## INTRA-PARTY ELECTIONS

The internal democratic structures of political parties remain weak and are insufficiently accounted for in the new election law. Parties are obligated to hold internal elections every five years; however, the limited transparency and lack of scrutiny of these elections often raises questions over their credibility.<sup>38</sup> Because of the weak legal framework, the ECP does not consider itself to have a mandate to scrutinise them. Consequently, the ECP refrains in its rules from elaborating on its supervisory role in intra-party elections.

The new election law introduces a quota on women candidates, which will require the ECP to increase its scrutiny of political parties and verify that the quota is satisfied. Considering this, the ECP could, in consultation with political parties, develop a basic framework for intra-party elections and assume a monitoring role.

In addition to weak intra-party democracy, one of the biggest challenges in Pakistan's elections is the incessant horse trading that occurs over the "party ticket". The official party affiliation of a candidate is only registered after the nomination process, which feeds political jockeying for party tickets. This is a key reason for Pakistan's weak party system and for defections of candidates from one party to another. Candidates all too often submit their nominations and then subsequently withdraw them after receiving some form of compensation from the party or other candidates.

#### RECOMMENDATION:

- The ECP to amend the rules to develop monitoring and certification procedures for intra-party elections.
- The ECP to require that a party ticket (application for allocation of symbol) is presented by a candidate at the nomination.

## OTHER RECOMMENDATIONS

### STRATEGIC & ACTION PLAN

The ECP developed its first five-year strategic plan in 2010, followed by a second plan in 2014. These plans are immensely valuable documents that articulate the vision, mission, guiding principles, and overall goals of the ECP. To ensure that such strategic documents become more than a statement of intent, state institutions and other bodies draw up action plans that set out the implementation of strategic plans. The ECP is yet to develop an action plan, but has established the Review, Assistance and Facilitation Team (RAFT) and the Strategic Plan Implementation Committee. These bodies, however, only have advisory roles and their meetings are irregular. Moreover, civil society organisations have raised concerns over the quality of the strategic plan and its implementation.<sup>39</sup>

#### RECOMMENDATION:

- The ECP to review the Second Five-Year Strategic Plan 2014-2018 and develop a realistic action plan with concrete actions and measurable outcomes. The strategic and action plan to be explicitly linked to the post-election review conducted by the ECP.

### CONSULTATIVE PROCESSES

The ECP has in the past organised consultative forums on several occasions. The forums convened, among others, election observation organisations, print and electronic media outlets, political parties, and women's groups. While the forums represented excellent opportunities to build relationships with interlocutors, receive comments on electoral procedures, and build trust between key electoral stakeholders, they remained *ad hoc* and without a formalised process.<sup>40</sup> In a positive step, the Election Act explicitly requires the ECP to publish draft rules and solicit public input, which it successfully did in October 2017.<sup>41</sup>

However, beyond opening rules for comment, the ECP could also facilitate public panels prior to drafting electoral regulations, as part of the lessons learned process and after review of observer reports.

#### RECOMMENDATION:

- The ECP to establish consultative forums with political parties, the media, election observers, women protection groups, and persons with disabilities organisations.

<sup>38</sup> The maximum interval for holding intra-party elections was changed by the Election Act 2017, which extended the period from four years to five.

<sup>39</sup> PILDAT, "Citizens Report, Performance of the ECP," 2015

<sup>40</sup> "Effective and meaningful consultation with the political parties" is required by article 18 of the Political Parties Order 2002.

<sup>41</sup> Elections Act 2017, section 239(2)

Forums to be scheduled regularly and to allow structured exchange of information.

## COMMUNICATION STRATEGY

In the periods prior to and after the 2013 elections, the ECP followed a very conservative communication strategy, limiting its exposure to the media and mostly communicating through press releases. Senior ECP officials gave very few interviews to the media and their public statements were made mostly in the context of their engagement with other state bodies (e.g. parliamentary committees). Proactive provision of information can enhance citizens' confidence in the performance of election management bodies, such as the ECP, and in the electoral process.<sup>42</sup> It is thus good practice to establish an election day press centre and proactively report on the progress and results of the elections.

### RECOMMENDATION:

- The ECP's Public Relations Department to develop a communication strategy in advance of the 2018 elections, which would include regular press conferences in the election period, national press centres for election day and the proactive distribution of information on the electoral process and results through conventional and social media.

## COORDINATING BODIES

The ECP is the primary institution for the conduct of elections, but many aspects of the electoral process require the active participation of other state institutions. Perhaps the most obvious example is the issue of security and how security forces are deployed to protect voters and polling stations on election day. Another example is the role of the education sector, as most of the polling officials are recruited from amongst teachers. The Ministry of Foreign Affairs also plays a role in inviting international observers and may play a future role in the conduct of elections in Pakistani embassies.

### RECOMMENDATION:

- The ECP to establish permanent bodies for the coordination of electoral operations with other institutions of the state.

## 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.

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<sup>42</sup> See 'Confidence in elections and the acceptance of results' by Kofi Annan Foundation: <http://aceproject.org/ero-en/misc/confidence-in-elections-and-the-acceptance-of->, accessed on 23 January 2018.