

ELECTION SUPPORT GROUP (ESG)

International Institutions Working to Support the Strengthening of Elections in Pakistan

Key Principles for Local Government Elections

In the process of reforming the electoral arrangements for local government bodies in all four provinces of Pakistan, key principles for democratic elections should be respected. Several principles are enshrined in international obligations, such as the Universal Declaration of Human Rights¹ (1948) and the International Covenant for Civil and Political Rights (1966)², which Pakistan signed and is in the process of ratifying. Additionally, there are a number of electoral arrangements that are considered best international practice.

1. **Right to elected representation**³. The people have a right to directly elected local representatives and these representatives should have genuine power over local matters.⁴

Pakistan: In the most recent system only Union Councils were directly elected; District and Tehsil Councils were not. Direct elections to all tiers of local government would enhance democratic accountability.

The powers and responsibilities of councils at each tier should be well defined. Where a tier has been granted exclusive power, this should not be curtailed by other authorities.

2. **Protection of marginalized groups.** Marginalized groups, including women, ethnic and religious minorities, and the disabled have a right to representation. Although reserved seats, to which there could be direct elections, can help, every effort should also be made to ensure that marginalized groups are provided with adequate opportunity to become enrolled as voters in their electoral areas.

Pakistan: Women and minorities have been ensured representation in local government under the current system, although previous systems saw significant underrepresentation of women and minorities. A significant number of women in Pakistan are denied their right to vote because of difficulties, whether cultural or logistic, that they face in enrolling as voters. Substantial numbers of minorities are similarly prevented from exercising their right to vote.

3. **Political party involvement.** Citizens have the right to freedom of association, to form political parties and be represented by these parties in elected bodies. Candidates must be allowed to declare their political affiliation.

Pakistan: In previous local government elections candidates have not been allowed to declare political affiliation, nor have parties been allowed to endorse candidates. This violated the freedom of association. Political parties should have a right to participate in local government elections. The right to stand for election as an independent candidate should also be retained.

¹ The Universal Declaration of Human Rights was adopted by the UN General Assembly in December 1948. Most of its provisions are considered to be customary international law. The declaration's article 21 enshrines the right to political participation through elections and otherwise.

² The International Covenant on Civil and Political Rights (ICCPR) was signed by the Government of Pakistan on 17 April 2008. It includes the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors." (article 25 (b))

³ The Commonwealth Local Government Forum noted in its 'Principles on Good Practice for Local Democracy and Good Governance' that "citizens should be able to elect their local representatives in conditions of political freedom."

⁴ The UN's Human Rights Committee issued in 1996 a General Comment on article 25, which represents an authoritative interpretation of the article. It indicates: "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 and that they are accountable through the electoral process for their exercise of that power." The overall text of the General Comment makes it clear that article 25 also relates to local elections.

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4. **Level playing field.** The electoral process must be fair and inclusive. Incumbents or candidates must not be allowed to use public resources or influence for campaign purposes and security forces must remain neutral in the electoral process. Regulations should provide fair access to the media for campaign purposes and assure balanced coverage by the media of the electoral campaign. Reasonable limitations on campaign expenditure may be justified. The disclosure and publication of candidates' and parties' assets, campaign income and expenditures increases the transparency of an electoral process.

Pakistan: Allegations of widespread use of government resources, biased media coverage and lack of transparency in campaign financing are commonplace for all elections and by-elections in Pakistan. There have been virtually no sanctions for such fraud and abuse.

5. **Independent election management body.** The entity responsible for local government elections must be independent and ensure that the process is conducted fairly and impartially. A transparent and consultative process of appointing an election management body increases public confidence in the body.

Pakistan: The recent 18th Amendment to the Constitution provides the authority to the Election Commission of Pakistan to hold elections to local government institutions and makes provision for a more consultative process for the appointment of the Chief Election Commissioner and Members of the Election Commission. As a constitutionally independent body this is the institution most likely to deliver the required fairness and impartiality.

6. **Ease of access and simplicity.** Best international practice is that election processes are easily accessible to all voters, both in logistical terms and in that it should be easy for voters to understand the process.

Pakistan: A voter should not have to register more than once for different types of election, the polling location should be the same for all elections, and the process of voting should be largely the same.

Whichever election management body or bodies will be in charge of the upcoming local elections should – wherever possible – use the same polling stations as in previous elections. Provincial election authorities should consider using the electoral roll of the Election Commission of Pakistan for local elections. Asking voters to register twice will create potential confusion regarding what they have registered for.

The generic ballots used in previous local elections in Pakistan should be replaced by ballots that have candidate/party names and means to facilitate voting for the illiterate and disabled⁵.

7. **Transparency.** Electoral processes must be transparent on all levels, whether local or national. Observers and political party agents must have access to all parts of the electoral process, provisional voter lists must be available and accessible for voters and parties alike, and results must be publicized in and on Polling Station level immediately after end of the count, as well as at constituency levels where results are aggregated. The election management body must engage in consultations and information sharing with political parties, media and civil society. Voters must be informed about their rights and how to exercise them through pervasive civic and voter education.

⁵ Typical ballot features include party symbols, candidate photos, and/or a letter, number or symbol for each candidate. For the visually impaired tactile ballot guides can be used.

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Pakistan: Election results have not always been available on a Polling Station level and when they have been made available, there has often been a considerable delay. Traditionally voter and civic education has been left to the political parties. The election management bodies should be proactive in information sharing with voters, civil society, media and political parties alike. The ECP has recently begun to adopt a more consultative approach.

8. **Professionalism.** Best international practice is for the elections to be implemented by competent officials trained on the rules and procedures of the electoral processes, including polling and counting. Observers, agents and security personnel must be trained on their roles in the electoral process.

Pakistan: Observation reports about procedural inaccuracies suggest that training has not been optimal. Implementation often depends on the same officials performing the duties again, with only a brief orientation before each election. Detailed cascade training to the lowest level of Polling Officials with hands-on exercises would improve the situation.

9. **Electoral dispute resolution.** Voters, candidates, parties and other stakeholders must have access to a mechanism for resolving electoral disputes in an impartial, fair, consistent and expedient manner.

Pakistan: Electoral disputes have not been dealt with expediently in the past; there is no system for prioritizing these disputes. Furthermore, the use of the same institution as electoral officials as well as the adjudicators of electoral complaints can create conflicts of interest.

10. **Legal foundation.** The electoral framework including the rights and responsibilities of stakeholders as outlined herein must be established in legislation. The election authority should be mandated and obligated to issue legally binding regulations on electoral issues. Powers of the elected bodies must be defined by law.

Pakistan: Local Government Ordinances must be very clear on the electoral system chosen, the powers of the elected bodies, and the authority of the election management body.

The Election Support Group (ESG):

The ESG is a forum of international entities supporting the strengthening of all aspects of the electoral environment in Pakistan. Its members include diplomatic missions, international donor organizations and implementing partners such as international NGOs in the country. IFES Pakistan acts as the Secretariat for this group.