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## PUNJAB LOCAL GOVERNMENT ELECTIONS ASSESSMENT

EXECUTIVE SUMMARY .....	2
INTRODUCTION AND METHODOLOGY.....	8
CONTEXT .....	9
LEGAL FRAMEWORK .....	11
STRUCTURE OF LOCAL COUNCILS AND ELECTORAL SYSTEM .....	16
DELIMITATION.....	20
ELECTION ADMINISTRATION .....	24
VOTER REGISTRATION .....	27
CANDIDATE NOMINATION .....	30
THE CAMPAIGN .....	34
ELECTION DAY .....	37
RESULTS PROCESS.....	41
RESULTS AND THE POST-ELECTION POLITICAL ENVIRONMENT .....	44
SCRUTINY OF THE PROCESS .....	45
ELECTORAL DISPUTE RESOLUTION.....	48
PARTICIPATION OF WOMEN .....	51
PARTICIPATION OF MINORITIES AND VULNERABLE GROUPS .....	55
ANNEX 1: OFFICIAL ELECTORAL SCHEDULE .....	58
ANNEX 2: MAP OF PUNJAB .....	59
ANNEX 3: POLITICAL COMPOSITION OF THE PROVINCIAL ASSEMBLY .....	60
ANNEX 4: ELECTORAL SYSTEM .....	61
ANNEX 5: LIST OF ABBREVIATIONS .....	64

# PUNJAB LOCAL GOVERNMENT ELECTIONS ASSESSMENT

## EXECUTIVE SUMMARY

Punjab's local government elections, held in three phases on 31 October, 19 November and 5 December 2015, were an immense undertaking and a long-awaited step towards political decentralisation in Pakistan. The elections benefited from strong competition and specific measures by the Election Commission of Pakistan (ECP) to address longstanding problems. However, there were notable shortcomings, including scattered incidents of violence, reports of bans on women's voting in some districts, administrative challenges and, late changes to the legal framework. Many aspects of the legal framework, institutional arrangements and implementation raise issues of compliance with Pakistan's obligations under the International Covenant on Civil and Political Rights (ICCPR) and other international legal instruments. Generally poor transparency measures and considerable limitations on publicly available election information weakened the ability of stakeholders to fully understand and effectively participate in the process. Significant delays in the online publication of official results as well as the insufficiently defined and thus far unannounced system for nominating and electing candidates to reserved seats on the local councils proved particularly problematic and contributed to tensions.

## INTRODUCTION AND METHODOLOGY

From September to December 2015, Democracy Reporting International (DRI) deployed a small team of international and national experts and researchers to multiple locations across Punjab and to Islamabad. The team assessed the legal framework governing the elections, as well as implementation. The report does not cover the indirect elections for reserved seats on local councils, as they were held after the reporting period. The assessment's conclusions and proposed recommendations are made within the framework of international election standards, primarily instruments of international human rights law to which Pakistan has subscribed, including the ICCPR, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Corruption, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination. This assessment offers recommendations in a constructive spirit so that Pakistani lawmakers, government officials, the ECP and other electoral stakeholders may strengthen the framework and implementation practices for future elections.

## CONTEXT

Along with those of Sindh, Punjab's local elections, which were previously scheduled for January 2014, were postponed when the Sindh high court nullified the delimitation of electoral districts. After long delays in the passing of necessary legislation and conducting fresh delimitation, and informed by the recent experience of administering the Khyber Pakhtunkhwa (KP) local elections, the ECP announced that the

Punjab and Sindh local government elections would be held concurrently and in three phases.

These developments unfolded in a tense political environment, with the legitimacy of the 2013 general elections being challenged. The General Elections 2013 Inquiry Commission, created in response to large demonstrations and allegations of rigging by the Pakistan Tehreek-e-Insaf (PTI) party, did not find evidence of systematic manipulation of the elections, but it highlighted many shortcomings in the electoral process. The local government elections in all four provinces were an opportunity to improve and develop electoral practices in the lead up to the country's next general elections expected in 2018.

Punjab is the largest province in Pakistan, with approximately 56 percent of the country's total population. The provincial capital, Lahore, is home to Prime Minister Nawaz Sharif. His Pakistan Muslim League-Nawaz (PML-N) party currently holds 309 of 367 total seats in the Punjab Provincial Assembly, followed distantly by PTI with 30 seats.

## **LEGAL FRAMEWORK**

The Punjab government drafted the Punjab Local Government Act 2013 (PLGA) and Punjab Local Governments (Conduct of Elections) Rules 2013 (hereafter referred to as the Election Rules), with limited consultation with the ECP, opposition parties and other electoral stakeholders. In contrast to international good practice, the provincial government introduced dramatic late changes to the PLGA, which altered basic aspects of the electoral system.

The PLGA and the broader legal framework for Punjab's local government elections include notable gaps and weaknesses related to the periodicity of elections, grounds for removal of elected officials, the electoral systems, equality of the vote, voter registration, voter and candidate eligibility, freedom of association, results processes, election observation and non-discrimination. Such gaps and weaknesses compromise the predictability of the law and its fulfilment of Pakistan's international legal commitments. Moreover, gaps in the PLGA leave the provincial government, which is mandated with the authority to make administrative regulations, with excessive discretion. Positively, electoral stakeholders benefitted from the online publication of consolidated versions of the PLGA and the Election Rules as well as their amendments.

## **STRUCTURE OF LOCAL COUNCILS AND ELECTORAL SYSTEM**

The Punjab local government structure consists of five types of elected local councils:

- Metropolitan corporation,
- Municipal corporation,
- Municipal committee,
- District council and
- Union council.

The councils that are utilised in a given jurisdiction depend on each jurisdiction's urban or rural designation and population size. All councils are comprised of directly and indirectly elected members who are chosen through various electoral systems. Each local council has reserved seats set aside for women, non-Muslims, youth, and peasants or workers; the higher-tier bodies have additional seats reserved for technocrats. Elections to the local councils can be contested by party-affiliated as well as independent candidates. Depending on their jurisdiction, voters cast either one or two ballots.

Certain aspects of the electoral system are not fully defined in the PLGA, which does not conform to international good practice. The number of reserved seats for women, non-Muslims, and peasants/workers on certain local councils is not established in the law. The PLGA further fails to define the entire electoral system for indirect election of reserved seat members to each body, which is instead relegated to the Election Rules to be adopted by the provincial government. Fundamental elements of the electoral system should be regulated by law, not the least to reduce the scope for ruling party bias.

## **DELIMITATION**

Delimitation for Punjab's local elections took place under an updated legal framework, which assigns the ECP with partial authority to determine electoral boundaries. The legal framework includes provisions that support the equality of the vote, but continued reliance on outdated census data undermines the ability of delimiters to draw boundaries that contain roughly equal populations. In practice, delimitation was a controversial part of the election process, with a high number of objections to delimitation decisions being filed, a court judgement on delimitation leading to deferred elections in many constituencies, and repeated allegations of partisan and discriminatory "gerrymandering," typically aimed at the incumbent provincial government.

While the legal framework includes measures for transparency (including the public display of lists of constituencies and corresponding maps), poor compliance with these provisions limited the access of electoral stakeholders to information on the process, rendering it difficult for aspirant candidates to find out where to file their nominations. The largely opaque delimitation process further limited stakeholders' and DRI's ability to assess both the degree to which partisan or discriminatory "gerrymandering" took place as well as the level of inequality of the vote across constituencies.

## **ELECTION ADMINISTRATION**

The legal framework grants both the ECP and Punjab's provincial government the authority to make regulations for local elections, without a clearly defined division of responsibility. This limits the ECP's ability to self-regulate, creates opportunities for contradictory regulations, provides the incumbent party with excessive power and risks allegations of partisan advantage in the development of the rules. Moreover, the arrangement through which most District Returning Officers (DROs) and Returning Officers (ROs) were drawn from the civil service and administration compounded concerns of partisan bias. The continued reliance on these temporary officials to administer the elections with limited checks from the ECP did not provide for clear accountability, with responsibilities instead diffused. The ECP commendably appointed several ECP staff members to serve as DROs, which corresponds with a longstanding recommendation from election observer groups to improve consistency of election administration and accountability.

Conducted concurrently with local elections in Sindh, the Punjab local government elections were an immense undertaking, including more than 30,000 contests to directly elected seats, requiring the appointment, training and management of more than 300,000 temporary election officials. The ECP took specific steps to address known problems, such as measures to improve internal monitoring, developing procedures for domestic observer accreditation and issuing guidelines to ROs on candidate scrutiny. The ECP made efforts to improve the effectiveness and undertake accountability checks of the training processes. However, the training of election officials was negatively affected by the high number of replacements, particularly among ROs and polling personnel. There continued to be insufficient public information from the ECP, in regards, for example, to election procedures and results.

## **VOTER REGISTRATION**

The electoral rolls were generally regarded as being comprehensive and accurate, although weaknesses in the inclusiveness, consistency and data availability of the process persisted. Development of the electoral rolls is dependent on the use of the Computerised National Identity Card database administered by National Database and Registry Authority (NADRA); yet, the data incorporation process between the ECP and NADRA is not currently delineated in primary legislation.

The PLGA gives excessive discretion to the ECP to prescribe voter eligibility criteria. While the ECP did not impose any additional eligibility requirements, this stipulation lends the ECP authority to regulate a fundamental right and creates opportunity for the introduction of unreasonable restrictions on voter eligibility.

## **CANDIDATE NOMINATION**

The candidate nomination process was implemented with relatively few reports of more serious problems, despite changing election rules, timeline constraints and limited publicly available information on delimitation and registration. The process benefitted from a well-articulated schedule and improved guidance for ROs, although isolated instances of mismanagement were reported, such as inappropriate questioning during scrutiny and delayed availability of the voter list.

The candidate nomination framework was altered only a few months before the process began, changing directly elected reserved seats in some local councils to indirectly elected positions, which lessened opportunities for increased participation of women, minorities and youth. The nomination of these reserved seat candidates is not fully defined in the legal framework, which created uncertainty and frustration. Certain disqualifying conditions for candidates, in particular for offences involving “moral turpitude” or “activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan,” are subjective and, therefore, risk arbitrary application. This is not consistent with authoritative interpretation of ICCPR obligations, which refers to reasonable and objective criteria.

## **THE CAMPAIGN**

Spreading over three phases and several months, the campaign period was vibrant but tense (especially between PML-N and PTI), with isolated incidents of violence and intimidation, reportedly including a party office bombing and the killing of two candidates and two party workers. The campaign was competitive, with no prominent parties boycotting, only seven percent of constituencies being uncontested, and active campaigning by party-affiliated and independent candidates. The campaign itself appeared substantive at the local level, but increasingly devolved into reports of government resource exploitation at the provincial and district level. The Code of Conduct for Political Parties and Candidates establishes the regulatory structure for the campaign period, although some provisions may limit the fundamental freedoms of association and assembly, which Pakistan is committed to protect under the ICCPR. Enforcement of some of the Code of Conduct’s terms proved difficult.

## **ELECTION DAY**

The elections were conducted in all 36 districts of Punjab, with 12 districts contesting in each of the three phases. The elections covered 27,677 wards, which were served by 42,160 polling stations, comprised of 119,757 polling booths. Postponed elections or re-polling was required in more than 75 constituencies as a result of security issues, pending court challenges, ballot printing errors or the seizure of sensitive materials.

Despite vague guidance from the legal framework, staffing capacity issues, and isolated incidents of violence and intimidation, polling largely proceeded peacefully throughout the three phases of the local elections. Basic elements of the polling and counting process are not secured in law; for example, there is no legal requirement for polling station results display. Details of polling and counting are described in handbooks, which were not made public. While there were increased efforts by the ECP to ensure improved attendance at polling staff trainings, gaps in polling personnel’s awareness of procedures were still evident. The reports from locations observed by DRI on the polling days and from FAFEN indicated that stations generally opened on-time with sufficient materials, but that overcrowding and operational mistakes by polling staff were common, particularly during counting. Scattered incidents of violence were reported on and around each of the polling days, including multiple large clashes that resulted in at least two deaths and many injuries.

## **RESULTS AND POST-ELECTION ENVIRONMENT**

The results consolidation and management process suffered from insufficient transparency provisions in the legal framework and inconsistent implementation of the minimal existing transparency measures. These conditions made it challenging to assess the results. Responsibility for results is essentially

devolved to ROs, with limited to no ECP involvement. Consequently, there is risk of results anomalies going unaddressed and grievances not being swiftly resolved, which may result in protracted disputed election results and challenged mandates.

The legal framework lacks sufficient detail on the results process. Most notably, it does not include a timeline for processing and announcing results, which, in practice, contributed to some uncertainty in the post-election period. In practice, there was excessive delay in public notification of official results on the ECP website. The results were yet to be posted by the time of this report's finalisation, more than two months after first phase polling and more than one month after third phase polling.

Reaction to the unofficial results in the immediate post-election period, which indicated large wins for PML-N and independent candidates, was relatively calm. While there were some vocal renunciations of results by unsuccessful candidates and opposition parties, such claims largely focused on specific contests or areas in which they believe irregularities occurred; they were not a blanket rejection of the process. At the local level, there were few violent responses to polling results.

### **SCRUTINY OF THE PROCESS**

Civil society, political parties and the media were actively engaged in scrutinising the local government elections. While the legal framework provides some guidelines for candidate agents and the media, it fails to establish rights for election observers or procedures for accreditation, which led to a high profile challenge for the Free and Fair Election Network (FAFEN), a prominent citizen observer coalition. In the immediate run-up to first phase polling, the ECP requested "security clearances" for FAFEN's approximately 3,000 observers, calling attention to the lack of regulations and poorly defined procedures for observer accreditation. While the ECP later eased this requirement and worked with observer groups to develop procedures for accreditation, some FAFEN observers were unable to receive accreditation and others faced obstacles in accessing polling stations, weakening the transparency of the electoral process. Candidate agents were widely deployed on the election days, and the media provided robust coverage and scrutiny of the process. In the absence of officially notified results well after the polling days, active media scrutiny of reported results provided an invaluable accountability check during the consolidation (tabulation) process.

### **ELECTORAL DISPUTE RESOLUTION**

The legal framework outlines three specialised electoral dispute resolution mechanisms for challenges to delimitation, candidate nomination and election results. Individuals may also file written petitions with the Lahore High Court or Supreme Court on the basis of constitutional rights violations. The legal framework does not provide for a complaints mechanism, though some non-formalised practices exist whereby individuals may issue complaints to temporary election officials and ECP staff. The ECP took positive steps to improve and collect information on its complaints processes. However, these steps were minimal, lacked transparency and do not appear to have proven effective at providing opportunities for remedy. Restrictions on persons who may file election petitions, the protracted tribunal and appeals process for challenging results, and overburdened high courts further weakened stakeholders' ability to seek and receive effective remedy, a right that Pakistan is obligated to guarantee under the ICCPR. Additionally, limited transparency measures made it difficult for stakeholders and DRI to assess the quality, consistency and timeliness of electoral dispute decisions.

### **PARTICIPATION OF WOMEN**

Women were underrepresented as voters, candidates and election administrators, demonstrating continued compliance gaps in regards to Pakistan's political equality commitments under CEDAW. While the overall number of women registrants increased, the gap between male and female voters in the electoral rolls became more pronounced since the general elections in 2013. Media outlets and observers reported that some union councils in at least six districts saw zero percent women's turnout as a result of



local leaders purportedly agreeing to suppress women's enfranchisement.

The local elections represented a significant opportunity for women to engage in the political process at the grassroots level. The almost 50,000 directly elected seats depend on smaller-scale campaigns that are less resource-intensive than provincial or national positions. However, less than 300 women contested general seats and few expected winning women candidates. Coupled with the reserved seats for women (roughly 15 percent in union councils and likely lower in other bodies), this will result in Punjab falling far short of meeting the United Nations' target of 30 percent representation by women. Many political and civic leaders criticised the late change in the legal framework removing direct election to reserved seats for women, as it inhibits women from building political capacity and grassroots support. This, in turn, limits their ability to seek higher office and weakens the mandate of reserved seat holders because they are more reliant on the political party that appointed them than voters.

Women were poorly represented in senior election administration positions, with no female Delimitation Officers and DROs, only 25 female Assistant Delimitation Officers (of 225 total) and 20 female ROs (of 770 total) and few female ECP permanent staff members. The ECP has positively committed to addressing this issue in its strategic plan and in its comments to DRI.

### **PARTICIPATION OF MINORITIES AND VULNERABLE GROUPS**

According to the 1998 census, almost three percent of the Punjab population is comprised of religious minorities, largely Christians, Hindus, Sikhs and Ahmadis. While religious minorities reportedly competed in more general seats than women, the removal of directly elected union council reserved seats for non-Muslims dominated the pre-election discourse of minorities and reportedly reduced their participation throughout the process. Civic and political leaders in the non-Muslim community criticised the amended system for reducing the ability of minorities to obtain meaningful representation in local government and forcing minority candidates to be dependent on political parties.

Candidate nomination oaths and the continued use of separate electoral rolls were discriminatory towards the Ahmadi community, contravening Pakistan's non-discrimination commitments under the ICCPR. Ahmadi leaders announced a boycott of the local elections.



## INTRODUCTION AND METHODOLOGY

To assess the Punjab local government elections, DRI gathered information on and analysed systemic issues within the framework of electoral standards based on Pakistan's international law commitments. The key relevant instruments of international law are the International Covenant on Civil and Political Rights (ICCPR) and its authoritative interpretation (general comments) by the treaty monitoring body. Additional relevant instruments include 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).

On the basis of DRI's assessment of compliance with international commitments, constructive recommendations have been offered aimed at strengthening electoral processes in Pakistan. The recommendations complement those made by the European Union's Election Observation Mission to the 2013 general elections<sup>1</sup>.

It is important to note that DRI did not deploy an Election Observation Mission (EOM), an activity that requires increased resources, typically including the long-term deployment of teams throughout the province following the announcement of elections. Instead, DRI deployed an Election Assessment Mission (EAM), which had limited coverage and did not examine all aspects of the election process. DRI, therefore, acknowledges the limited scope of its assessment. Nevertheless, DRI conducted a comprehensive analysis of available federal and provincial legislation, administrative regulations and executive instructions, and was thereby able to identify systemic strengths and weaknesses.

The assessment benefited from multiple meetings with the Election Commission of Pakistan (ECP) in Islamabad, as well as the office of the Provincial Election Commissioner (PEC) in Lahore. The ECP provided accreditation to DRI's Pakistani team members for election day access to polling stations. However, due to seeking and waiting for permission from other government agencies, the ECP did not provide accreditation to DRI's international team members. Data was frequently difficult to obtain, compounded by limited publicly available information on the elections. Nevertheless, DRI was able to conduct more than 400 interviews with ECP staff, Returning Officers (ROs) and other election officials, as well as political parties and candidates, Members of the Provincial Assembly (MPAs), journalists, and representatives of non-governmental organisations. Meetings were held in the districts of Attock, Bahawalpur, Dera Ghazi Khan, Gujranwala, Hafizabad, Jhang, Khanewal, Lahore, Lodhran, Multan, Muzaffargarh, Nankana Sahb, Pakpattan, Sailkot, Sheikhpura, Toba Tak Singh and Vehari.

The mission was composed of a small team of Pakistani and international experts working in Lahore, Khanewal and Multan, as well as Islamabad. The mission commenced in early September 2015, shortly following the announcement of the election schedule, and continued into December, when both the third phase elections as well as deferred polls and re-polling were held. The report does not cover the indirect elections for reserved seats on local councils, as they were held after the reporting period. This report was finalised on 6 January 2016.

The mission was conducted concurrently with an additional DRI EAM focused on the Sindh local government elections<sup>2</sup>. While the two missions operated in close communication with one another, frequently sharing information and comparing analysis, the EAMs should be viewed as separate activities. As such, the findings and analyses outlined in the two missions' reports necessarily reflect different points of emphasis. The EAMs further built upon DRI's earlier assessments of the December 2013 local elections in Balochistan<sup>3</sup> and the May 2015 local elections in Khyber Pakhtunkhwa (KP)<sup>4</sup>.

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<sup>1</sup> Available in English and Urdu at: [http://eeas.europa.eu/eueom/missions/2013/pakistan/reports\\_en.htm](http://eeas.europa.eu/eueom/missions/2013/pakistan/reports_en.htm).

<sup>2</sup> See DRI's report on the Sindh elections: <http://democracy-reporting.org/publications/browse-publications.html>

<sup>3</sup> See DRI's report on the Balochistan elections: <http://www.democracy-reporting.org/files/dri->

## CONTEXT

### NATIONAL CONTEXT AND CALL TO ELECTIONS

The 18th Amendment to the Constitution established sole responsibility for legislating the local government structure with the provinces, and also gave the ECP, a federal body, responsibility for administering local government elections. When the term of local governments (which were elected under Musharraf's tenure) expired in 2010, the elected bodies were dissolved. However, except for Balochistan, the provinces delayed passing the necessary legislation to conduct new elections, due to a lack of political will to devolve power from the provincial to the local level.

In April 2012, while hearing the “Balochistan Law and Order” case, the Supreme Court of Pakistan stated “there is a huge gap between the people and the government”<sup>5</sup>. The then Chief Justice requested explanation from all the provinces as to why the local elections had not been held on time and ordered them to inform the Court of the planned election schedules by May 2012. The provinces continued to delay legislating for elections, but the Supreme Court maintained the pressure, and on 2 July 2013 it ruled that the provinces were required to hold local government elections as early as possible<sup>6</sup>. Only Balochistan replied that it was ready for local elections, which were subsequently held on 7 December 2013.

Following the enactment of the necessary legislation in Punjab and Sindh, local elections were scheduled for January 2014. However, the delimitation of electoral constituencies conducted by Punjab and Sindh were nullified by the high courts, and the electoral processes were suspended in both provinces. A Supreme Court judgement in March 2014 ordered that the authority to define constituency boundaries be transferred to the ECP, requiring fresh ECP-led delimitation in Punjab and Sindh, and revised election schedules to be announced by 15 November 2014<sup>7</sup>. As KP's delimitation was not dismissed by the high courts, the KP local council elections were able to be held earlier on 30 May 2015.

Further delays in the delimitation and finalisation of legislation and rules in Punjab and Sindh led the Supreme Court to issue yet another deadline for announcing the election schedule, this time by 28 July 2015. The ECP requested a further extension of the deadline, citing, among other reasons, the incompleteness of some key activities necessary for announcing the election schedule<sup>8</sup>. Furthermore, influenced by the KP local elections, which experienced serious management difficulties including overcrowding and violence, the ECP and the Punjab and Sindh provincial governments pushed to hold the local government elections in both provinces in phases<sup>9</sup>. After receiving approval from the Supreme Court, and following a further delay requested by the provinces,<sup>10</sup> the ECP announced a schedule for elections in both provinces on 21 August 2015<sup>11</sup>.

These developments unfolded in a tense political environment, with the legitimacy of the 2013 general elections being challenged. Led by the Pakistan Tehreek-e-Insaf (PTI) party, large demonstrations against alleged “rigging” of the general elections resulted in the formation of the General Elections 2013 Inquiry Commission which investigated PTI's accusations of systematic fraud. The Commission did not find evidence of systematic manipulation of the elections, but its final report released in July 2015 highlighted

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<sup>4</sup> See DRI's report on the KP elections: <http://democracy-reporting.org/publications/browse-publications.html>.

<sup>5</sup> Constitution Petition No. 77 of 2010.

<sup>6</sup> Civil Miscellaneous Application number 3258 of 2013.

<sup>7</sup> Supreme Court judgement, 20 March 2014: [http://www.supremecourt.gov.pk/web/user\\_files/File/cp.38-45\\_2014.pdf](http://www.supremecourt.gov.pk/web/user_files/File/cp.38-45_2014.pdf). The Supreme Court judgement was issued in response to petitions challenging High Court's decision in Punjab and Sindh to annul delimitations conducted by provincial governments.

<sup>8</sup> See, e.g.: <http://www.dawn.com/news/1197111>.

<sup>9</sup> According to senior ECP officials and media reports. See, e.g.: <http://tribune.com.pk/story/924770/devolution-of-power-ecp-seeks-to-hold-lg-polls-in-punjab-sindh-in-phases/>.

<sup>10</sup> The justification for the delay included references to flooding in the provinces and the need for law enforcement agencies to maintain the law and order situation during Mohrram-ul-Harram, which was expected to overlap with the previously announced election day for the first phase.

<sup>11</sup> See: <http://ecp.gov.pk/ViewPressReleaseNotificDetail.aspx?ID=7508&TypeID=0>.

many shortcomings in the electoral process. These shortcomings included poor planning, weak oversight of compliance with centrally issued instructions, ineffective results management, inadequate training of ROs and polling personnel, and insufficient coordination among election officials<sup>12</sup>.

In this context, the local government elections served as an opportunity to improve and develop election administration practices in the lead up to the country's next general elections expected in 2018. The local government elections can also help inform efforts by the Parliamentary Committee on Electoral Reform to strengthen the legal framework for general elections prior to 2018.

## PROVINCIAL CONTEXT

Punjab is the most populated and affluent of Pakistan's four provinces. While there is a lack of up-to-date population information, the province constitutes approximately 56 percent of the country's total population, according to the 1998 census, with more than 72 million citizens<sup>13</sup> (with some present day estimates as high as 100 million<sup>14</sup>). Though Punjabi is the predominant native language of the province, Urdu is widespread and largely understood.

Pakistan Muslim League-Nawaz (PML-N) is a dominant party in the province. PML-N currently holds 309 of 367 total seats in the provincial assembly, followed distantly by PTI with 30 seats. The remaining seats are divided among smaller opposition parties, including, listed in descending order of seats held, the Pakistan Muslim League-Quaid e Azam Group, the Pakistan Peoples Party (PPP), Pakistan Muslim League-Zia, the Pakistan National Muslim League, Jamaat-e-Islami (JI) and the Bahawalpur National Awami Party (current seat allocation figures are included in Annex 3).

Despite PML-N's recent electoral dominance in Punjab, competition from opposition parties and opportunities to shift power dynamics, particularly in the relatively less developed south, according to party leaders interviewed by DRI. Prior to the 2013 general elections, PPP maintained a high level of support in the province, then holding 106 seats in the provincial assembly. Presently, however, PTI represents the most prominent and vocal opposition party in the province, according to most interlocutors met by DRI.

The Punjab provincial government is criticised by civic groups and political parties for the minimal level of authority and resources it has thus far allocated to local councils. In addition, the government established a number of province-run local initiatives, such as district health and education authorities, ostensibly creating parallel local structures to the union and district councils. The perceived insufficiency of local councils' autonomy left some stakeholders disillusioned about the relevance of the 2015 local government elections and raised questions about the provincial government's commitment to the 18<sup>th</sup> amendment's objectives<sup>15</sup>.

<sup>12</sup> Final Report of the General Elections 2013 Inquiry Commission 2015. pp. 210-224.

<sup>13</sup> Pakistan Bureau of Statistics: [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAAahUKEwizrJGpu4rJAhWBUIYKHQVxBnE&url=http%3A%2F%2Fwww.pbs.gov.pk%2Fsites%2Fdefault%2Ffiles%2Fother%2Fpocket\\_book2006%2F2.pdf&usg=AFQjCNHn8I-xlyh8znsoQVeGCZQzlaiAEw&sig2=qC2JXRW0e26JDaJ\\_hvidSQ](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAAahUKEwizrJGpu4rJAhWBUIYKHQVxBnE&url=http%3A%2F%2Fwww.pbs.gov.pk%2Fsites%2Fdefault%2Ffiles%2Fother%2Fpocket_book2006%2F2.pdf&usg=AFQjCNHn8I-xlyh8znsoQVeGCZQzlaiAEw&sig2=qC2JXRW0e26JDaJ_hvidSQ).

<sup>14</sup> Population Welfare Department, [http://www.pwd.punjab.gov.pk/population\\_profile](http://www.pwd.punjab.gov.pk/population_profile).

<sup>15</sup> Frustration regarding the lack of autonomy of the new local government structure was reflected in interviews DRI conducted with several civic leaders as well as party representatives.

## LEGAL FRAMEWORK

Primary legislation for local elections in Punjab includes the Constitution of Pakistan and various national (federal) and provincial acts. Secondary legislation includes administrative regulations (known as “rules”). In addition, there are formal instructions issued by the Punjab government and the ECP known as “notifications” and “codes of conduct”.

Main Acts	Main Rules	Main Notifications
Punjab Local Government Act 2013 (PLGA) Punjab Transparency and Right to Information Act 2013 Electoral Rolls Act 1974 Delimitation of Constituencies Act 1974 (DCA) Political Parties Order 2002 Pakistan Penal Code 1860 Representation of the People Act 1976 (ROPA)	Punjab Local Governments (Conduct of Elections) Rules 2013 Punjab Local Government (Delimitation) Rules 2013 Punjab Transparency and Right to Information Rules 2014 ECP Delimitation of Constituencies Rules 2015 Political Parties Rules 2002	ECP Notifications on Punjab Election Schedules 2015 (for each phase) ECP Codes of Conduct for Media, Agents, Security Forces, Polling Staff, Observers, and Political Parties and Candidates 2015 ECP Notification Election Symbols 2013 ECP Notification DROs, ROs, and AROs 2015 ECP Notifications Re-Polls 2015 ECP Notification Election Tribunals 2015

## PAKISTAN’S COMMITMENTS UNDER INTERNATIONAL LAW

Pakistan ratified the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR) in June 2010<sup>16</sup>. Pakistan has also ratified or acceded to, and is therefore bound by, the International Convention on the Elimination of Racial Discrimination (ICERD), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)<sup>17</sup> and the Convention on the Rights of Persons with Disabilities (CRPD). Each of these conventions contain legally binding provisions pertaining to a wide range of civil rights and freedoms, including provisions that obligate the State Party to give effect to such rights under national law. Pakistan also ratified the Convention against Corruption in 2007, which includes commitments related to transparency in public affairs. All of the treaty obligations are applicable to local elections<sup>18</sup>.

## DEVELOPMENT OF THE PLGA AND ELECTION RULES

The Punjab Local Government Act 2013 (PLGA) came into force in August 2013, but was later amended on multiple occasions (nine ordinances and four acts) between enactment and the conduct of the elections, as outlined in the table below<sup>19</sup>, including an amendment after the schedule for elections was announced. The July 2015 ordinance, subsequently passed as legislation after the elections were already underway, included a dramatic change in the electoral system: a shift from direct to indirect election of reserved seats for some councils. According to media reports at the time of this report’s finalisation, lawmakers in Punjab were considering amending the PLGA yet again in the post-election period to adjust the number and

<sup>16</sup> Currently, 168 countries are State Parties to the ICCPR. In 2011, Pakistan withdrew or narrowed down most of its reservations. Pakistan has made a reservation to article 25, restricting the eligibility of candidates for the Presidency and for the selection of the Prime Minister by the National Assembly to Muslims.

<sup>17</sup> Pakistan has declared that its accession to the CEDAW convention is subject to the provisions of the Constitution. See: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

<sup>18</sup> This is clear from the language of General Comment 25, the authoritative interpretation of the ICCPR by the UN Human Rights Committee, see, e.g., paragraph 5: “The conduct of public affairs [...] is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels;” and paragraph 6: “Citizens may participate directly by taking part in popular assemblies which have the power to make decisions about local issues or about the affairs of a particular community and in bodies established to represent citizens in consultation with government.”

<sup>19</sup> Five amendments, one act and four ordinances, were adopted in the lead up to the then scheduled elections for January 2014.

type of seats<sup>20</sup>.

#### Timeline: PLGA and other legal instruments

23 Aug 2013 - Punjab Local Government Act 2013  
24 Sept 2013 - Punjab Local Government (Delimitation) Rules 2013  
4 Nov 2013 - Punjab Local Government (Amendment) Ordinance 2013  
9 Nov 2013 - Punjab Local Government (Second Amendment) Ordinance 2013  
10 Nov 2013 - Punjab Local Government (Third Amendment) Ordinance 2013  
23 Nov 2013 - Punjab Local Government (Fourth Amendment) Ordinance 2013  
6 Dec 2013 - Punjab Local Governments (Conduct of Elections) Rules  
13 Dec 2013 - Punjab Local Government (Amendment) Act 2013  
6 Jun 2014 - Punjab Local Government (Amendment) Ordinance 2014  
6 Jun 2014 - Punjab Local Government (Amendment) Ordinance 2014  
16 Oct 2014 - Punjab Local Government (Second Amendment) Ordinance 2014  
8 Nov 2014 - Punjab Local Government (Amendment) Act 2014  
8 Nov 2014 - Punjab Local Government (Second Amendment) Act 2014  
1 Jan 2015 - ECP Delimitation of Constituencies Rules 2015  
10 Jan 2015 - Punjab Local Government (Amendment) Act 2015  
17 July 2015 - Punjab Local Government (Amendment) Ordinance 2015  
5 Aug 2015 - Punjab Local Government (Second Amendment) Ordinance 2015  
6 Aug 2015 - Punjab Notification amending Punjab Local Governments (Conduct of Elections) Rules 2013  
26 Aug 2015 - ECP Notification on Election Schedule (First Phase)  
26 Aug 2015 - ECP Notifications on Codes of Conduct for Media and Election Observers  
3 Sept 2015 - ECP Notification on Election Schedule (Second Phase)  
9 Sept 2015 - ECP Notifications on Codes of Conduct for Polling Agents, Polling Personnel and Security Personnel  
21 Sept 2015 - ECP Notification on Election Schedule (Third Phase)  
21 Sept 2015 - ECP Notification on Code of Conduct for Political Parties and Candidates  
10 Oct 2015 - Punjab Local Government (Amendment) Act 2015  
22 Oct 2015 - ECP Notification amending Election Schedule (Third Phase)

The Punjab government developed, passed and later amended the PLGA with limited consultative measures for engaging and incorporating feedback from political parties, the ECP, civic groups, or international and national election experts. No public hearings were held on the original draft legislation, and debate surrounding the legislation was contentious<sup>21</sup>, dividing government from opposition and drawing dissent from within the ruling party. The ECP provided basic guidance to Punjab provincial leaders and lawmakers including through a public letter to all provinces in July 2013, and organised meetings in Islamabad to facilitate discussions on legal frameworks for local elections in order to engage Punjab stakeholders.

According to multiple government and party stakeholders, the ECP was viewed to have been in favour of the July 2015 ordinance, subsequently passed as an act in October 2015, which changed the system of election on reserved seats for some councils from direct to indirect. This reportedly resulted from the ECP's view that the KP local elections had been problematic in part due to the utilisation of a high number of ballots, which was seen as being administratively burdensome<sup>22</sup>.

The process through which the Punjab Local Governments (Conduct of Elections) Rules 2013 (hereafter referred to as the Election Rules) were developed and amended<sup>23</sup> by Punjab's provincial government (Local Government Department) was largely opaque.

<sup>20</sup> See, e.g.: <http://www.dawn.com/news/1224128>.

<sup>21</sup> See, e.g.: <http://tribune.com.pk/story/593446/punjab-assembly-local-govt-bill-passed-with-majority/>.

<sup>22</sup> Under the pre-amended PLGA, voters in a union council, for example, would have had to cast six ballots. This was reduced to two ballots under the amended system. In the KP local government elections, voters were casting up to seven ballots.

<sup>23</sup> The amendment to the Election Rules dated 6 August 2015 harmonised them with the amended PLGA.



The late changes in the PLGA and Election Rules were in conflict with international good practice for elections. According to the Venice Commission, “fundamental elements of electoral law, in particular the electoral system proper [...] should not be open to amendment less than one year before an election”<sup>24</sup>. The final amendment to the PLGA, which altered the election system for a significant percentage of the council seats<sup>25</sup>, first came into force via a July 2015 ordinance issued by the provincial government and was not enacted through the Provincial Assembly until 10 October when the elections were already underway. As ordinances expire after 90 days, unless this period is renewed through a resolution by the Provincial Assembly or the ordinance is adopted as legislation<sup>26</sup>, this meant that key aspects of the election system were at risk of losing their legality during the conduct of the elections, which could have jeopardised the entire exercise.

In addition to weakening the predictability of law, these late changes undermine the voters’, election administrators’ and contestants’ understanding of the electoral process. Late changes to the “rules of the game” create a shifting playing field, which weakens the ability of political parties and aspiring candidates to strategise and prepare for the campaign, and thereby risks the “rules of the game” being seen as favouring those who adopted them.

**RECOMMENDATION:** A timely review of legislation and administrative regulations be undertaken, for consistency with Pakistan’s international law commitments, and based on a meaningful and inclusive consultative process involving the election administration, political parties, civic groups and the broader public.

## ANALYSIS OF THE LEGAL FRAMEWORK

The PLGA and broader legal framework for local elections in Punjab contain notable gaps and weaknesses that compromise fulfilment of Pakistan’s international legal obligations, as some necessary provisions are wholly or partially left out the framework, and others are relegated to administrative regulations as opposed to primary legislation. Coupled with the provincial government’s excessive discretion to make the Election Rules, which cover fundamental aspects of the elections, these gaps undermine the predictability of law<sup>27</sup>. The main gaps and weaknesses in the legal framework are summarized below with additional analysis and recommendations provided throughout the report.

- Periodicity of elections<sup>28</sup> - The PLGA sets a five-year term for the local councils, but no provisions exist in the legal framework that mandate new elections upon expiry of the term.
- Grounds for removal of elected officials<sup>29</sup> - The provincial government’s authority to dissolve local governments without justification raises concerns about the possibility of subjective or unreasonable criteria for the removal of elected officials.
- Electoral system - Key elements of the electoral system are undefined in the PLGA, including the formula for determining the number of reserved seat members in some councils. Most aspects of the electoral system utilised for indirect elections to reserved seats is relegated to administrative

<sup>24</sup> Good practice in electoral legislative reform includes harmonisation with international law, a consultative process and changes to be made at least one year before an election. See, for example, the internationally widely respected Venice Commission’s Code of Good Practice in Electoral Matters, section II(2)(b): “The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.” The Venice Commission, formally called the European Commission for Democracy through Law, has 60 Member States from four continents.

<sup>25</sup> The exact percentage could not be determined at the time of the report’s finalisation, as the number of reserved seat members on many local councils had yet to be notified.

<sup>26</sup> Constitution of Pakistan, article 128.

<sup>27</sup> UN Human Rights Council, Resolution 19/36, paragraph 16: “[The Human Rights Council] calls upon States to make continuous efforts to strengthen the rule of law and promote democracy by: [...] ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness.”

<sup>28</sup> UN Human Rights Committee, ICCPR General Comment 25, paragraph 9: “The rights and obligations provided for in paragraph (b) [of ICCPR article 25] should be guaranteed by law,” referencing ICCPR article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections.”

<sup>29</sup> UN Human Rights Committee, ICCPR General Comment 25, paragraph 16: “The grounds for the removal of elected officials from office should be established by laws based on objective and reasonable criteria and incorporating fair procedures.”

regulations, as opposed to primary legislation (see Composition of Local Councils and Electoral System section)<sup>30</sup>.

- Equality of the vote - Requiring the use of outdated census data for boundary delimitation of electoral constituencies undermines equal suffrage (see Delimitation section).
- Administrative regulations - The ECP and the provincial government both possess administrative regulation-making authority for local elections without a clear division of responsibility. This arrangement creates opportunities for contradictory regulations and weakens legal certainty (see Election Administration section). The provincial government's rule-making authority further leaves the ECP in a weaker position for implementation and grants the incumbent party excessive power, which compromises the independence of election administration and risks allegations of partisan advantage.
- Voter registration - The process of voter registration as currently practiced is largely absent from the legal framework (see Voter Registration section).
- Voter eligibility - The PLGA gives excessive discretion to the ECP to prescribe voter eligibility criteria (see Voter Registration section).
- Candidate eligibility - Certain candidate eligibility requirements are not objective or reasonable (see Candidate Nomination section).
- Freedom of association - The ban on government and elected officials from campaigning raises freedom of association concerns (see Campaign section).
- Results - Results processes are poorly defined in the legal framework, with insufficient safeguards elaborated for counting and tabulation, inadequate transparency requirements, no timeline for announcing results, and provisions essentially relegated to administrative regulations as opposed to primary legislation (see Results Process section below).
- Observation - The PLGA and Election Rules are entirely silent on the rights of observers to scrutinise the electoral process (see Scrutiny section below).
- Non-discrimination - The continued existence of a separate electoral roll for Ahmadis and candidate nomination oaths that effectively prohibit Ahmadis from contesting without denouncing their religion are discriminatory (see Participation of Minorities and Vulnerable Groups section).

## AVAILABILITY OF THE LEGAL FRAMEWORK AND INFORMATION

Laws, ordinances and rules created by the Punjab Provincial Assembly and Punjab provincial government are published in the *Punjab Gazette*. The PLGA and its amendments, including a consolidated version, were made available online. The Election Rules were similarly consolidated with their amendment and made available online. Election stakeholders benefited from this transparency and accessibility. ECP officials reported that copies of these legal instruments were readily accessible to senior election administrators, including District Returning Officers (DROs) and ROs, to support implementation.

ECP-issued notifications and codes of conduct are published in the *Gazette of Pakistan*. Such notifications and codes of conduct for the Punjab local government elections were generally made available on the ECP's website in a timely manner. The accessibility of these legal instruments is consistent with Pakistan's ICCPR obligations<sup>31</sup>, as well as article 19A of the Constitution, which states, "Every Citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law." It is further consistent with provisions for "proactive disclosure" included in the Punjab Transparency and Right to Information Act 2013<sup>32</sup>.

<sup>30</sup> The Venice Commission Code of Good Practice in Electoral Matters notes that "electoral law must enjoy a certain stability, protecting it against party political manipulation". It also states that "The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law."

<sup>31</sup> ICCPR article 19 refers to the "freedom to seek, receive and impart information." UN Human Rights Committee, ICCPR General Comment 34, interpreting article 19, holds that "State parties should proactively put in the public domain Government information of public interest."

<sup>32</sup> Punjab Transparency and Right to Information Act, section 4: "a public body shall proactively disclose: [...] Acts, Ordinances, rules,



The PLGA and Election Rules, as well as most ECP-issued notifications, were made available only in English, limiting their accessibility among non-English speakers. The codes of conduct for polling personnel, security personnel, polling agents, political parties and candidates were issued in Urdu, expanding their accessibility.

## STRUCTURE OF LOCAL COUNCILS AND ELECTORAL SYSTEM

The long-awaited establishment of elected local government bodies is a critical step in political decentralisation in Pakistan. However, the current structure, as outlined by the PLGA, has been criticised<sup>33</sup> for insufficiently devolving powers and revenue-raising capacities from the provincial government to the local councils<sup>34</sup> and otherwise limiting the autonomy of these bodies<sup>35</sup>.

Punjab's local government framework is outlined in the PLGA and the Election Rules. The framework is difficult to describe concisely as it is composed of five types of elected local councils and utilises multiple electoral systems. The councils are two-tiered in most parts of the province, relying on urban and rural distinctions and population size to determine which bodies are established in which areas. A common council type, the union council, is utilised in most areas. While the various council designations and compositions are complex, many of these structures are based on historical political and administrative systems that are familiar to the electorate<sup>36</sup>.

In Lahore, Punjab's provincial capital, there are two tiers of local councils:

1. A metropolitan corporation for the entire district; and
2. Union councils within the metropolitan corporation.

In Punjab's non-Lahore urban areas with populations of more than 500,000, there are two tiers of local councils:

1. Municipal corporations; and
2. Union councils within municipal corporations.

In Punjab's non-Lahore urban areas where population figures range from 30,000 to 500,000, one type of local council is used:

1. Municipal committees.

In Punjab's rural areas, there are two tiers of local councils:

1. District councils for each district; and
2. Union councils within district councils.

### ELECTORAL SYSTEM

The electoral systems used include a direct first-past-the-post (FPTP) election of general seat members and an indirect system for the election of reserved seat members (see Annex 4 for a more detailed description of the electoral systems). Each local council has reserved seats set aside for at least four categories: women; non-Muslims; youth; and peasants (in rural areas) or workers (in urban areas). The metropolitan corporation, municipal corporations and district councils also include seats reserved for technocrats.

In all areas except those governed by municipal committees, each voter uses two ballots to elect general seat members and the chair and vice-chair (from a joint ticket) to union councils. The elected union council chairs also serve as general members to the higher-tiered bodies. For municipal committees, voters use

<sup>33</sup> See, e.g.: <http://www.pakistantoday.com.pk/2015/11/28/features/ineffectual-local-governments/>; and Pakistan Institution for Legislative Development and Transparency, "Comparative Analysis: Local Government Laws 2013," November 2013.

<sup>34</sup> For the purposes of this report, "local council" is used as a generic term to refer to all five of Punjab's elected local government bodies, including those labelled as committees and corporations. The terms "local government bodies" and "local bodies" are also used interchangeably.

<sup>35</sup> PGLA section 126, for instance, gives the provincial government the power to dissolve the local government bodies without justification.

<sup>36</sup> Local government bodies, including union councils, were utilised under the government of General Pervez Musharraf, with the last local government elections taking place in 2005.

one ballot to elect general seat members. Elections to local councils can be contested by both party-affiliated and independent candidates.

Certain aspects of the electoral system<sup>37</sup> are not defined in the PLGA, which does not conform with international good practice<sup>38</sup>. The number of reserved seats for women, non-Muslims and peasants/workers on district councils and municipal committees, as well as the number of reserved seats for women and non-Muslims on municipal corporations, are not outlined in the law. Instead, maximums are provided and the provincial government is tasked with determining the final numbers “on the basis of” either the number of union councils or wards within the body, with no specific formula or instructions provided. This gap in directive could result in women and non-Muslims being intentionally underrepresented, and could also be used to manipulate power balances on councils. Provincial government representatives told DRI that the final allocation of these unfixed seats would be based on population. However, with limited notifications on reserved seats issued by the time of this report’s finalisation, DRI was unable to assess how this was conducted in practice and whether it was done consistently<sup>39</sup>. In addition, recent changes to the law, which resulted in the removal of direct election provisions for minority candidates, women and other groups, may reduce the representational character of the councils.

The PLGA further does not define the entire electoral system for the indirect election of reserved seat members to each body. The law outlines that such members will be elected by an electorate comprising of each body’s directly elected members, but it neither includes information on the ballot structure nor the electoral formula. Some aspects of the electoral system for reserved seat elections are relegated to the Election Rules, which weakly protects these fundamental elements of the electoral system from ruling party bias in their development.

**RECOMMENDATION:** The Punjab Local Government Act be amended to fully define the electoral system for reserved seats, including fixed numbers or formulae for determining reserved seat allocations

## RESERVED SEATS

The Constitution refers to local government institutions’ having special representation of peasants, workers and women<sup>40</sup>. Such special measures for the promotion of women are in line with Pakistan’s commitments under CEDAW, so long as they are temporary and designed to advance *de facto* equality participation<sup>41</sup>.

Reserved seats for non-Muslims are a measure to provide for the constitutional requirement to safeguard minorities’ rights and interests<sup>42</sup>. As such, this measure can be regarded as being in accordance with Pakistan’s international commitments under ICCPR in giving effect to non-discrimination against religious

<sup>37</sup> Electoral systems have three main components: ballot structure, district magnitude and electoral formula. Ballot structure refers to “the way in which electoral choices are presented on the ballot paper, in particular whether the ballot is candidate-centred or party-centred.” District magnitude refers to “the number of representatives to be elected from [an electoral district].” Electoral formula refers to the “part of the electoral system dealing specifically with the translation of votes into seats.” International IDEA. Electoral System Design. 2005.

<sup>38</sup> The Venice Commission Code of Good Practice in Electoral Matters notes that “electoral law must enjoy a certain stability, protecting it against party political manipulation.” It also states that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.”

<sup>39</sup> Khanewal district notified the number of reserve seats for non-Muslims, peasants/workers and women for their district council and six municipal committees on 29 October 2015, most of which were below the maximum.

<sup>40</sup> Constitution of Pakistan, article 32: “The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.”

<sup>41</sup> CEDAW, article 7: “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: [...] to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.”

<sup>42</sup> Constitution of Pakistan, article 36.

Composition of Punjab's Elected Local Government Bodies									
Type	Amount	Area & population	Directly Elected Chair/Vice Chair	General seats	Women	Peasants & workers	Techno-crats	Youth	Non-Muslims
<b>Lahore</b>									
Union Councils	274	Urban and Rural district of Lahore	2	6	2	1	0	1	1
Metropolitan Corporation	1	Urban and Rural district of Lahore		274	25	5	3	2	10
<b>Urban Areas</b>									
Municipal Committees	182	Urban population 30,000 to 500,000		11-50	Max 5	Max 2	0	1	Max 3
Union Councils	580	Urban in municipal corporation areas	2	6	2	1	0	1	1
Municipal Corporation	11	Urban populations 500,000+		Not fixed, equal to number of UCs in area	Max 15	2	2	1	Max 5
<b>Rural Areas</b>									
Union Councils	3,281	Rural	2	6	2	1	0	1	1
District Councils	35	Rural		Not fixed, equal to number of UCs in area	Max 15	Max 3	1	1	Max 5

minorities<sup>43</sup>.

Reserved seats for other demographic groups (for instance, youth) and socio-economic or professional groups (for example, workers and peasants) may similarly be seen as beneficial in providing for persons who are otherwise disadvantaged in their political participation, particularly given the entrenched systems of work and land-ownership in Pakistan. There are no international legal standards regarding temporary special measures for socio-economic or professional groups. However, the inclusion of reserved seats for such categories, as well as for technocrats, could be viewed as disadvantageous to aspirant candidates not belonging to these categories as it reduces the proportion of general seats available and thereby undermines equality of opportunity in the right to stand for election. Furthermore, the definitions of workers and peasants given in the law<sup>44</sup> may be subject to criticism and are vulnerable to varied

<sup>43</sup> ICCPR, article 2: "Each State Party [...] undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion; [and] "adopt such laws or other measures as may be necessary to give effect to the rights recognized."

<sup>44</sup> PLGA, section 2(ii): "'peasant' means a person who is a landless farm worker or, one who during the period of five years preceding the year in which the election is held, has been the owner of not more than five acres of land and depends directly on it for subsistence living." PLGA, section 2(mmm): "'worker' means a person directly engaged in work or is dependent on personal labour for subsistence living and includes a worker as defined in the Punjab Industrial Relations Act 2010." Punjab Industrial Relations Act 2010,

interpretation, thus risking inconsistent application and dispute.

The system of indirect elections for reserved seats was further criticised for reducing citizens' power to directly choose their local government, and reducing local councils' accountability to the population, as under-performing reserved seat representatives cannot be elected out by voters. Various stakeholders referred to the reserved seats as a vehicle for the promotion of party interests rather than representing the communities afforded such seats (see Participation of Women and Participation of Minorities and Vulnerable Groups sections for further discussion of these issues).

**RECOMMENDATION:** The categories of under-represented groups granted reserved seats be reviewed, as well as the system for election of reserved seat representatives.

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section 2(xxi): “‘worker’ and ‘workman’ mean a person not falling within the definition of employer who is employed (including employment as a supervisor or as an apprentice) in an establishment or industry for hire or reward either directly or through a contractor whether the terms of employment be express or implied, and, for the purpose of any proceedings under the Act in relation to an industrial dispute includes a person who has been dismissed, discharged, retrenched, laid-off or otherwise removed from employment in connection with or as a consequence of that dispute or whose dismissal, discharge, retrenchment, lay-off, or removal has led to that dispute but does not include any person who is employed mainly in managerial or administrative capacity.”

## DELIMITATION

### LEGAL FRAMEWORK

Delimitation of electoral constituencies for Punjab's local elections is governed by multiple national and provincial legal instruments, including the Constitution, the Delimitation of Constituencies Act 1974 (DCA), the ECP Delimitation of Constituencies Rules 2015 (hereafter referred to as ECP Delimitation Rules), the PLGA and the Punjab Local Government (Delimitation) Rules 2013 (hereafter referred to as the Punjab Delimitation Rules).

The legal framework makes general provision for equality between constituencies as well as regard for “geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies”<sup>45</sup>. The Punjab Delimitation Rules instruct delimiters that “as far as possible [...] the population of Union Councils within a local government shall be uniform”<sup>46</sup>. The ECP Delimitation Rules further hold that constituencies should “as far as possible be equal in population among themselves and in case of variation, population difference may not be more than 10 percent”<sup>47</sup>. While these provisions aim to support adherence to the principle of equal suffrage in line with Pakistan's international obligations and international good practice<sup>48</sup>, the framework's reliance on outdated census data<sup>49</sup> provides a weak guarantee that electoral constituencies can be drawn with roughly equal populations. Pakistan has not conducted an official national census since 1998, so delimitation conducted with such data does not reflect the considerable shifts in population that have occurred since that time<sup>50</sup>. Moreover, the legal framework does not define delimitation cycles, which leaves open the question of whether fresh delimitation would occur in advance of the province's next local government elections or upon the completion of a new census.

The PLGA initially assigned delimitation authority for local government electoral boundaries to the provincial government, but a 2014 Supreme Court judgement gave this authority to the ECP, building upon the ECP's existing responsibility for the delimitation of provincial and national assembly districts<sup>51</sup>. The PLGA was subsequently amended to assign the ECP delimitation authority for union councils and the wards of union councils and municipal committees (within the larger units established by the provincial government)<sup>52</sup>. The shifting of this responsibility from the provincial government to the ECP can be viewed as a positive development, as it should strengthen the independence of the process. The Punjab government retained the authority to establish and demarcate the administrative boundaries for metropolitan corporations, municipal corporations, municipal committees and district councils, as well as determine the number of union councils within a local government body (and wards within a municipal committee). These provisions create an institutional arrangement in which the ECP possesses the authority to set the boundaries of some administrative units, in this case union councils, which also serve as

<sup>45</sup> DCA, section 9(1).

<sup>46</sup> Punjab Delimitation Rules, section 4(3)(c).

<sup>47</sup> ECP Delimitation Rules, section 4.

<sup>48</sup> ICCPR, article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections which shall be by [...] equal suffrage”; General Comment 25, paragraph 21: “The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries [...] should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.” Furthermore, the internationally widely respected Venice Commission's Code of Good Practice in Electoral Matters states “The maximum admissible departure from the distribution criterion adopted depends on the individual situation, although it should seldom exceed 10 percent and never 15 percent, except in really exceptional circumstances (a demographically weak administrative unit of the same importance as others with at least one lower-chamber representative, or concentration of a specific national minority).”

<sup>49</sup> DCA, sections 2(c), 3A(2) and 9.

<sup>50</sup> In 1998 the provincial population stood at 73.6 million, according to the census, rising to an estimated 98.2 million by 2012, according to the Punjab 2013 Development Statistics Report.

<sup>51</sup> Civil Appeal No. 297 of 2014 dated 20-03-2014.

<sup>52</sup> PLGA section 8(2).

electoral boundaries<sup>53</sup>.

The legal framework establishes a seven-day public display period of the preliminary lists of constituencies, which are to “specif[y] the areas to be included in each ward or a union council along with the map”<sup>54</sup>. The final delimitation lists with corresponding maps are also to be notified and publicly posted in “a conspicuous place”<sup>55</sup>. The framework further allows individuals to obtain copies of the preliminary and final lists for a fee. If implemented as outlined, these transparency provisions afford electoral stakeholders with a relatively high level of access to delimitation information. However, the legal framework does not provide for centralised collection nor the online publication of such delimitation information.

The legal framework allows for any person entitled to vote in an affected constituency to file an objection to the constituency’s delimitation up to 15 days after the public display period of preliminary lists. ECP-appointed Delimitation Authorities are tasked with adjudicating such objections. However, the legal framework seeks to remove the possibility of appeals on Delimitation Authority decisions. The DCA, for example, stipulates that “the validity of the delimitation of any constituency [...] shall not be called in question in any court”<sup>56</sup>, in practice, as discussed below, high courts ignored such provisions and heard cases on delimitation throughout the elections. Nevertheless, the bar on appealing decisions by the Delimitation Authority in the legal framework limits voters’ ability to seek and receive effective remedy, a right which Pakistan is obligated to guarantee under ICCPR<sup>57</sup>.

**RECOMMENDATIONS:** The legal framework be amended to allow the use of voter registration or non-census population data during electoral boundary delimitation to maximise equality of the vote when census data is outdated.

A fresh census be conducted at the earliest opportunity.

Transparency provisions in the legal framework surrounding delimitation be strengthened to include the online publication of maps and details of electoral boundaries.

The legal framework be amended to establish an independent mechanism for periodic review of electoral boundaries and explicitly allow appeals to the decisions of Delimitation Authorities.

## DELIMITATION IN PRACTICE

A fresh delimitation exercise was required to establish electoral constituencies for Punjab’s local government elections in line with the updated legal framework<sup>58</sup>. The ECP appointed delimitation officials and announced an initial schedule for the delimitation process in March 2015, which was to be concluded by 28 July 2015<sup>59</sup>. District Election Commissioners (DECs) were appointed as the 36 delimitation officers with district assistant commissioners appointed as assistant delimitation officers. Thus, representatives

<sup>53</sup> This arrangement persists because union councils serve as wards for higher-tier councils (e.g. district councils and municipal corporations) as the directly elected chairs of union councils also serve as general seat members on the higher councils.

<sup>54</sup> Punjab Delimitation Rules, section 6(1).

<sup>55</sup> Punjab Delimitation Rules, section 7(6).

<sup>56</sup> DCA section 11. The Punjab Delimitation Rules, in section 7(4), further state that “the decision of the Delimitation Authority shall be final.” The PLGA, in section 10A, similarly stipulates that “A court, officer or authority shall not review or correct any delimitation of a Union Council or ward after the notification of the election schedule.”

<sup>57</sup> ICCPR, article 3(a): “Each State Party to the present Covenant undertakes [...] to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy [...]; to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; [and] to ensure that the competent authorities shall enforce such remedies when granted.”

<sup>58</sup> The Punjab provincial government conducted delimitation in 2013 for the then scheduled January 2014 elections, but a subsequent Supreme Court judgement in March 2014 ruled that it be set aside and be conducted by the ECP. The Punjab Assembly amended the PLGA in November 2014 to reflect this ruling.

<sup>59</sup> The delimitation schedule was partially amended in May, but the completion date was retained. According to the amended schedule for delimitation, the preliminary list of constituencies was to be publicly displayed for 10 days in June, followed by a 20-day period for the filing of objections, a 22-day period for disposal of objections, and a 28 July deadline for notifying the final list of constituencies.



of the provincial government were part of the delimitation structure, reportedly due to a lack of ECP resources. The officers received training along with instructions on how to conduct delimitation<sup>60</sup>.

The ECP appointed 10 ECP officials and one retired judge to serve as the province's Delimitation Authorities tasked with adjudicating objections to delimitation decisions<sup>61</sup>. The independence of this dispute resolution mechanism was weakened by ECP officials' serving in this adjudicatory role, as the ECP itself was responsible for the delimitation. In July 2015, media sources reported that 4,862 objections to the new boundaries had been filed throughout Punjab's 36 districts<sup>62</sup>. Information on the nature of delimitation objections and how they were adjudicated was reportedly available at the district level, but not centrally collected by the ECP.

As discussed above, the legal framework calls for the public display of preliminary and final lists of delimited constituencies. Many interlocutors complained to DRI that public display provisions were poorly adhered to, and that maps were particularly difficult to access. Upon its request to local officials, DRI was able to view a small number of delimitation maps for a few areas, but did not observe the public display of any such maps. Neither lists of delimited constituencies nor maps were made publicly available on the ECP's website. More publicly available information would reduce the confusion of some aspirants about where they are registered, help candidates and parties in their campaign planning, and strengthen the awareness and ability of voters to make informed choices at the ballot box. The weak availability of data is inconsistent with constitutional provisions regarding the right to information in matters of public importance<sup>63</sup>, the principle of "proactive disclosure" outlined in the Punjab Transparency and Right to Information Act<sup>64</sup> and ICCPR commitments relating to freedom to receive information<sup>65</sup>.



*Delimitation map for a Municipal Corporation in Sheikhupura district*

Political party and candidate representatives repeatedly told DRI that electoral boundaries were "gerrymandered" by authorities for partisan advantage of the incumbent provincial government. Representatives of minority groups further claimed that their communities were intentionally "split" during delimitation to dilute their voting strength and weaken their ability to gain representation on local councils. The largely opaque delimitation process limited stakeholders' and DRI's ability to assess the degree to which partisan or discriminatory "gerrymandering" took place and the level of inequality of the vote across constituencies.

<sup>60</sup> Local Government Elections 2015: (The Punjab Province) Instructions for Delimitation of Union Councils and Wards.

<sup>61</sup> Three judges appointed in the original notification were later replaced by ECP officials.

<sup>62</sup> See: Express Tribune, 18 July 2015,

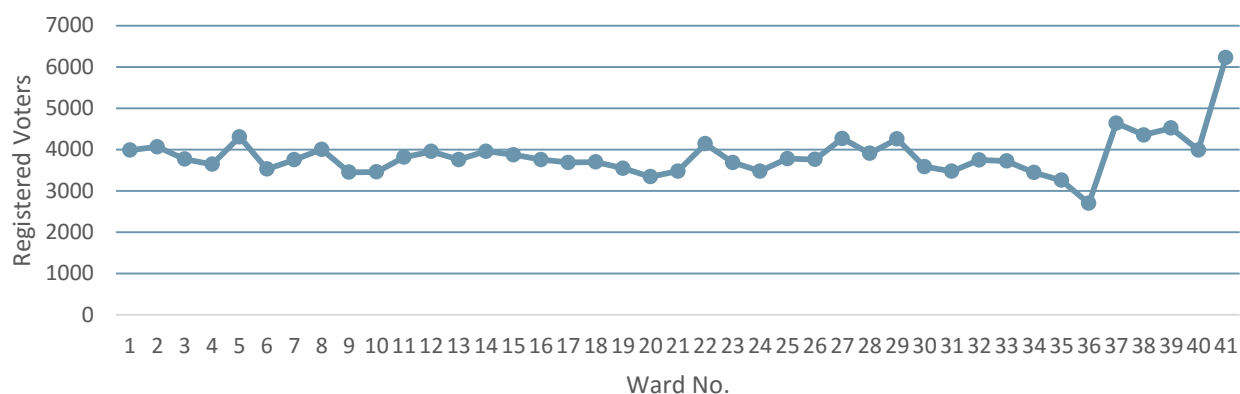
<http://tribune.com.pk/story/922921/punjab-lg-polls-complaints-pile-up-against-delimitations-page-9/>.

<sup>63</sup> Constitution of Pakistan, article 19A: "Every Citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law."

<sup>64</sup> Punjab Transparency and Right to Information Act, section 4: "a public body shall proactively disclose: [...] (d) Acts, Ordinances, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body in the discharge of its functions."

<sup>65</sup> ICCPR article 19 refers to "freedom to seek, receive and impart information". UN Human Rights Committee, ICCPR General Comment 34, interpreting article 19 notes, "States Parties should proactively put in the public domain Government information of public interest."

## Distribution of Voters in Wards of a Municipal Committee in District Khanewal



On 1 October 2015, the Lahore High Court (LHC) issued a decision, declaring that boundary delimitation in Rawalpindi District had been conducted illegally in certain union councils and would need to be conducted anew<sup>66</sup>. The ECP subsequently notified the deferment of elections in 17 affected union councils<sup>67</sup>. At the time of finalisation of this report, neither fresh delimitation nor a rescheduled polling date had been announced, pending an ECP-filed appeal to the Supreme Court on the LHC decision<sup>68</sup>.

**RECOMMENDATIONS:** The ECP release publicly, including online, the final list of constituencies utilised during the Punjab local government elections and corresponding maps, as well as official population and voter registration statistics for each constituency.

The ECP be given sufficient time and resources to undertake a comprehensive and fully independent delimitation process.

<sup>66</sup> Judgement Mahmood Ahmad Bhatti J. for W.P. 2213, 2292, 2293, 2155, 2153, 2269, and 2272 of 2015. The decision addressed a series of petitions that questioned the ECP's powers to divide, create and abolish union councils. The judgement noted that the "question at issue in these petitions is whether the [ECP] is vested with the powers and invested with jurisdiction to create or abolish a Union Council, a legal entity, under the [PLGA] or the [DCA]." The judgment declared that the ECP acted outside its jurisdiction.

<sup>67</sup> See, e.g.: <http://ecp.gov.pk/lgpunjab/notifications/776.pdf>; and <http://ecp.gov.pk/lgpunjab/notifications/DefermentofUC12.jpg>.

<sup>68</sup> See, e.g.: <http://www.dawn.com/news/1221861>.

## ELECTION ADMINISTRATION

### LEGAL FRAMEWORK

The legal framework for the election administration for Punjab's local government elections is outlined across multiple national and provincial legal instruments. The Constitution establishes the ECP as an independent body and outlines its powers, which include the conduct of the electoral process at the national, provincial and local levels. This responsibility is reinforced by the 2002 Election Commission Order, which specifically affords the national ECP the power to make rules in the conduct of its duties. However, the PLGA gives the provincial government the authority to make rules and “bye-laws” related to the local elections, creating an institutional arrangement in which both bodies possess administrative regulation-making authority. Without a clearly defined division of responsibility, this overlapping authority limits the ECP's ability to self-regulate and creates opportunities for contradictory regulations to be issued. This further places a large degree of power for election administration in the hands of a political institution, instead of the independent ECP, which grants the incumbent party excessive power and risks allegations of partisan advantage in the development of the Election Rules. This is of heightened importance given the degree of detail missing from the PLGA and thereby left for determination in the rules. The overall result is that the ECP operates in an uncertain legal environment and accountability for the elections is dispersed.

**RECOMMENDATION:** The legal framework be amended to grant the ECP sole authority to create rules for local government elections, reinforcing its independence and leading role in administering local elections.

The PLGA prescribes the ECP to appoint temporary staff, including polling day staff, and outlines the roles and responsibilities of those staff, which are further detailed in the Election Rules. Unlike the legal framework for general elections, the PLGA does not include any provisions that would allow polling staff to cast ballots on or before election day, should they not be assigned to their own polling station. This effectively disenfranchises many election day polling staff as they do not *de facto* have the opportunity to vote<sup>69</sup>. Security personnel assigned to official duty away from their registration location are similarly disenfranchised.

### ELECTION ADMINISTRATION IN PRACTICE

The ECP, a constitutionally independent commission, is headed by a Chief Election Commissioner of Pakistan (CEC), currently Justice Sardar Muhammad Raza. The CEC serves with four additional members, one from each province. The ECP employs approximately 2,280 permanent staff members dispersed across the country<sup>70</sup>.

In Punjab, the national ECP is represented by the PEC, who oversees the permanent ECP staff members within Punjab, which currently number 676 and an additional 61 on contract. The Punjab PEC manages nine Regional Election Commissioners, and below that, 36 DEC's, one for each of the province's districts. However, the role of the DEC's in the actual management of elections is poorly defined, and the ECP instead relied primarily on temporary staff throughout the province to conduct the local elections, in line with previous practices and assigned legal responsibilities.

More than 300,000 temporary staff were employed for the local elections<sup>71</sup>, including DROs, ROs, Assistant Returning Officers (AROs) and Presiding Officers (PROs), most of whom were appointed from the ranks of the civil service. Election day staff, including PROs and their support staff, were almost exclusively drawn from the education sector. In past elections, the ECP appointed DROs and ROs from the judiciary. While the

<sup>69</sup> ICCPR, article 25: “Every citizen shall have the right and the opportunity [...] without unreasonable restrictions [...] 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.”

<sup>70</sup> ECP Second Five-Year Strategic Plan 2014-2018. p.22.

<sup>71</sup> According to data provided by the Punjab PEC office.

decision to draw them from civil service was largely due to the judiciary's reticence to continue to provide election staff<sup>72</sup>, it nonetheless proved controversial<sup>73</sup> and risked allegations of incumbent party bias. Positively, the ECP drew seven of the 36 DROs for the province from within the ECP itself<sup>74</sup>. To improve consistency of election administration and internal accountability, appointing temporary staff from within the ECP's own ranks has been a longstanding recommendation of election observer groups<sup>75</sup>.

Temporary Election Officers						
Phase	District Returning Officer	Returning Officers	Assistant Returning Officers	Presiding Officers	Assistant Presiding Officer	Polling Officers
1	12	284	568	16,266	88,340	46,951
2	12	234	468	11,882	61,957	34,088
3	12	259	518	14,012	72,628	38,718
<b>Total</b>	<b>36</b>	<b>777</b>	<b>1,554</b>	<b>42,160</b>	<b>222,925</b>	<b>119,757</b>

While DROs were responsible for supervising ROs in their district, liaising with the PEC, sitting on the District Security Committee, and approving polling schemes and staff, ROs held the considerable bulk of the operational and management responsibilities for the elections. ROs were responsible for conducting the candidate nomination and scrutiny process, compilation and publication of the initial and final candidate list, assigning ballot symbols, allocating sites for polling stations, hiring polling-day staff and provision of polling-station electoral rolls and other sensitive materials. There are no specific mechanisms in the legal framework that compel the ECP to manage and evaluate the performance of DROs and ROs. While there were cases of the ECP investigating problematic staff persons, these actions appear to have often been in response to complaints, and not a result of any internal auditing. The extensive nature of the duties placed in the hands of temporary staff with limited ECP oversight raised doubts as to the ECP's institutional capacity to manage the process and hold administrators accountable.

The division of labour between permanent district election structures and temporary staff is defined neither in the PGLA nor the accompanying Election Rules, nor is it coordinated between them. Some ROs reported a lack of clarity regarding the roles and authority of DEC's vis-à-vis DROs, while other stakeholders indicated the parallel structures created the potential for redundancy.

DRI heard regular complaints from ROs, who remain civil service employees in other capacities, regarding the time-intensive demands the position requires. In addition, many ROs felt as if they were not given sufficient support from the ECP to conduct their duties, such as clear guidance on administrative functions and more resources and logistical accommodations. Some RO offices lacked computers, printers, copiers and other basic office needs.

The ECP took specific steps to address known problems during the local elections, including measures to improve internal monitoring<sup>76</sup>, the development of procedures for citizen observer accreditation (see

<sup>72</sup> See, e.g.: <http://www.dawn.com/news/1173787>.

<sup>73</sup> See, e.g.: <http://www.pakstatus.com/2015/10/devolution-of-power-600000-officers-to-oversee-lg-elections/> and <http://tribune.com.pk/story/629891/local-govt-elections-amid-chaos-ecp-finalises-poll-supervisors/>.

<sup>74</sup> In addition, two DROs were drawn from federal government entities. A senior ECP official told DRI that the ECP was experimenting with such assignments, in part to prepare for the expected 2018 general elections.

<sup>75</sup> See, e.g.: EU 2013 EOM Final Report. p. 50: "The ECP take full management responsibility for the work of ROs. [...] ROs not be wholly drawn from the judiciary to avoid conflict of interest, and instead could be partially or totally from the ECP permanent staff base, other branches of the civil service, or be selected through an open recruitment process." In its report on observation of pre-election processes for the 2013 general elections, FAFEN also recommended to "establish in election law that the ECP will have authority to appoint [DROs] from amongst its own officials".

<sup>76</sup> For example, the ECP provided PrOs with a new checklist to guide polling station operations and reported increased monitoring of training sessions by ECP officials.

Scrutiny of the Process section below) and issuing guidelines to ROs on candidate scrutiny (see Candidate Nomination section below). In addition, the ECP's Second Five-Year Strategic Plan attempts to address some of these deficiencies and includes reasonable goals to better integrate ECP permanent staff in the actual conduct of elections, streamline its regional, district and local administrative structures, increase its capacity to train temporary staff, and help professionalise and strengthen the independence of the institution.

While the ECP frequently published notifications and press releases related to the local elections on their website, data availability was unpredictable and lacking in some respects. Voter registration statistics for the third phase were never posted (as had been done for the previous phases), nor were the details of election procedures and final candidate figures. The significant delay in posting official results (see Results Process section below) further demonstrated insufficient public information practices.

The ECP provided training for DROs, ROs and polling personnel. Handbooks for DROs and ROs were printed in English only, limiting the level of understanding for some ROs, while polling staff received manuals in Urdu. While turnout for the DRO/RO training was high, polling staff training attendance was estimated at 80 percent in the first phase<sup>77</sup>. The level of absenteeism reportedly declined during preparations for the second and third phases, with attendance rates improving beyond 90 percent<sup>78</sup>. High levels of PrO replacement in the immediate run-up to the polling days deprived some replacement PrOs of the opportunity to receive training for the assignment.

The low level of interest in attending trainings, negative reports from ROs and PrOs, and the high number of substitutions of DROs, ROs and AROs (more than 200<sup>79</sup>) demonstrated a pervasive reluctance of civil servants to serve in this capacity.

**RECOMMENDATIONS:** The ECP continue to develop the capacity of its permanent staff to administer election activities and reduce reliance on high-level temporary staff.

The ECP develop a stronger regulatory framework for the work of DROs and ROs as well as a stronger system of accountability checks.

The ECP continue to improve the effectiveness of trainings and prioritise accountability checks in both recruitment and training to avoid polling staff changes and polling stations with untrained officials.

<sup>77</sup> According to information provided by the PEC office.

<sup>78</sup> According to information provided by the ECP Additional Secretary Training, Research and Evaluation.

<sup>79</sup> Substitutions were published in a series of notifications on the ECP website: <http://ecp.gov.pk/LGEPUNJAB2015.aspx>.

## VOTER REGISTRATION

### LEGAL FRAMEWORK

Voter registration is primarily outlined in national legislation<sup>80</sup>, with some reinforcement in the provincial framework. The Electoral Rolls Act grants the right to vote to Pakistani citizens 18 and older in possession of a Computerised National Identity Card (CNIC). In addition to these eligibility criteria, the PLGA permits the ECP to add registration conditions “as [it] may specify”<sup>81</sup>. While the ECP did not impose any additional eligibility requirements during the course of the local elections, this stipulation nonetheless gives the ECP authority to regulate a fundamental right and creates opportunity for the introduction of unreasonable restrictions on voter eligibility<sup>82</sup>.

According to the Constitution, the Electoral Rolls Act and the PLGA, the ECP is responsible for developing and managing the electoral rolls. However, little guidance is provided on how registration for local elections is to occur and under what deadlines. While development of the electoral rolls ahead of the local elections was largely dependent on the CNIC database run by the National Database and Registry Authority (NADRA), there are currently no provisions in the national or provincial legislation regarding the exchange of data with other government agencies for voter registration and list maintenance purposes.

**RECOMMENDATIONS:** The legal framework be amended to legally determine the respective voter registration responsibilities of the ECP and NADRA, to secure the legal basis for the current practice of developing the electoral rolls, and standardise the process for list maintenance.

The PLGA be amended to remove discretionary powers of the ECP to establish additional conditions for voter eligibility in the Punjab elections.

As discussed in further detail in the Participation of Minorities and Vulnerable Groups section below, Ahmadis, unlike other religious minorities or additional voter categories, are relegated to a separate electoral roll. This distinction is clearly contrary to Pakistan’s non-discrimination commitments under the ICCPR<sup>83</sup>.

### VOTER REGISTRATION IN PRACTICE

Since 2011, NADRA has played a significant role in systematising the voter list. NADRA maintains a civil registry in Pakistan, with NADRA-issued CNICs serving as the primary form of identification and a prerequisite for many basic government services. Utilising NADRA’s CNIC database as the basis of the electoral roll could improve accuracy, reduce the burden on the voter and election administration, and increase cost-effectiveness. Despite concerted outreach efforts by NADRA<sup>84</sup>, however, there remain eligible citizens who do not possess CNICs. Fees associated with obtaining a CNIC, primary document requirements, religious oaths<sup>85</sup>, travel distances, and other challenges may create barriers for some marginalised populations. DRI was unable to acquire an estimate of roughly how many eligible Pakistanis are without a CNIC, but discussions with community leaders and examination of available research<sup>86</sup> indicated that women, religious minorities, and rural and nomadic populations were less likely to possess

<sup>80</sup> The Electoral Rolls Amendment, Ordinance 2014 (XII of 2014) issued on 14 October 2014 ensured that national voter registration legislation would apply to the local elections; however, this ordinance was not ratified by the national assembly and expired in June of 2015, creating uncertainty regarding its applicability during the local elections.

<sup>81</sup> PLGA, section 21(2)(c).

<sup>82</sup> UN Human Rights Committee, ICCPR General Comment 25, paragraph 10: “The right to vote at elections and referendums must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote.”

<sup>83</sup> ICCPR, article 2: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

<sup>84</sup> For example, NADRA has lowered application fees and employed mobile registration units to target and reach more citizens. It has also opened a number of offices that are specifically dedicated to registering women.

<sup>85</sup> See Participation of Minorities and Vulnerable Groups section below for more details.

<sup>86</sup> See, e.g.: IFES, “Survey Assessing Barriers to Women Obtaining Computerized National ID Cards,” February 2013; and Community World Service, “Religious Minorities in Pakistan’s Elections,” November 2012.



such identification.

**RECOMMENDATION:** Data collection about eligible voters without CNICs is prioritised and strong additional efforts are made to target underrepresented populations so that all eligible citizens possess identification.

While the national Electoral Rolls Act compels the ECP to update the electoral rolls annually, and the PLGA suggests voter list upkeep occur “from time to time”<sup>87</sup>, the process for maintaining the list, including the removal of deceased registrants and revision of voter information, appears *ad hoc*<sup>88</sup>. In June 2015, the ECP issued a notice to the Punjab PEC saying it would obtain a list of any new registrants in the NADRA database as well as a list of deceased citizens and other people that should be deleted from the list. However, DRI was unable to acquire any information regarding how many additions, amendments, and deletions were made to the list.

Using the CNIC registry as a basis for the voter list significantly increased the number of citizens on the voter roll ahead of the 2013 elections. This trend continued for the Punjab local elections, expanding the list from approximately 49 million in 2012 to approximately 53 million. However, the breakdowns for voter registration data were inconsistently available over the three phases – with voter registration statistics for the third phase districts never publicly posted on the ECP’s website – and do not wholly conform with the provincial total provided by the ECP<sup>89</sup>.

The ECP did make gender-disaggregated voter registration statistics available on its website, and it posted district registration statistics for the first two phases of the elections well in advance of election day. However, district-level data was not released for the third phase elections. Voter registration information at the constituency level was also not easily accessible.

The exhibition process to finalise the preliminary list was truncated and reportedly poorly publicised. The voter list was displayed from 6 to 15 July 2015, leaving only a 10-day window for voters to check their registration status and file claims and objections. This short window runs counter to the Electoral Rolls Act, which calls for a 21-day period<sup>90</sup>. In addition, discussions with several party and civic leaders indicated a low level of public awareness regarding the exhibition and objections process.

According to reports from multiple DROs and ROs, the final voters list in a number of first phase districts was distributed late<sup>91</sup>. This created challenges during the nomination process, as ROs without the list struggled to determine whether potential candidates had submitted nomination papers in the correct constituency.

The under-utilised exhibition period, in tandem with the largely opaque process for delimiting electoral constituencies, meant that some voters and candidates in Punjab did not know in which ward they were registered. To mitigate this issue, the ECP utilised its “8300” text messaging service to provide citizens with information regarding their voter registration. The service provided voters with their voter roll serial ID, census block (which determines electoral constituency) and, approximately two weeks ahead of election day, their polling station location.

**RECOMMENDATIONS:** Ensure display periods for electoral rolls are adequately publicised and sufficiently lengthy to afford voters and other electoral stakeholders the necessary time to review and submit

<sup>87</sup> PLGA, section 21(1).

<sup>88</sup> The ECP issued a directive to add new voters to the list and remove deceased individuals ahead of the 2015 elections because the process does not occur periodically. In addition, the process for updating individual data, such as change of address or change of election constituency, is an entirely separate and self-initiated process conducted through the ECP.

<sup>89</sup> District data provided by the ECP added up to roughly 52.1 million voters, as opposed to the 53.8 million reported on its website.

<sup>90</sup> Electoral Rolls Act, section 10: “Every claim for inclusion of a name in the electoral roll, and every objection to or application for correction of any entry therein shall be made to the Revising Authority on the prescribed period of time within twenty one days next following the date of the publication of the preliminary electoral rolls under section 8.” The authority of the Electoral Rolls Act was expanded to local elections through an ordinance in 2014, but the ordinance was not ratified ahead of the 2015 local elections, creating confusion as to its legal applicability.

<sup>91</sup> According to the Handbook for DROs and ROs, ROs should have the electoral roll during the candidate nomination process to confirm registration information of candidates, proposers and seconders.



corrections.

The ECP provide the electoral roll in good time to election staff and provide public information regarding individual voter registration as well as complete overall statistics (with composite breakdowns).

There were some complaints from opposition parties regarding voters being “transferred” from one constituency to another. However, in a climate of hearsay and in the absence of a professional audit, DRI was unable to assess the validity of such claims<sup>92</sup>.

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<sup>92</sup> Without clear evidence, it is impossible to determine whether voter rolls were intentionally manipulated, or whether legitimate factors were at play. For instance, transfers could have been voter-initiated or as a result of the automatic updating process defaulting to permanent addresses. In other cases, voters simply may think they were registered in the wrong polling station or were redistricted without their knowledge during the most recent round of delimitation.

## CANDIDATE NOMINATION

### LEGAL FRAMEWORK

Candidate nomination for the Punjab local elections was primarily governed by the PLGA, Election Rules and ECP notifications on the election schedules. Relative to other aspects of the elections, the candidate nomination process is well articulated in the legal framework, including a detailed schedule and extensive forms. However, some elements of the process are vague or open to interpretation.

The PLGA and Election Rules specify that candidates for the local government elections must be Pakistani citizens, aged 25 or older (except for seats reserved for youth) and registered in the ward in which they are seeking office. Disqualifying conditions, which largely reflect provisions from the Representation of the People Act 1976 (ROPA) and the Constitution, include issues related to financial solvency, criminal record, and certain political and professional conflicts of interests. Some of these disqualifications, in particular for an offence involving “moral turpitude” or “activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan” are subjective and, therefore, not consistent with authoritative interpretation of ICCPR obligations, which refers to reasonable and objective criteria<sup>93</sup>.

**RECOMMENDATION:** The Punjab Local Government Act be revised to remove subjective candidate eligibility criteria.

Limiting candidates for most seats to those aged 25 and older excludes an important youth element from the political process. The legal framework affords young people between 21 and 25 only one option to participate as candidates, namely for the indirectly elected seats reserved for youth.

The candidate nomination framework was altered only a few months before the process to change the directly elected reserved seats in union councils and municipal committees into indirectly elected positions. This reversal not only weakens the mandate of those who are elected to reserved seats, but also weakens transparency surrounding their nomination and election. Nomination for reserved seat candidates is poorly outlined in the legal framework, as no timeline is established and only limited procedures for the process are included. The Election Rules limit reserved seat nomination proposers and seconders to those who have been elected to a respective council<sup>94</sup>, which greatly limits the right to stand for office on a reserved seat. Discussions with election administrators, political parties, and civil society indicated that such a nomination process is likely to be inconsistent, if conducted at all, and to date ROs have neither made any announcements nor prepared any systems for this process.

**RECOMMENDATION:** The legal framework be amended to include clear nomination procedures and a timeline for indirectly elected reserved seat candidates.

### CANDIDATE NOMINATION IN PRACTICE

The candidate nomination process was reportedly calm. However, inconsistent application of the rules, including isolated incidents of ROs asking subjective and inappropriate questions, was noted across certain districts. The nomination period for the first phase of elections took place from 7 September to 1 October, the second from 13 September to 13 October and the third from 3 October to 6 November. The fees incurred for nomination, ranging from 2,000 PKR (for union council seats) to 20,000 PKR (for joint mayor and deputy mayor candidacies), were not overly burdensome<sup>95</sup>. However, candidates who paid nomination fees during the ultimately postponed 2014 local elections were asked to pay the fees anew, causing some frustration.

DRI observed in multiple districts and learned from several ROs that aspirant candidates did not always

<sup>93</sup> UN Human Rights Committee, ICCPR General Comment 25, paragraph 4: “The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable.”

<sup>94</sup> Election Rules, sections 12(Explanation) and 43.

<sup>95</sup> Approximately 17 EUR for union council candidates and 170 EUR for a joint mayoral ticket.

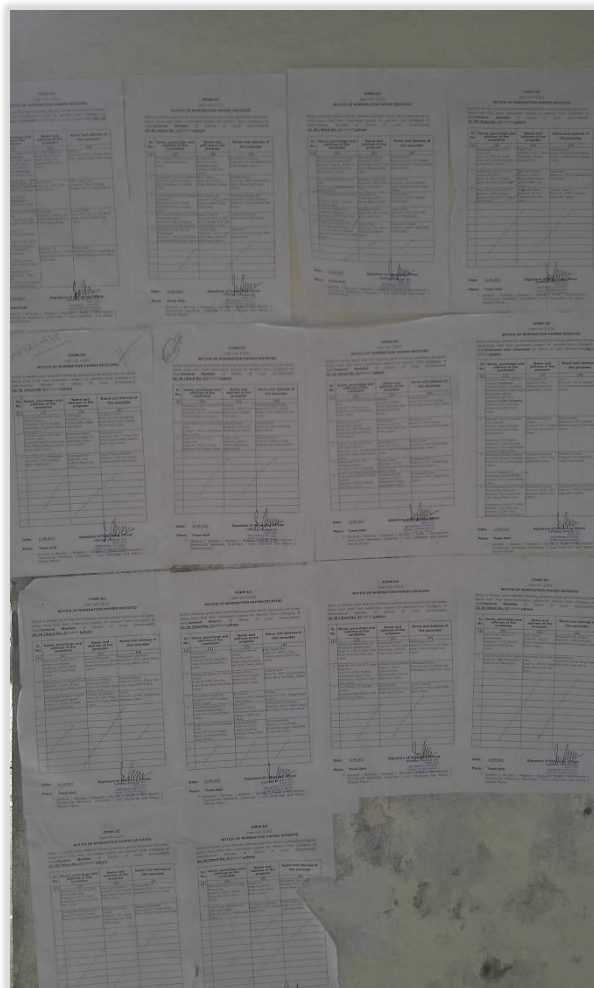
readily possess the materials and information required for the nomination process, such as census block code and tax documents. ROs, who also lacked maps, printers, computers and, in some cases, the voter list, often referred applicants to the 8300 text-message system to determine their constituency. Reports from several districts indicated that candidates relied heavily on lawyers to fill out nomination forms.

Due to alleged time constraints, ROs in some areas scrutinised only the minimum administrative criteria, such as age and registration locality, during the application process. Tax and asset documents were inconsistently requested or included with initial applications.

According to the Election Rules, candidates affiliated with a political party must present their party certification<sup>96</sup> along with their nomination. This was not enforced in practice, however, and candidates commonly acquired party tickets well after they submitted their application, which is consistent with past practice in Pakistan<sup>97</sup>. The ECP *de facto* formalised this practice for the Punjab local elections by extending the deadline for candidates to obtain party tickets to the end of September<sup>98</sup>.

The scrutiny process for each phase of the elections occurred over six days. DRI did not receive any reports of candidates being rejected due to subjective criteria or otherwise illegitimate reasons, although media reports highlighted some isolated incidents<sup>99</sup>. The ECP took steps to encourage uniformity and objectivity in the candidate nomination scrutiny process, including the issuing of extensive instructions to ROs about refraining from asking any undue, irrelevant or subjective questions regarding a candidate's eligibility<sup>100</sup>.

According to interviews with ROs, the most common reasons for rejections were aspirant candidates being under the age of 25 or the aspirant candidates' (or their proposers' or seconders') lack of registration in the electoral constituency. However, there was confusion and lack of clarity in the Election Rules<sup>101</sup> regarding whether those proposing or seconding a candidate nomination must be from the same ward, and a series of conflicting court cases initially obscured the validity of these rejections<sup>102</sup>. Unfortunately, these cases came after the appeals process for both the first



*Display of 'Notice of Nomination Papers Received' at an RO's office in Lahore*

<sup>96</sup> This is commonly referred to as a "party ticket" in Pakistan.

<sup>97</sup> Party certification earlier in the process could help to discourage the political horse-trading and bribery that often results from the candidate finalisation process. DRI observers received several reports of "seat adjustments" as parties negotiated over and traded candidates, and it was common for candidates to pay political parties (sometimes called a "party fee") in order to receive a party ticket.

<sup>98</sup> Though the ECP did not release a written extension for the other two phases, the practice was nonetheless accepted throughout the later phases.

<sup>99</sup> See, e.g.: <http://www.dawn.com/news/1209528/milk-seller-in-gujranwala-declared-ineligible-to-contest-lg-polls>.

<sup>100</sup> ECP, "Local Government Elections-2015 (1st Phase) in the Punjab Province (Instructions for Scrutiny)," 26 August 2015.

<sup>101</sup> Election rule 12(2) states that "Any voter of a constituency may propose or second the name of any duly qualified person to be a candidate for an election of a member or, as the case may be, the Chairman and the Vice Chairman of that constituency", in which it was argued that "constituency" could be a ward or union council. The PLGA does not include information on proposer and seconder criteria.

<sup>102</sup> On 13 October, the LHC ruled that nominations rejected on account of proposers or seconders registered in a different ward should be allowed. Six days later, however, on 19 October, a full bench judgment (Case No.: W.P. No. 31566/2015) ostensibly reversed this

and second phases of elections was complete and on the last day of scrutiny for the third phase, which consequently required some last-minute changes to the otherwise finalised candidate list.

ROs reportedly recorded the rationales for rejections; however, it appears that this information was neither systematically collected and consolidated at the district and provincial level, nor made publicly available. This reduces accountability and limits opportunity to check the consistency of the application of the law.

**RECOMMENDATION:** The PEC develop a structured system for collecting, consolidating and publishing candidate nomination information, including rejections, in a timely manner.

Based on the ECP-issued election schedules, there was only about a week<sup>103</sup> between the final date to submit appeals (during the scrutiny period) and the final day for Appellate Tribunals to adjudicate such claims for each phase. According to the Election Rules, appeals not disposed of within the set period “will be deemed to have been rejected” regardless of merit or evidence<sup>104</sup>. Such automatic rejections did not appear to take place in practice. However, in circumstances where the tribunals are overburdened with

high numbers of appeals or under-resourced to respond in a timely manner, this provision could undermine the ability of aspirant candidates to receive effective remedy.



*Scrutiny of nomination papers by an RO*

According to data provided by the ECP, 6,037 appeals were lodged against RO candidate scrutiny decisions, of which 2,836 were successful. Given the limited public information regarding census blocks and ward registration, judges reportedly offered leniency to candidates that had applied in incorrect wards.

Symbol allocation was not particularly controversial, although independent candidates expressed some dissatisfaction with a perceived lack of viable options. Some of the most popular symbols for independents, such as a flag or bouquet of flowers, were removed on account of their high demand. ROs were frustrated by the lack of guidance by the ECP regarding the allocation of symbols, and the process of assigning them was inconsistent across the districts observed<sup>105</sup>.

**RECOMMENDATIONS:** The procedure for symbol allocation be more clearly defined to avoid inconsistent application.

The number of symbols available for independent candidates be increased.

### FINAL CANDIDATE NUMBERS

In the areas observed, ROs consistently published the final list of contesting candidates and their corresponding symbols in a visible area outside of their offices, as required by the Elections Rules. However, a consolidated final list was not made publicly available on the ECP’s website and accessible data regarding contestants appeared limited to the RO level.

Overall, the number of rejections throughout the candidate nomination process was relatively low given the number of candidates competing. In total 104,744 candidates contested the elections, with only 2,233 running unopposed.

decision.

<sup>103</sup> The first phase allowed nine days for the process, while the second and third phases allowed seven days.

<sup>104</sup> Election Rules, section 14(12).

<sup>105</sup> Some ROs reported allocating symbols alphabetically, some collected first and second preferences from candidates and then tried to meet those preferences; others reported that symbols were issued on a “first come, first serve” basis.

	Filed <sup>106</sup>	Accepted <sup>107</sup>	Rejected	Valid Nominations	Withdrawals	Unopposed	Total Contesting
Phase 1	48,913	45,103	3,810	45,894	5,019	774	40,101
Phase 2	34,760	30,992	2,830	31,930	3,465	921	27,544
Phase 3	46,333	43,079	2,536	43,797	6,160	538	37,099
<b>Total</b>	<b>130,006</b>	<b>119,174</b>	<b>10,832</b>	<b>121,621</b>	<b>14,644</b>	<b>2,233</b>	<b>104,744</b>

<sup>106</sup> All data presented in this table was provided by the PEC office.

<sup>107</sup> Figures in the accepted and rejected columns of this table are inclusive of both RO-led scrutiny and the appeals process.

## THE CAMPAIGN

### LEGAL FRAMEWORK

The framework guiding the campaign period ahead of the elections is dispersed across a series of primary and secondary legislation, including the PLGA, Election Rules, ECP notifications on election schedules, and the Code of Conduct for Political Parties and Candidates. The framework generally establishes regulations designed to promote a level playing field, but, in some cases, overreaches regarding restrictions to the movement and behaviour of government officials, as discussed below.



*A hoarding displayed during the campaign period*

The Code of Conduct remains the most comprehensive framework for the campaign. However, it was developed and issued by the ECP without consultation with political parties, making consensus around the principles and self-regulation more challenging. The document includes many positive aspirational provisions, such as discouraging hateful, inflammatory, polarising or false statements; prohibiting intimidation (including displaying of weapons), violence, and abuse of state resources; and promoting the participation of women and minorities. Both the PLGA and the Code of Conduct ban the use of state resources and personnel for electoral advantage, including the announcement of development projects ahead of elections, and prohibit canvassing in the vicinity of polling stations on election day. Election notifications also barred the transfer or postings of civil servants (without prior approval of the ECP) after elections have been announced.

Some parts of the Code of Conduct could be viewed as overly restrictive, including the ban on rallies and processions (only corner meetings are permitted) and on public office holders, such as assembly members, from participating in any local government campaigns. These provisions can limit the right to association and freedom of assembly provided for in the ICCPR<sup>108</sup>. The bar on elected officials campaigning was overruled by an LHC decision in September for a parliamentary by-election, raising questions about its application in the local elections.

**RECOMMENDATION:** The ECP review the ban on campaigning by public office holders in a non-official capacity and on large processions and rallies.

### THE CAMPAIGN PERIOD IN PRACTICE

The campaign period was lively and contentious, with scattered incidents of violence. While there were frequent violations of the Code of Conduct, these were often related to campaign materials and tactics, rather than hate speech, intimidation, or more severe infractions that could encourage conflict or political disadvantages. Consistent and intractable rhetoric from PTI (and to a lesser extent PPP) of “pre-poll rigging” threatened to undermine confidence in the electoral process and contributed to a polarised climate of distrust throughout the three phases.

<sup>108</sup> ICCPR, article 21: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others;” and article 22: “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.”



There was broad competition within and among political parties and independent candidates. Only approximately seven percent of constituencies went uncontested (2,233 of 30,795 total contests). Some opposition parties took advantage of the joint chair and vice chair contests to align with one another and try to maximise seat allocation. In addition, PML-N chose not to award tickets in some districts, thereby allowing party loyalists to compete against one another<sup>109</sup>. In these cases, contestants subsequently ran as independents, which contributed to the high number of unaffiliated returned candidates in the elections.

At the local level, candidates largely relied on posters and door-to-door canvassing to reach out to voters. Reports from a number of districts indicated that candidates and parties regularly ignored the Code of Conduct's stipulations against loudspeakers, wall chalking, rallies and processions. However, according to

a senior ECP official, most complaints that were received regarding Code of Conduct violations ahead of the elections were related to the misuse of state resources or the transfer of government staff. Enforcement of the Code of Conduct was delineated to various authorities, including DROs, ROs, local administrators and law enforcement agencies.

There were some incidents of violence and intimidation in the pre-election environment, according to media reports. However inter- and intra-party tensions generally did not escalate over the three-phased and overlapping campaign periods. Early in the pre-election period, a



*Campaign posters and banners*

PML-N political office was reportedly bombed<sup>110</sup>. While it is unclear to what degree this attack was directly linked to the electoral process, the office was functioning as a party headquarters for the local elections, and two union council candidates were reportedly killed. In Lahore, two PTI party workers were reportedly killed in a clash with PML-N supporters, and several other activists from both parties were also injured in the incident<sup>111</sup>. Similar isolated incidents took place in the immediate pre- and post-election periods of the second and third phases<sup>112</sup>. Additionally, a mob that included several local government candidates reportedly harassed and intimidated an RO in Hafizabad in an alleged attempt to alter the polling scheme<sup>113</sup>.

## ABUSE OF STATE RESOURCES

The Code of Conduct clearly prohibits any government official from announcing development schemes or anything else “which tends to influence the results of an election” after elections are called<sup>114</sup>. The highly publicised Kissan Package, a large-scale agricultural relief package announced by Prime Minister Sharif on 15 September, proved particularly contentious. Citing violations of the Code of Conduct, the ECP was able to stall the package’s implementation. However, the Islamabad High Court later ruled that the program could move forward as planned<sup>115</sup>. The Court justified the package as a national benefit unrelated to regional and local campaigns; however, the roll out of the programme was reportedly particularly active in

<sup>109</sup> According to interviews with party representatives.

<sup>110</sup> See: <http://atimes.com/2015/10/7-killed-13-injured-in-blast-at-mnas-political-office-in-pakistan/>.

<sup>111</sup> See: <http://arynews.tv/en/two-pti-workers-shot-dead-suspects-get-interim-bail/>.

<sup>112</sup> See: [http://epaper.dawn.com/DetailNews.php?StoryText=02\\_12\\_2015\\_176\\_008](http://epaper.dawn.com/DetailNews.php?StoryText=02_12_2015_176_008). In a separate incident, PTI reportedly accused PML-N of torturing and killing a candidate, although the police said there was no evidence for the charge: <http://www.dawn.com/news/1211428>.

<sup>113</sup> See: <http://tribune.com.pk/story/979660/election-scheme-case-registered-against-candidates-for-assaulting-ro/>.

<sup>114</sup> To reinforce this understanding, on 29 September 2015 the provincial government released official minutes from a meeting with the ECP and the Planning and Development Department reaffirming that no development projects should be declared following the announcement of elections.

<sup>115</sup> See: <http://dunyanews.tv/en/PreTest/304119>.



districts where local elections were occurring<sup>116</sup>. In addition, the media highlighted a number of other questionably timed development projects<sup>117</sup> by the national or provincial government<sup>118</sup>.

**RECOMMENDATION:** The government and ECP enforce campaign laws, including in regards to misuse of state resources, for example, through the establishment of a complaints mechanism, and providing public information on actions and measures taken.

## CAMPAIGN FINANCE

The Election Rules outline campaign finance regulations, including spending ceilings for candidates and reporting instructions for campaign expenditures. Spending limits ranged from 20,000 PKR<sup>119</sup> (for reserved seat members) to 200,000 PKR (for mayor/deputy mayor joint tickets)<sup>120</sup>, all of which could be considered quite low for the running of a competitive campaign. Reporting of campaign expenditures is largely honour-based and lacks an established monitoring system. Candidates are required to, within 30 days of the announcement of official results, submit a sworn statement of election expenses and accompanying receipts to ROs. The document is then available for scrutiny for one year by any person “on payment of a fee [...] fixed by the Election Commission”<sup>121</sup>. In addition to this weak campaign finance mechanism, limits can be circumvented due to the lack of regulation on political party campaign expenditures. Pakistan’s international commitments encourage the establishment of a regulatory regime to enhance transparency in political funding<sup>122</sup>.

**RECOMMENDATION:** A more robust mechanism be established for campaign finance regulation, including reasonable spending limits for candidates and parties and a stronger reporting system with enforcement penalties applicable.

<sup>116</sup> See: <http://tribune.com.pk/story/986630/strengthening-agriculture-cheques-distributed-among-farmers/>; and <http://www.dawn.com/news/1217863/pm-announces-rs25bn-development-package-for-lodhran-pti-cries-foul>.

<sup>117</sup> See: <http://tribune.com.pk/story/974794/lg-polls-pml-n-initiates-projects-in-46-ucs/>; and <http://www.dawn.com/news/1219861/pm-to-inaugurate-faisalabad-multan-motorway-tomorrow>.

<sup>118</sup> See: <http://tribune.com.pk/story/975828/for-the-needy-rs71m-distributed-among-hospitals-vocational-schools/>.

<sup>119</sup> Approximately 176 euros.

<sup>120</sup> Approximately 1,763 euros.

<sup>121</sup> Election Rules, sections 61 and 62.

<sup>122</sup> CAC, article 7(3): “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”

## ELECTION DAY

The elections were conducted in all 36 districts of Punjab over three phases on 31 October, 19 November and 5 December<sup>123</sup>, with 12 districts contesting in each phase. The elections covered 27,677 wards, which were served by 42,160 polling stations, comprised of 119,757 polling booths<sup>124</sup>. Postponed elections or re-polling was required in more than 75 constituencies on account of security issues, pending court challenges, ballot printing errors and the seizure of sensitive materials. More than 150 additional constituencies required re-polling due to a lack of candidates<sup>125</sup> in the originally scheduled polls. Most of the required deferred elections and re-polls were held on 17 and 30 December.

### LEGAL FRAMEWORK

Polling operations are primarily governed by the PLGA, Election Rules, and the ECP's Codes of Conduct for Polling Personnel, Political Parties and Candidates, Election Observers and the Media. These provisions borrow heavily from ROPA, but include gaps that leave some parts of the process poorly defined. The PLGA is particularly limited in how election day operations are implemented, simply stating that the ECP is responsible for the conduct of the process. While the polling process is further defined in the Election Rules and, to a lesser extent, ECP's codes of conduct, the regulatory framework for voting and counting is disjointed and not comprehensive, with the details of some election procedures outlined in the handbooks for DROs/ROs and PrOs, neither of which were made publicly available. For instance, preparations for election day, including the development of the polling scheme and the transfer and organizing of election day material are only sparsely referred to in the Election Rules, as are many of the details related to counting and tabulation (see Results Process section).

The Election Rules fail to acknowledge observers, clarify how magisterial powers are to be exercised, outline how election day complaints should be lodged or processed, or provide a timetable for consolidation and results (see the Scrutiny of the Process and Results Process sections below). In addition, details about the opening of polling stations, the number and design of ballots, and the specific roles and responsibilities of PrOs, Assistant Presiding Officers and Polling Officers are only referred to in the handbooks for DROs/ROs and PrOs and additional training resources.

**RECOMMENDATION:** The Punjab Local Government Act be amended to include provisions for the use of magisterial powers, election day complaints, and a timeline for consolidation and results.

### ELECTION DAY IN PRACTICE

#### VOTING

Preparing for and implementing large-scale polling operations under a new framework in Punjab concurrently with local elections in Sindh was a daunting task that the ECP was ultimately able to deliver much more smoothly than in the recent KP elections. Voter turnout figures were not made available by the ECP, but high turnout figures were estimated by the media and national observation groups, with greater than expected



*Polling underway at a men's polling booth*

<sup>123</sup> Originally scheduled for 3 December, the ECP postponed the phase 3 polling date to 5 December due to a religious holiday.

<sup>124</sup> A polling booth is a specific room or area within the polling station where voting is conducted. There are typically multiple polling booths within a polling station, and each polling booth has its own ballot box and ballots.

<sup>125</sup> For example, due to the death of a candidate or a lack of nomination papers filed.

voter engagement in the process<sup>126</sup>. However, election day operations were not without faults, both administratively as well as with parties, candidates and other actors.

The ECP provided limited operational guidance to DROs and ROs on the process of developing the polling scheme. Parameters for the process are included in the Handbook for DROs and ROs (such as polling station size and proximity), however these are presented as suggestions rather than regulations. The development and distribution of polling schemes was inconsistent across the province. According to the framework, polling schemes should be finalised at least 15 days before the election, but areas varied on when finalisation occurred. In addition, polling schemes were not widely publicised, rendering it difficult for some voters to determine their polling locations. A number of political parties and candidates reported not receiving polling schemes until too late in the process to effectively campaign, or not receiving one at all. According to the PEC office, complaints regarding polling schemes were among the most common pre-election and election day charges.

Following standard practice in Pakistan, polling stations were comprised of two or more polling booths, each with its own ballot box. Women voted separately in either their own polling station, or in combined polling stations with segregated polling booths. Improvised stations (polling stations that exist outside of a building structure) were used sparingly throughout the province.

Phase	Districts	Polling Stations	Polling Booths	Improvised Polling Stations
1	Bahawalnagar, Bhakkar, Chakwal Faisalabad, Gujrat, Kasur, Lahore, Lodhran, Nankana Sahib, Okara, Pakpattan, Vehari	16,266	46,951	37
2	Attock, Chiniot, Gujranwala, Hafizabad, Jhelum, Khanewal, Mianwali, Mandi Bahauddin, Sahiwal, Sargodha, Sheikhupura, Toba Tek Singh	11,882	34,088	65
3	Bahawalpur, Dera Ghazi Khan, Jhang, Khushab, Layyah, Multan, Muzaffargarh, Narowal, Rajanpur, Rawalpindi, Rahim Yar Khan, Sialkot	14,012	38,718	87
<b>Total</b>		<b>42,160</b>	<b>119,757</b>	<b>189</b>

According to the PEC office, the three election days were supported by a total of 42,160 PrOs, 222,925 Assistant Presiding Officers and 119,757 Polling Officers. During each phase, stations generally opened on time in observed locations, were adequately staffed and provided sufficient materials. Positively, training attendance for polling staff reportedly increased from roughly 80 percent to more than 90 percent ahead of the second and third phases. However, clear gaps in polling personnel awareness of procedures were still noted throughout the process. Polling staff were seen “pre-signing” ballot papers in contravention of the procedures and, in a number of instances, not endorsing ballots at all<sup>127</sup>. Some officers were seen asking observers or security personnel about the purpose of certain forms and other procedural questions. This was particularly problematic during the counting process.

Overcrowding occurred in all phases, particularly in women’s polling booths. In some cases, polling stations were simply too small to accommodate the influx of voters. Often multiple polling booths were located in a single room. Overcrowding in women’s stations and booths was attributable in some cases to insufficient staffing levels, poor crowd management or a lack of voter education that increased the time it took women to cast ballots.

As with the 2013 general elections, the ECP did not arrange the electoral roll alphabetically or by CNIC

<sup>126</sup> See, e.g.: FAFEN preliminary observation reports; <http://tribune.com.pk/story/982952/voter-participation-high-turnout-of-women-observed-in-the-city/>; and <http://www.dawn.com/news/1220917>.

<sup>127</sup> Observed by DRI and also noted in FAFEN Preliminary Observation Report Sindh and Punjab: Local Government Elections Phase II. p. 2.

number, but rather sorted the list by obscure census block codes. While polling staff are responsible for verifying voters against information on the roll, the current organisational system is too unwieldy to quickly manoeuvre. Voters instead rely on *perchis*<sup>128</sup> that include their census block code and serial number supplied by political party and candidate camps outside of polling stations (or, in some cases, delivered to voters at their homes prior to election day), which the voters then present to the polling personnel managing the electoral roll. This commonly accepted procedure essentially places the onus for managing the electoral roll on the parties and not the polling officials. In some cases, DRI observed polling staff turning away voters without *perchis*, instructing them to go to a party camp to retrieve one rather than take the time to search for their name on the electoral roll. In another case, political party agents were seen issuing *perchis* within the polling booth, causing a serious bottleneck in the voter queue and confusing polling agent roles.

**RECOMMENDATION:** The electoral rolls be arranged by a more logical field, such as surname or CNIC number, to increase the efficiency of the polling process and reduce voter reliance on party and candidate camps.

Campaigning near the entrances of polling stations by candidate factions on polling day – which is barred by the Code of Conduct – was commonly reported by DRI observers as well as Free and Fair Election Network (FAFEN) monitors<sup>129</sup>. In addition, the presence of unauthorised persons in polling stations, particularly government officials, was also frequently observed in polling stations visited by DRI. This was particularly problematic in the third phase, where DRI observed candidates and their agents taking control of five polling stations in two districts. The observed instances<sup>130</sup> occurred in rural communities where powerful local leaders were competing in the elections, depriving polling staff of the power to appropriately manage the situation. Similar issues were reported by FAFEN observers during the counting process in some of the same districts<sup>131</sup>.

The ECP did not institute a formal complaints system at the polling-station level (see Electoral Dispute Resolution section below). In line with past elections, PrOs, DROs and ROs were granted magisterial powers and, on this basis, were empowered to summarily address and, where possible, resolve complaints and electoral offences. Only limited instructions on the evaluation and management of complaints were incorporated into the handbook for PrOs, and no guidance is provided in the handbook for DROs and ROs. However, reports from PrOs suggests that complaints were received on election day, but no formal information on these cases has been released by the ECP.

## SECURITY

In order to plan effectively for the multi-phase elections, the ECP formed district security committees with the security services ahead of the election days. Security planning included designating polling stations as “normal,” “sensitive” or “highly sensitive” and revising security arrangements accordingly<sup>132</sup>. Despite calls from opposition parties to deploy the military personnel to every polling station, police were given primary responsibility for election day security at polling stations. However, military personnel were also deployed in a rapid response capacity.

On 29 November, just before the third phase elections, the ECP also notified that, in addition to DROs, ROs, and PrOs, members of the Pakistan Army or Rangers deployed in connection to the elections would be

<sup>128</sup> *Perchis* are paper slips with voter registration information, sometimes containing a mock ballot and/or candidate or party symbol, typically distributed by campaign workers near polling stations on election day, or the night before.

<sup>129</sup> Also noted by FAFEN at the 1,581 polling stations which they visited. FAFEN Preliminary Observation Report Sindh and Punjab: Local Government Elections Phase II p.1.

<sup>130</sup> DRI team members reported this as an issue in two polling stations in Multan and three in Muzaffargarh.

<sup>131</sup> FAFEN Preliminary Observation Report Sindh and Punjab: Local Government Elections Phase III, p. 26.

<sup>132</sup> In phase 1 of the elections, 3,551 polling stations were declared to be highly sensitive, 8,300 sensitive and 4,415 normal. In Lahore of the 3,269 polling stations, 839 were declared to be highly sensitive and 2,430 sensitive. No polling stations were declared to be normal. For phase 2, 579 polling stations were declared highly sensitive and more than 8,700 sensitive. In phase 3, 964 polling stations in the province were deemed highly sensitive, and 3,078 sensitive and the other 9,970 normal. The criteria used to determine these designations were unclear.

afforded magisterial powers on polling day. While there were limited reports of army personnel exercising this authority, it nonetheless raises concerns about placing judicial authority with the military in a civilian electoral context.

Security personnel – mainly police officers – were observed at nearly every polling stations visited. DRI observations indicated that security personnel generally understood their roles and often assisted with crowd control. However, the presence of police in polling booths was reported, as well as police involvement in instructing voters or polling personnel.

The overall levels of violence on the election days were relatively low but not without critical incidents, which largely emerged largely between and among party and candidate supporters. Violence and intimidation were reported in the media during each phase, including several large clashes<sup>133</sup> that resulted in at least two deaths<sup>134</sup>. In addition, a woman was reportedly killed by her brother for voting in Rawalpindi<sup>135</sup>. Tensions did appear to increase in some areas over the second and third phases, and injuries were reported in most volatile districts<sup>136</sup>.

<sup>133</sup> In the first phase, media reported that a candidate was severely beaten: [http://epaper.dawn.com/DetailNews.php?StoryText=04\\_11\\_2015\\_178\\_004](http://epaper.dawn.com/DetailNews.php?StoryText=04_11_2015_178_004); media reports also noted incidents in Madharianwala, Chichawatni, Khanewal, Pindi Bhattian, Mianwali, Chiniot and Toba Tek Singh: <http://tribune.com.pk/story/994974/local-government-clashes-mar-second-phase-of-polls-in-punjab-districts/>.

<sup>134</sup> See: <http://www.thenews.com.pk/print/15743-five-killed-in-polling-related-violence>; and <http://www.dailytimes.com.pk/E-Paper/Lahore/2015-12-06/page-1/detail-4%22>.

<sup>135</sup> See: [http://epaper.dawn.com/DetailNews.php?StoryText=02\\_12\\_2015\\_004\\_003](http://epaper.dawn.com/DetailNews.php?StoryText=02_12_2015_004_003).

<sup>136</sup> See, e.g.: <http://tribune.com.pk/story/994974/local-government-clashes-mar-second-phase-of-polls-in-punjab-districts/>; <http://newsofpak.com/over-50-injured-in-election-related-violence/>; and <http://92newshd.tv/quarrels-firing-mar-2nd-phase-of-lb-polls-in-punjab-and-sindh/>.

## RESULTS PROCESS

### LEGAL FRAMEWORK

The legal provisions for consolidating, tabulating and publishing results are underdeveloped and provide for an insufficiently transparent process. The PLGA is silent on counting of ballots and the managing of results. The Election Rules are the main legal instrument that outlines the counting and tabulation process for Punjab's local elections, augmented by non-legally-binding instructions in the DRO/RO and PrO handbooks. As such, this runs the risk of arbitrary changes by the provincial government to critical electoral procedures, possibly creating challenges to implementation and confidence in the process.

The framework for the count is broadly outlined in the Election Rules, but it lacks certain safeguards. For example, there are no provisions for recording ballot-box seals or reconciling ballots cast with other information that is collected regarding voter turnout, such as thumbprints on the electoral rolls and counterfoils issued<sup>137</sup>. In addition, the Election Rules establish that ballot reconciliation information and candidate results information are recorded on separate forms<sup>138</sup>. As a result, most candidate agents and other observers often leave the count with preliminary vote share results but without other helpful audit information including the information on ballots cast, invalid ballots, and tendered ballots<sup>139</sup>.

According to the Election Rules, recounts at polling stations may be undertaken upon the request of a candidate or candidate agents, or on the volition of the PrO. However, no guidance is provided as to what could or should trigger a recount. In addition, while there are no protections for nonpartisan observers throughout the electoral framework, the language surrounding the count<sup>140</sup> in particular could be interpreted as actively excluding international and domestic observers from the process.

Similarly, there are little to no provisions in the legal framework for the transportation of ballots and other sensitive materials from polling stations to ROs for the consolidation process. The Election Rules simply instruct PrOs to send the materials to their RO "in compliance with such instructions as given to him by the [ECP]"<sup>141</sup>. The rules contain neither a timeline for the transfer of materials nor safeguards for storing and moving the material.

The process of consolidating the polling station level results, which was conducted by ROs, also lacked strong accountability and verification mechanisms. ROs are simply instructed to pick a time, announced publicly at their office, for when they will review and tabulate the polling-station results; no guidance is given regarding appropriate time periods or how much advance notice must be provided<sup>142</sup>. While ROs are allowed to recount valid ballots on the basis of a request by the ECP and/or a written request by a candidate or candidate agent, voters have no authority to request recounts. No additional provisions exist relating to addressing anomalies in the ballots, the count, or the aggregated result once they are transmitted to DROs, who are simply instructed to arrange and forward the winning candidate data to the ECP. As with voting and counting, there is no provision for nonpartisan observation of tabulation.

**RECOMMENDATIONS:** The legal framework be revised to include more detailed provisions on counting and consolidation processes, particularly in regard to ballot reconciliation, recounting, transportation of sensitive materials, checks on polling station results forms, more robust consolidation procedures, and timetables for results processes.

The Statement of the Count and Ballot Account forms be merged so that ballot reconciliation data is

<sup>137</sup> Election Rules, section 26.

<sup>138</sup> Form XII, Ballot Paper Account, and Form XI, Statement of the Count, respectively.

<sup>139</sup> Moreover, the framework instructs that ballots be counted at the polling-station instead of the polling-booth level, thus requiring the combining the ballots of several ballot boxes. This makes it difficult for election officials and other interested parties to assess the integrity of a single polling booth, and conduct an audit at that level.

<sup>140</sup> Election Rules, section 35(3): "No person other than the Presiding Officer, the Polling Officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count."

<sup>141</sup> Election Rules, section 35(15).

<sup>142</sup> Election Rules, section 36(1).



included alongside vote share data. Fields could also be added to the Ballot Account form for reporting used and unused counterfoils, thumbprints on the electoral rolls, ballot box seal numbers and other data collected at the polling stations.

The publication and certification of results is also relatively opaque. While the Election Rules state that ROs must post their consolidated results visibly in front of their office (with no timeline offered), the only instruction relating to the official publication of results directs the ECP to publish the names of the returned candidates in the official gazette<sup>143</sup>. While candidates as well as candidate and party agents can receive copies of consolidation forms from ROs, the legal framework does not require the publication of aggregated results by polling station. The absence of such a condition effectively prevents voters and civic groups from independently verifying higher-level results aggregation. In addition, the ECP is not required to publish turnout data or valid and invalid ballot totals by polling station or booth, which impinges on the ability of stakeholders to analyse voting trends at the local level or identify suspicious anomalies. Such weak transparency measures have the potential to undermine the credibility of the election process and is in contravention with the citizens' constitutional "right to access information in all matters of public importance"<sup>144</sup>, Pakistan's commitments under the ICCPR<sup>145</sup>, and the principle of "proactive disclosure" outlined in the Punjab Transparency and Right to Information Act<sup>146</sup>.

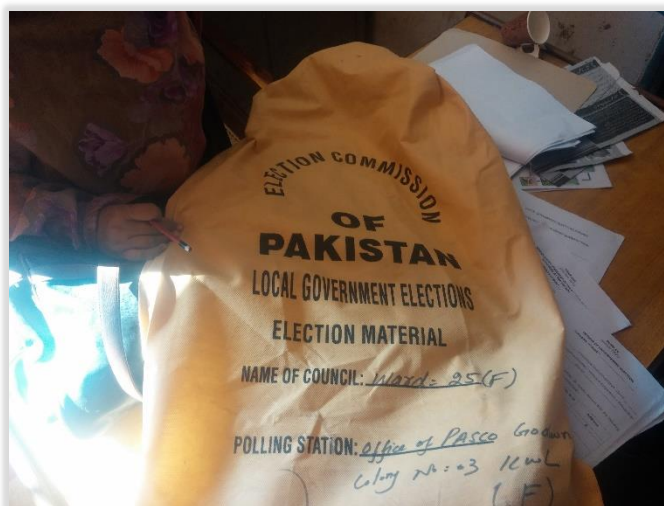
**RECOMMENDATION:** The legal framework be amended to require local and online publication of results information, including detailed polling-station level data, with turnout data and invalid and spoiled ballots, and vote totals for all contesting candidates.

## RESULTS IN PRACTICE

### COUNTING, COLLECTION AND CONSOLIDATION

The counting of ballots at polling stations proved challenging for some polling staff, as observed by DRI and FAFEN, with confusion emerging over how to determine valid or invalid ballots and pack sensitive materials following the count. FAFEN observers additionally reported the presence of unauthorised persons in a number of polling stations during the count, some of whom were observed handling ballots and assisting staff with the process.

Reports from observers and political parties indicated that the consolidation process was inconsistently implemented throughout the districts. Following the completion of the count at polling stations, the collection and consolidation of the results by ROs took place at a later date and location defined by the RO. The timing of the consolidation processes varied, with some ROs conducting the process immediately upon receiving materials from polling stations, and others waiting several days. In addition, it did not appear that ROs always publicly announced the time for the consolidation proceedings, as required in the Election Rules. DRI team members observed that RO offices in most districts generally did publicly display the results form following consolidation.



*Packing material provided by the ECP at polling stations*

<sup>143</sup> Election Rules, section 38(4).

<sup>144</sup> Constitution of Pakistan, article 19A.

<sup>145</sup> ICCPR article 19 refers to the "freedom to seek, receive and impart information." UN Human Rights Committee, ICCPR General Comment 34, interpreting article 19, states that "State parties should proactively put in the public domain Government information of public interest."

<sup>146</sup> Punjab Transparency and Right to Information Act, section 4: "a public body shall proactively disclose: [...] (d) Acts, Ordinances, rules, regulations, notifications, circulars and other legal instruments being enforced, issued or used by the public body in the discharge of its functions."

Based on direct observations and discussions with many ROs, it was noted that candidates as well as party and candidate agents did not consistently observe the consolidation of results. This may partially be attributable to inadequate announcements by ROs and/or the candidate agents' being confident that they had collected sufficient information during the counting process at polling stations. Generally, political parties did not systematically collect results; instead this was done in an *ad hoc* manner.

Responsibility for results is essentially devolved to ROs, with limited or no ECP involvement. Consequently, there is a risk that results anomalies go unaddressed and that grievances are not speedily resolved, which may result in protracted disputed election results and challenged mandates.

### **ANNOUNCEMENT OF RESULTS**

The ECP did not effectively manage expectations regarding the timeline for centrally announcing results and led many to expect preliminary results announcements following each phase. While reports in the media indicated that the publication of first phase results would take place on or before 3 November<sup>147</sup>, the ECP did not meet this self-imposed deadline. It was subsequently reported to DRI that the ECP informally decided not to announce official results until the conclusion of all three phases, but no public announcement of their intentions was made.

According to an ECP press release, the ECP published the lists of returned candidates for all districts in the official gazette on 21 December, yet no such notifications were made available on the ECP website by the time of this report's finalisation. This was in contrast to Sindh's simultaneously held local elections, for which official results from all three phases were posted on the ECP website between 3 December 2015 and 1 January 2016. The excessive delay in publicising results information carries the potential to not only contribute to an environment of uncertainty<sup>148</sup>, but it also complicates critical post-election processes, such as campaign finance reporting and Election Tribunals, for which deadlines exist that are linked to the official notification of returned candidates.

**RECOMMENDATION:** The ECP publish on its website the results from each phase of Punjab's local government elections as soon as the information is available, exercising its discretion to include vote totals and party affiliations of successful and unsuccessful candidates, not just the name of the returned candidates, as well as turnout in each contest.

<sup>147</sup> See, e.g.: <http://nation.com.pk/islamabad/01-Nov-2015/official-results-to-be-announced-before-november-3-ecp>.

<sup>148</sup> See, e.g.: <http://www.dawn.com/news/1229603/information-on-lg-polls-missing-from-ecp-website>.

## RESULTS AND THE POST-ELECTION POLITICAL ENVIRONMENT

Without centralised preliminary or final results, province-wide analysis of the electoral outcome was not possible. While parties have relied on results compilations from the media and their own polling agents to gauge their success throughout the districts, a lack of consolidated data makes it difficult to determine how many women or non-Muslims took general seats throughout the province and how independents and smaller parties fared in the process. It also meant that DRI was unable to analyse voter turnout and other aspects of the post-election environment, such as campaign finance reporting and Election Tribunals, which are triggered by the official notification of results.

In a positive development, reaction to the unofficial results in the immediate post-election period, which indicated large wins for PML-N and independent candidates, was relatively calm. While there were some vocal renunciations of the results by unsuccessful candidates and opposition parties, such claims were largely focused on specific contests or areas in which they believed irregularities occurred and did not indicate a blanket rejection of the process. At the local level, there were few disruptive responses reported at polling results, including in the case of political upsets.

As expected, some independent candidates indicated their intention to join political parties in the post-election period, as is allowed by the Election Rules and constitutes a common electoral practice in Pakistan, especially the overall winning party. Winning independent candidates have seven days from the official notification of the results to do so. The lack of readily available local and aggregate results data, including the party affiliation or independent status of winning candidates, weakened transparency around this process.

After prominent allegations of “vote shifting” following each phase of the elections (in which voters claimed their voter registration address was surreptitiously moved to other constituencies), NADRA and the ECP appear to be reconsidering the role that the civil registry plays in managing the electoral roll. According to media reports, NADRA has indicated that it was unfairly criticised during the elections and would prefer not to be associated with anything so politically charged<sup>149</sup>, while the ECP has indicated that it would like to have more control of the updating process<sup>150</sup>. At the time of this report’s finalisation, there was neither formal agreement about whether the system would change nor what a revised system would entail. However, given the inclusive, state-initiated nature of the current system, a change to a more voter-initiated process could be viewed as a step backwards for the country and create more challenges than solutions for list maintenance.

The timeline for establishing the local governing bodies is also contingent upon official results notification. At the time of this report’s finalisation, information regarding the timeline for reserved seat candidate nomination and elections had yet to be announced.

<sup>149</sup> See, e.g.: <http://tribune.com.pk/story/987747/unfair-criticism-nadra-may-shy-away-from-election-duties/>.

<sup>150</sup> See, e.g.: <http://nation.com.pk/national/14-Nov-2015/election-commission-to-get-vote-registration-system>.

## SCRUTINY OF THE PROCESS

### LEGAL FRAMEWORK

The rights and regulation of the media, election observers and party agents vary widely in the legal framework. The media's participation in the electoral process was largely governed by the Code of Conduct for Media issued by the ECP. The Code of Conduct includes a number of statutes to promote responsible electoral coverage, such as discouraging rumours and hearsay and encouraging balanced time and fair treatment of candidates. However, some parts of the Code of Conduct, such as provisions that the media should not broadcast "anything that adversely affects the public opinion against a certain party or candidate"<sup>151</sup>, is overly restrictive and in violation of basic freedoms of expression and the press<sup>152</sup>. The Code of Conduct also included a bar on media publication of unofficial results, which was reportedly reversed by the LHC just one day before first phase polling, allowing media outlets to release count information one hour after the close of polls<sup>153</sup>. Conversations with media representatives revealed that they had very little awareness of the Code of Conduct or any of its provisions beyond those relating to results publication.

The national and provincial legal framework is significantly flawed regarding validation of and safeguards for non-partisan observers, both domestic and international. The framework is silent on the rights of observers to participate in the process on, before and after election day. Critical processes related to the integrity of elections, such as counting and tabulation, are limited to polling agents in the legal framework<sup>154</sup>. Moreover, the framework offers no formalised system for accreditation of observers; this runs counter to the authoritative interpretation of ICCPR provisions<sup>155</sup>.

Although not established in the law, the power of DROs, ROs and the PEC to accredit national observers and the ECP to centrally accredit internationals is mentioned in the Handbook for DROs and ROs. In addition, the ECP released a Code of Conduct for Election Observers in August 2015, but the document only offered behavioural regulations for observers, whilst neither establishing any rights of observers nor providing any guidance for them on working with the ECP to ensure accreditation and access. The absence of legal obligations related to observation ultimately resulted in considerable complications ahead of the first phase of elections, as described below.

**RECOMMENDATIONS:** The Punjab Local Government Act be amended to establish and protect the rights of observers, including their ability to access all aspects of the electoral process including beyond election day.

National and provincial frameworks be amended to create a clear and accountable process for reviewing

<sup>151</sup> ECP Code of Conduct for the Media, section 1.

<sup>152</sup> ICCPR, article 19(2) and the Universal Declaration of Human Rights, article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

<sup>153</sup> See: <http://tribune.com.pk/story/982119/lhc-allows-media-to-issue-unofficial-lg-poll-results/>.

<sup>154</sup> Election Rules, section 35(3): "No person other than the Presiding Officer, the Polling Officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count."

<sup>155</sup> ICCPR, article 25: "Every citizen shall have the right and the opportunity [...] without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives;" and UN Human Rights Committee, ICCPR General Comment 25, interpreting paragraph 20: "There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes;" as well as CAC, article 13: "Each State Party shall take appropriate measures [...] to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption." Moreover, the lack of provision for observers runs counter to the spirit of the Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation, both endorsed by the UN secretariat. Declaration of Global Principles for Nonpartisan Election Observation, preamble: "Non-partisan election observation and monitoring by citizen organizations exercises the right of association that is central to the functioning of nongovernmental organizations, as well as the right to seek, receive and impart information that is vital to transparency and is included in the freedom of expression protected by articles 19 of the Universal Declaration of Human Rights and the ICCPR. Establishing an election process that is open to citizen examination is essential because citizens not only have the right to genuine elections, they have the right to know whether the election process provided an opportunity for free expression of the will of the electors and accurately recorded and honored the electors' will."

According to the Election Rules, each candidate has the right to deploy agents at the polling station to observe the process and represent the candidate. Polling agents are regulated by the Code of Conduct for Political Parties and Candidates, which, among other things, requires parties and candidates to supply credentials for agents, and bars agents from disrupting the process or actively campaigning in or near polling stations.

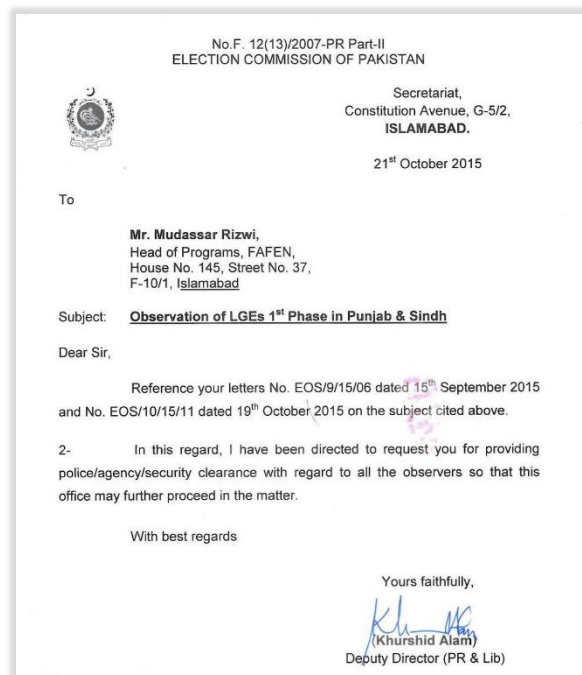
## SCRUTINY OF THE PROCESS IN PRACTICE

### THE MEDIA

Coverage of the local elections was extensive in both national and regional media. News coverage generally focused more on the competition between political parties, and complaints and challenges to the electoral process before and after election day were also explored. Media representatives told DRI that journalists were generally able to report on the elections freely, without intimidation or threat of repercussions. In addition, members of the media reported a relatively open relationship with the ECP and ease in obtaining official data when it existed. While journalists were supposed to refrain from releasing results until 6:30 p.m. on election day (based on the LHC ruling), this constraint appeared to be regularly ignored. Active media scrutiny of reported results provided an invaluable accountability check against possible manipulation of results during consolidation.

### ELECTION OBSERVERS

The ill-defined process of accreditation created uncertainty and frustration ahead of each election phase. On 22 October, only a week before the first phase polling day, the ECP rebutted a request made by FAFEN, the most prominent citizen observer coalition, and imposed a “security clearance[s]” requirements for its approximately 3,000 observers (across Punjab and Sindh) on an individual basis ahead of the elections<sup>156</sup>. This not only contradicts the purported accreditation process outlined in the DRO/RO handbook, but also represents highly unreasonable criteria<sup>157</sup> for accreditation, particularly with the introduction of such burdensome criterion so late in the process. Such restraints effectively suppress observation, thereby undermining the transparency of the election process. All prominent political parties in Punjab publicly criticised the ECP’s initial rejection of FAFEN’s accreditation. While the ECP reversed this decision just days before the first phase of the election, a lack of clarity and challenges to observation accreditation persisted throughout the process.



*ECP's letter to FAFEN requesting security clearance of all observers*

<sup>156</sup> ECP letter to FAFEN, No. F12(13)/2007-PR-Part-II: “In this regard, I have been directed to request you for providing police/agency/security clearance with regard to all the observers so that this office may further proceed in the matter.” 21 October 2015.

<sup>157</sup> Declaration of Global Principles for Nonpartisan Election Observation, article 18(b): “In order for non-partisan election observation and monitoring by citizen organizations to be conducted successfully, several conditions should be present, including, among others [...] b) election management bodies and other governmental authorities concerned with electoral related processes honour the right to participate in government and public affairs by providing non-partisan citizen election observation and monitoring organizations access to polling stations and all other election related facilities and processes in the pre-election, election day and post-election periods, including by providing accreditation, where it is required for access, in a timely manner, without proscribed discrimination or unreasonable restrictions, such as providing less access than allowed to international election observers, the media or political party and candidate observers.” There is an established and growing international trend, evidenced by state practice that 1) accepts the positive contribution of nonpartisan election monitoring by national citizen organizations and 2) subsequently applies minimal burdens to domestic observers. This is based on the right of citizens to participate in government. According to the National Democratic Institute, nonpartisan domestic monitoring has been conducted in at least 104 countries, and the Global Principles for Domestic Election Observation has been endorsed by 265 institutions from 89 countries around the world.



In the first phase, FAFEN ultimately received accreditation for 757 observers (of the requested 1,013), with some observers not receiving badges until after midnight the night before election day. In addition, observers were asked to have PrOs sign their accreditation cards at each station visited, and then turn the card over to the ECP.

The ECP made a concerted effort to work with observers to avoid the issues that emerged during first phase from recurring in the subsequent phases. These efforts included a consultative meeting with interested domestic and international organizations on 13 November to develop standard operating procedures for accreditation. While the development of procedures was a positive step in the ECP's outreach to and management of citizen election observers, it contains some questionable provisions, such as a one-day limit to accreditation and requiring signed affidavits on security clearances, which will likely require revision in the long-term<sup>158</sup>.

International election observers were not included in the terms of the draft procedures, but were directed to the Ministry of Foreign Affairs and the Ministry of Interior, neither of which provided timely guidance or clear avenues for accreditation during the elections. Ultimately, the process for accrediting international observers was not resolved before all phases of the election were held. To DRI's knowledge, this meant that almost no internationals, including DRI's international staff, were able to obtain credentials for any of the election phases.

According to FAFEN reports, the group ultimately deployed 994 observers for the first phase of elections, 896 for the second phase and 895 for the third phase. In each phase, there were a handful of stations that denied accredited observers access to the voting or counting process, again reflecting the poor institutional knowledge of and protections for observation. In addition, there were a number of reports of security personnel confiscating cell phones from voters and observers prior to entering polling stations, despite no clear regulation against their use on polling day. Such restriction can limit observers' ability to document irregularities and report critical incidents.

**RECOMMENDATIONS:** Ensure training and manuals for Presiding Officers, polling station staff and security personnel detail the roles and rights of accredited observers.

Review the accreditation process to create clear and streamlined administrative procedures for the accreditation of citizen and international observers.

## **CANDIDATES' AGENTS**

Party and candidate agents were highly visible during the election days, with a presence in most polling stations visited by DRI. In some cases, parties and candidates were so well represented that they sometimes contributed to the overcrowding of polling stations. There were relatively few reports of poll-watchers interfering with or disrupting the process.

<sup>158</sup> For instance, asking for observer accreditation 20 days before election day could be problematic if accreditation is conducted on an individual basis, since domestic monitors are unlikely to conduct election day observer trainings that far in advance. In addition, the provision of PrOs signing observer badges, which are then returned to the ECP, could be better addressed by alternatively requiring PrOs to keep an official log of all observers, candidates, party agents and journalists that visit their polling station, which could ultimately provide the ECP with stronger election day information.



## ELECTORAL DISPUTE RESOLUTION

### LEGAL FRAMEWORK

The legal framework outlines three specialised election dispute resolution mechanisms for Punjab's local government elections: objections by voters to a Delimitation Authority on delimitation decisions (see Delimitation section above); appeals by candidates and others to an Appellate Authority on candidate nomination acceptances or rejections (see Candidate Nomination section above); and petitions by a candidate to an Election Tribunal challenging an election result. These dedicated mechanisms are insufficient, both in terms of the limits imposed on who may submit challenges, and in that they do not cover all aspects of the elections, such as voter registration, campaigning, and polling locations. The PLGA and Election Rules restrict the right to file petitions to Election Tribunals to candidates only<sup>159</sup> which is contrary to Pakistan's ICCPR obligation "to ensure that any person whose rights or freedoms [...] are violated shall have an effective remedy"<sup>160</sup>.

Individuals may also file writ petitions with the LHC or Supreme Court on the basis of violations to constitutional rights. For actors who are ineligible to issue challenges in the dedicated bodies, or for matters outside of those bodies' jurisdiction, writ petitions to high courts represent the only available recourse.

The legal framework does not provide for administrative complaints mechanisms, leaving undefined how, when and by whom a complaint can be lodged. In the absence of such provisions, as discussed below, the ECP established some non-formalised procedures for receiving and adjudicating administrative complaints. As there is no legal requirement for a mechanism for candidates or other stakeholders to complain to ROs or the ECP before the notification of returned candidates (after which challenges are only possible through petitions to Election Tribunals or high courts), the opportunity for accessible, affordable and timely resolution of disputes and grievances is reduced, and questions of compliance with the ICCPR are thereby raised<sup>161</sup>.

**RECOMMENDATION:** The Punjab Local Government Act be amended to include requirements for administrative complaints mechanisms, independent tribunal bodies with a broader remit for the whole election process, and expansion of those eligible to file petitions in order to reduce recourse to writ petitions.

The dedicated mechanisms have varying degrees of safeguards on their independence in the legal framework. The legal framework does not specify how or from what bodies the ECP is to appoint individuals to serve as Delimitation Authorities<sup>162</sup> or Election Tribunals<sup>163</sup>. As such, there is a risk of persons being appointed from non-independent entities, as experienced during delimitation (see Delimitation section above). Conversely, the Election Rules require the ECP to draw Appellate Authorities for candidate nomination from the judiciary<sup>164</sup>, which strengthens the independence of the dispute resolution mechanism. However, as this process is not secured in the PLGA, it is vulnerable to change and accusations of government bias.

### ELECTORAL DISPUTE RESOLUTION IN PRACTICE

#### ADMINISTRATIVE COMPLAINTS

While not outlined in the legal framework, the ECP implemented some non-formalised practices during the local elections that offered stakeholders opportunities to lodge complaints to temporary election officials

<sup>159</sup> PLGA, section 38(2).

<sup>160</sup> ICCPR, article 3(a).

<sup>161</sup> UN Human Rights Committee, ICCPR General Comment 31, paragraph 15, requires States "to ensure that individuals have accessible and effective remedies [...] Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies."

<sup>162</sup> ECP Delimitation Rules, section 7.

<sup>163</sup> PLGA, section 39.

<sup>164</sup> Election Rules, section 14(10).

and ECP staff. The ECP Handbook for DROs and ROs assigns DROs the responsibility to “resolv[e] disputes and complaints arising during election process right at the initial stage” and “maintai[n] complete (electronic) record of all complaints with the details of their resolution” in a provided format<sup>165</sup>. On 26 August, the ECP further issued a notification stating that for the first phase elections, DROs should “entertain all the complaints regarding electoral process and dispose of such complaints in accordance with law”<sup>166</sup>. The Handbook additionally assigns ROs the responsibility to receive and resolve complaints<sup>167</sup>, but provides no clear division of responsibility between DROs and ROs. Adding another layer, the ECP established “control rooms” of ECP staff members, operating 24-hours a day near the polling days to receive “poll day complaints and election issues” by phone, e-mail or fax<sup>168</sup>.

These procedures, however, lacked specific instructions for the election officers and ECP staff on how to process and adjudicate such complaints, risking inconsistent and *ad hoc* responses and offering limited opportunity for stakeholders to seek and receive effective remedy. It is, nevertheless, commendable that the ECP took steps to improve and collect information on complaints adjudication processes during the local elections. The introduction of electronic records for complaints, in particular, appears to support the improved collection of such information and enable centralised analysis of encountered issues. However, the complaints process lacked transparency and does not appear to have proven effective for providing opportunity for remedy. By the time of this report’s finalisation, DRI was unable to obtain comprehensive information on the number or general nature of complaints received and adjudicated at each level<sup>169</sup>.

**RECOMMENDATION:** The ECP continue efforts and formalise procedures to centrally collect, make public, and analyse information on complaints received and adjudicated by ECP staff and election officers.

## ELECTION TRIBUNALS

On 4 December, the ECP issued a notification appointing eight retired judges, one per division, to serve as Election Tribunals. Under the framework, candidates have 30 days from the notification of returned candidates to file election petitions with a tribunal. Election Tribunals are subsequently required to decide on each petition within 120 days of its being filed. Petitioners can appeal the decisions of the tribunals with the LHC within 30 days of the decision. The LHC must decide such appeals within three months. This protracted process means that the finality of election results can be delayed as much as nine months from the announcement of official results.

At the time of this report’s finalisation, the tribunals appeared to be just beginning their work. This delay, as well as the lack of publicly accessible notifications on returned candidates, weakened candidates’ ability to seek and receive timely resolution of their challenges to results.

## WRIT PETITIONS

While writ petitions to high courts provide a mechanism for remedy to those ineligible to use the dedicated bodies or for matters outside of the bodies’ jurisdictions, they have various limitations. Firstly, they are less accessible – with only four benches across the whole province – and their associated legal costs are higher. Secondly, the high courts have considerable caseloads, so there can be delays in hearings and there is less time available to examine evidence. The submission of writ petitions is not time-bound, and the time frames for its judgements are standard rather than tailored to the electoral cycle. While writ petitions require that the court “is satisfied that no other adequate remedy is provided by law”<sup>170</sup>, in practice, this is at the discretion of the court. In some instances, therefore, a writ petition will reportedly be

<sup>165</sup> Handbook for DROs and ROs. pp. 33-34.

<sup>166</sup> ECP Notification No. F.4(5)2015-LGE(P)(Vol-X). 26 August 2015.

<sup>167</sup> Handbook for DROs and ROs. “[ROs should] effectively resolv[e] the complaints at the initial stage regarding polling station, polling staff, implementation of Code of Conduct, campaign disturbance, violations, etc.” p. 42.

<sup>168</sup> See, e.g., ECP Press Release, 29 October 2015: <http://ecp.gov.pk/ViewPressReleaseNotificDetail.aspx?ID=7580&TypeID=0>.

<sup>169</sup> The PEC office told DRI that it had received 65, 91 and 136 polling-day complaints for the three phases, respectively, and more than 1,500 pre-poll complaints. These figures were not comprehensive of all divisions, and the nature of complaints was not provided.

<sup>170</sup> Article 199 of the Constitution refers to writ petitions being filed to High Courts for matters that fall within their territorial jurisdiction. Article 184(3) also empowers the Supreme Court of Pakistan to deal with constitutional petitions, and includes use of *suo moto* powers.

accepted without a tribunal or appellate authority process first being completed. As result, there is a risk of forum-shopping between petition mechanisms, which can compromise the consistency of remedy.

During the local government elections, it appears that the late change to the election system, delimitation issues, the larger number of candidates (in comparison to the general elections), and controversies surrounding the electoral roll, resulted in increased pressure on the high courts. According to data provided by the ECP, nearly 900 writ petitions were filed with the LHC regarding the Punjab local elections.

## PARTICIPATION OF WOMEN

### LEGAL FRAMEWORK

The Constitution provides safeguards against gender discrimination and prescribes that “steps shall be taken to ensure full participation of women in all spheres of national life”<sup>171</sup>. In addition, Pakistan ratified CEDAW in 1996, binding the country to a number of commitments to promote and protect women in political life. Pursuant of gender parity goals, the previous iteration of union councils during the Musharraf era reserved 30 percent of seats for women<sup>172</sup>. However, the PLGA reduced the number of reserved seats for women on union councils by more than half, holding only two seats of the 13 (roughly 15 percent) for women. Moreover, the current framework actually creates a maximum limit for women’s reserved seat representation in the higher local bodies. District councils and municipal corporations are allocated up to 15 reserved seats for women, and municipal committees should have a number “not exceeding” five. The legislation is opaque about how the ultimate number of reserved seats in the higher-level councils is to be determined, leaving it to the government’s discretion<sup>173</sup>.



*Voters outside a women's polling station*

On 17 July 2015, the provincial government issued an ordinance amending the PLGA to change union council reserved seats from directly to indirectly elected positions<sup>174</sup>. The amendment was a significant setback for women’s political integration and removed the only directly elected reserved seats<sup>175</sup> for women and minorities in any level of government in Punjab. Political leaders and women’s rights advocates expressed concerns to DRI that such provisions inhibit the ability of women to build political capacity and grassroots support.

Removing the constituent-representative link for women council members at the lowest tier of the country’s democratic system both decreases their incentive to advocate for their community and limits their ability to pursue directly elected higher offices. It also weakens their mandate, which could result in their being sidelined from them in policy-making.

This change to the legal framework, purportedly, came at the behest of the ECP, which found that the direct election of neighbourhood and village council reserved seats in the KP elections (during which voters cast between six and seven ballots each), was logistically burdensome. Other supporters of the amendment told DRI that many women and minorities do not have the resources to run competitive campaigns, although campaigns for local union councils are likely the least resource-intensive in Pakistan’s electoral system. Many of those opposed to the amendment, including opposition parties and civic activists, viewed it as a politically strategic move to consolidate political party powers at the local level, at the expense of women and minorities.

**RECOMMENDATION:** Review the electoral system to identify impacts on women’s political representation

<sup>171</sup> Constitution of Pakistan, article 34.

<sup>172</sup> According to the Punjab Local Government Ordinance 2001, section 87, four of 13 union council seats were reserved for women.

<sup>173</sup> PLGA, sections 14 and 15.

<sup>174</sup> This was later passed as an amendment to the PLGA by the Provincial Assembly.

<sup>175</sup> Reserved seats in the Punjab Provincial Assembly and in the National Assembly are elected from a party list based on a proportional representation system.

and avenues for encouraging women's participation, including consideration to return reserved seats for women to directly elected positions.

## PARTICIPATION OF WOMEN IN PRACTICE

### WOMEN AS VOTERS

Women in Punjab comprise, on average, only 43.9 percent of the registered electorate. While women make up an estimated 48 percent of the Punjab population<sup>176</sup>, some districts, including Sheikhpura and Mandi Bahauddin, saw women registration rates as low as 41 percent of the total registration number. In addition, as noted in an analysis by FAFEN<sup>177</sup>, while the overall number of women registrants in Punjab increased from the 2012 to 2015 electoral rolls, so too did the gap between male and female registrants<sup>178</sup>. There are a number of potential factors that could impact women's access to the electoral rolls, including the prerequisite of a CNIC. A 2013 report analysing NADRA data concluded that approximately 20 percent of eligible women did not possess a CNIC<sup>179</sup>. Of the women that were on the electoral roll, 2.7 million did not have an accompanying photo in 2013<sup>180</sup>, which could make them vulnerable to fraud or additional verification requirements.

Progress related to women's participation as voters is also difficult to measure, particularly without empirical data. Despite attempts to collect gender-disaggregated turnout data in the 2013 general elections, KP local council elections and other recent elections, the ECP has yet to successfully release such data on a provincial or national level<sup>181</sup>. The absence of this data makes it impossible to compare women's voter participation rates over time. The ECP made concerted attempts to collect gender information



*Polling at a women's polling booth*

for the Punjab local government polls, including providing instructions and forms for Presiding Officers to separately record the number of ballots cast by women. DRI observers in combined polling stations did witness polling staff generally recording women's turnout during the count; however, without consolidated results or turnout information, it is impossible to state conclusively at the time of this report's finalisation whether this information was consistently and comprehensively captured.

DRI team members observed during polling that women's polling stations and booths were more likely to be overcrowded and insufficiently staffed. In addition, there were several reports of women being barred from voting throughout the process. Some union councils in Chakwal<sup>182</sup>, Kasur<sup>183</sup>, Khushab<sup>184</sup>, Nankana Sahib<sup>185</sup>, Sargodha<sup>186</sup>, and Toba Tek Singh<sup>187</sup>, saw zero percent women's turnout as a result of local leaders,

<sup>176</sup> Punjab Development Statistics 2013.

<sup>177</sup> "FAFEN Calls for Women's Voter Registration Emergency," FAFEN, 25 November 2015, <http://fafen.org/fafen-calls-for-womens-voter-registration-emergency/>.

<sup>178</sup> According to data from the ECP, more than two million women in Punjab were added to the electoral rolls in 2015. However the difference in total registered voters between men and women in Punjab also increased by roughly half a million.

<sup>179</sup> IFES, Pakistan Survey Assessing Barriers to Women Obtaining Identification (CNICs), February 2013: <https://www.google.com/url?q=http://aceproject.org/electoral-advice/archive/questions/replies/277728362/962062828/IFES-PK-Survey-Assessing-Barriers-to-Women.pdf&sa=D&ust=1445258470404000&usg=AFQjCNEjITcsVoSYA5cahuqpqfTHUaCt-VQ>.

<sup>180</sup> EU EOM 2013 Final Report, p. 19.

<sup>181</sup> The ECP did successfully collect gender-disaggregated turnout data for the 2015 cantonment board elections; however, this data seemed to be limited in its release, and is not currently available on the ECP website.

<sup>182</sup> UC-67: <http://tribune.com.pk/story/984753/male-chauvinism-women-barred-from-casting-ballot/>.

<sup>183</sup> See: <http://e.jang.com.pk/12-01-2015/laheore/pic.asp?picname=1358.gif%22>.

<sup>184</sup> See: <http://news.popalz.com.pk/?p=331690%22>.

<sup>185</sup> UC-51: <http://tribune.com.pk/story/1000851/election-result-suspended-over-lack-of-womens-votes-in-nankana-sahib/>.

<sup>186</sup> UC-34, UC-35: <http://hrqp-web.org/hrqpweb/hrqp-says-turnout-good-but-obstacles-for-some-women-voters/> and <http://www.thenews.com.pk/print/83928-LHC-appoints-amicus-curies-in-UC-34-UC-35-elections-case>.

<sup>187</sup> See: <http://hrqp-web.org/hrqpweb/hrqp-says-turnout-good-but-obstacles-for-some-women-voters/>.



including competing parties and candidates, purportedly agreeing to suppress women's enfranchisement. Civil society organizations, voters and women's rights activists submitted complaints to the ECP, calling for the results in the affected areas to be nullified<sup>188</sup>. The results of the councils in Nankana Sahib<sup>189</sup> and Sargodha<sup>190</sup> were stayed based on an order from the LHC until further investigation.

**RECOMMENDATIONS:** Gender-disaggregated turnout data be made publicly available and used to target voter education in areas with lower women's participation.

Thoroughly investigate areas where women's turnout is limited or non-existent to identify bans on women's participation and take resolute action against such bans, including results nullification and the disqualification of complicit candidates.

## WOMEN AS CANDIDATES

According to data provided by the PEC office, 299 women in total competed for direct seats, with 239 women running for general union council seats and 60 for chair or vice chair positions. There were fewer women candidates competing for general seats than those identified as religious minorities, who constitute a substantially smaller portion of the Punjab electorate. Without consolidated preliminary results it was unclear, at the time of this publication, how many women candidates were ultimately elected. Most political parties with which DRI spoke indicated that they were encouraging women to run in general seats. However, this was not reflected in the ultimate number of aspirant candidates who received party tickets.

The low percentages of seats reserved for women, compounded by expectations that few women were elected to general seats, will in all likelihood result in Punjab's falling far short of meeting the UN target of 30 percent representation by women<sup>191</sup>, which was reinforced by the Beijing Platform for Action. The elections similarly are unlikely to represent significant progress towards Pakistan's commitments under CEDAW to "ensure to women, on equal terms with men, the right [...] to hold public office [...] at all levels of government"<sup>192</sup>.

## WOMEN AS ELECTION ADMINISTRATORS

While the ECP's strategic plan recognises women's participation as a critical objective, and is reinforced by CEDAW's principles regarding equality in government administration<sup>193</sup>, men still comprise the overwhelming majority of election administrators at all levels of the process. There are only 48 permanent female staff members within the ECP, out of an approximate 2,000 total staff, 22 of which are in the Punjab PEC office. However, this is an improvement from previous years. A senior ECP official told DRI that the commission has made it a priority to increase the number of women working as ECP staff and temporary elections staff, including in senior positions.

Examinations of the ECP's staffing notifications indicated that there were no female DROs in the province<sup>194</sup>. Of the 770 ROs in Punjab, only 20 were women (roughly three percent), and of 1,554 AROs, approximately 22 were women (roughly one percent). In addition, there were no women Delimitation Officers and only 25 Assistant Delimitation Officers out of 225 were women (roughly 11 percent). None of the 141 appellate authority judges appeared to be women.

<sup>188</sup> See: Potohar Organization for Development Advocacy complaint filed with ECP, 3 November 2015; and <http://tribune.com.pk/story/984753/male-chauvinism-women-barred-from-casting-ballot>.

<sup>189</sup> See: [http://epaper.dawn.com/DetailNews.php?StoryText=24\\_11\\_2015\\_002\\_003](http://epaper.dawn.com/DetailNews.php?StoryText=24_11_2015_002_003).

<sup>190</sup> See: <http://www.pakistanpost.pk/2015/12/women-denied-franchise-lhc-restrains-ecp-from-notifying-results.html>.

<sup>191</sup> UN Department on Economic and Social Council Resolution, E/RES/1990/15 (24 May 1990), Recommendation VI: "Governments, political parties, trade unions and professional and other representative groups should each aim at targets to increase the proportion of women in leadership positions to at least 30 percent by 1995, with a view to achieving equal representation between women and men by the year 2000, and should institute recruitment and training programmes to prepare women for those positions."

<sup>192</sup> CEDAW, article 7.

<sup>193</sup> CEDAW, article 7: "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right [...] to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government."

<sup>194</sup> According to corrigendum, there were two women DROs initially appointed, but they were later replaced by men.



Some ROs reported difficulty in recruiting female polling staff, and observers noted the presence of male poll-workers in a number of women's polling booths and stations. Women security personnel were even scarcer, although male police tended to remain outside of the stations or booths. The presence of men in female polling stations and booths can present a barrier for some women and adversely affect turnout.

**RECOMMENDATION:** Continue efforts to incorporate women in the ECP at all levels and develop strategies to better recruit and train female polling staff and security personnel.

## PARTICIPATION OF MINORITIES AND VULNERABLE GROUPS

### LEGAL FRAMEWORK

According to the 1998 census, almost three percent of the Punjab population is comprised of religious minorities, largely Christians, Hindus, Sikhs and Ahmadis<sup>195</sup>. Minorities' rights outlined in the legal framework almost exclusively refer to non-Muslims<sup>196</sup>. Religious minorities are protected from discrimination through a number of constitutional principles. In addition, Pakistan is obliged to ensure universal suffrage and equal access for all voters under the ICCPR<sup>197</sup> and ICERD<sup>198</sup>.

Religious minorities are allocated one reserved seat on each union council. As with reserved seats for women, the PLGA places a maximum limit on the number of seats allocated to non-Muslims on district councils (five), municipal committees (three) and municipal corporations (five). According to the law, the ultimate number of non-Muslim reserved seats for these local bodies is subject to the government's discretion, with no guidance provided on how it should be determined.

The change from direct to indirect election of reserved seats was met with significant vocal opposition from religious minorities. Non-Muslim coalitions have long criticised the use of indirectly elected reserved seats at the national and provincial levels<sup>199</sup>, and the late amendment was criticised by many activists. Civic and political leaders in the non-Muslim community suggested that the current model reduces the ability of minorities to achieve meaningful representation in local government and forces minority candidates to be dependent on political parties. In addition, indirect appointments can exploit class inequalities, with minority candidates sometimes appointed from subservient positions and, therefore, prove less likely to oppose the interests of the ruling majority.

Christians, Hindus and Sikhs coordinated messages to highlight the law's impact on accountability and the right to direct representation. A Christian-led protest surrounded the Provincial Assembly on the day the ordinance took legal effect, during which leaders called the move "anti-democratic, anti-minority and unconstitutional"<sup>200</sup>. A number of religious coalitions and opposition parties, including JI and PTI, brought petitions to courts regarding the law<sup>201</sup>.

The legal framework continues to propagate the marginalisation of Ahmadis, a religious minority that consider themselves Muslim but are defined by the Constitution as non-Muslim. In order to register to vote,

<sup>195</sup> Ahmadis consider themselves to be Muslims, but the Constitution categorises them as non-Muslim.

<sup>196</sup> Elections Rules, section 1(m): "'non-Muslim' means a non-Muslim as defined in paragraph (b) in clause (3) of Article 260 of the Constitution of the Islamic Republic of Pakistan;" Constitution of Pakistan, article 260, "'non-Muslim' means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who call themselves 'Ahmadis' or by any other name or a Bahai, and a person belonging to any of the Scheduled Castes." Note that this official definition does not include non-religious individuals and those belonging to other religions not listed. A broader analysis of minority participation in Punjab's local elections would include such religious minorities, as well as non-Sunni Muslims and ethno-linguistic minorities.

<sup>197</sup> ICCPR, article 25, "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives; 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; [and] to have access, on general terms of equality, to public service in his country;" and article 26, "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

<sup>198</sup> ICERD, article 5: "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...] Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service."

<sup>199</sup> See, e.g.: Community World Service, "Religious Minorities in Pakistan's Elections," November 2012, pp. 50-51.

<sup>200</sup> See Archdiocese of Lahore, Press Release, "Leadership of the Minority Communities in Punjab demands the immediate repeal of Punjab Local Government (Amended) Ordinance 2015," 2 October, 2015.

<sup>201</sup> Political party and civil society representatives told DRI that between 6 and 17 different petitions were lodged with legal authorities opposing the rule. According to the representatives, the petitions were either dismissed or never processed prior to the local elections.

receive a CNIC or stand as a candidate for local office, Ahmadis must either accept the non-Muslim status or swear an oath to the finality of the prophethood of Muhammad, which goes against Ahmadi religious beliefs. Ahmadis are relegated to a separate voter list, not only segregating them as citizens but also creating a publicly available list of the minority that could be exploited to identify and target them. Such practices also subvert the country's international commitments to non-discrimination and citizen participation, in public and political life<sup>202</sup>. As a result of these political barriers, the community boycotted the Punjab local council elections, as it has traditionally done in other Pakistani elections for more than a decade.

**RECOMMENDATIONS:** The separate list for Ahmadi voters be abolished, so that all voters are on one unified electoral roll.

The Islamic oaths in the CNIC and candidate nomination process be reworded to not discriminate against any religious minorities.

Pakistan has also committed itself to facilitate and protect the political participation of persons with disabilities under the CRPD<sup>203</sup>. The Election Rules include provisions for assisting blind or "otherwise incapacitated" voters<sup>204</sup>, and the ECP has highlighted the inclusion and participation of persons with disabilities as a key objective in their five-year strategic plan<sup>205</sup>.

## **PARTICIPATION OF MINORITIES AND VULNERABLE GROUPS IN PRACTICE**

### **MINORITIES AS VOTERS**

According to a 2012 NADRA report<sup>206</sup>, approximately 2.7 million people from minority groups were registered to vote in the country, the vast majority of whom were Christians and Hindus. While voter registration information for the 2015 local council elections could not be disaggregated by religious minority<sup>207</sup>. Non-Muslim religious leaders and civil rights advocates have identified a number of barriers to their political participation. A study by the Community World Service noted that obtaining a CNIC was difficult for poor non-Muslims, who in many cases possess neither a permanent address nor birth certificate<sup>208</sup>. In parts of rural Punjab, where many non-Muslim communities reside on feudal land, landlords may hold non-Muslims' CNICs as a security provision. According to community representatives who spoke DRI, in these arrangements, landlords may also pressure tenants to support certain candidates or parties.

Although non-Muslim communities expressed significant discontent ahead of the local elections and occasional calls for a boycott were voiced, many non-Muslim voters ultimately participated in the process, according to some community leaders. However, the Ahmadi community remains committed to boycotting elections in Pakistan until the community is integrated into the comprehensive citizen electoral roll<sup>209</sup>. DRI

<sup>202</sup> ICCPR, article 25 "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) 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; c) To have access, on general terms of equality, to public service in his country."

<sup>203</sup> CRPD, article 29: "States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to: a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by: i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice."

<sup>204</sup> Election Rules, section 30(6).

<sup>205</sup> ECP Second Five Year Strategic Plan (2014 - 2018), objective 9.

<sup>206</sup> "Pakistan Votes," NADRA and ECP, April 2013, [https://www.nadra.gov.pk/docs/NADRA\\_Electoral\\_Rolls\\_Booklet\\_2012.pdf](https://www.nadra.gov.pk/docs/NADRA_Electoral_Rolls_Booklet_2012.pdf)

<sup>207</sup> In conjunction with NADRA, however, the ECP provided such aggregate data for the 2013 elections.

<sup>208</sup> Community World Service, "Religious Minorities in Pakistan's Elections," November 2012.

<sup>209</sup> See, e.g.: Nazarat Umur Aama Sadr Anjuman Ahmadiyya Pakistan Rabwah press release, "Separate voter lists for Ahmadis only on religious grounds is discriminatory and against the spirit of joint electorate. Due to religious discrimination Jamaat Ahmadiyya

observed the existence of a separate polling booth for Ahmadis in one locality, further increasing their segregation<sup>210</sup>.

### **MINORITIES AS CANDIDATES**

The candidate nomination process facilitated the participation of religious minorities for general seats by including separate forms for non-Muslim candidates that exclude a religious declaration. According to data provided by the PEC office, only 369 non-Muslims contested for general seats throughout the province (less than 0.4 percent of the 104,744 total candidates), most of whom were Christian. In certain areas with high Christian populations, political parties worked with the community to field Christian candidates; however, religious minorities also frequently contested as independents. According to sources within the community, no Ahmadis competed for seats in the local elections. Without consolidated preliminary results, DRI cannot comment on how many non-Muslim candidates were ultimately elected to general seats.

### **VULNERABLE GROUPS**

While the national Electoral Rolls Act provides for prisoner voting by postal ballot, no such clause was included in the PLGA. Thus, the ECP made no arrangements for eligible but incarcerated citizens to vote in the local government elections.

Provisions for persons with disabilities in the electoral process were generally inadequate, despite the country's obligations under the CRPD. Voters with disabilities had limited options for casting a ballot, as there was no postal ballot option and many polling stations were reportedly inaccessible. While the PrO handbook and trainings included instructions on how to appropriately provide assistance to voters who need it, particularly persons with disabilities, there was little additional accommodations made to encourage and facilitate their participation, such as braille ballots or targeted voter education materials.

According to the Pakistan Economic Survey 2014-2015, Punjab's literacy rate is 61 percent. The continued use of symbols on ballots positively supported the participation of illiterate voters. Furthermore, a training video on polling procedures that was made available on the ECP website may have helped to better acquaint literacy challenged voters and agents to engage in the electoral process.

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disassociate from the local-bodies elections 2015," 29 October 2015.

<sup>210</sup> Polling station GW-2, UC-72; ICCPR, article 26: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

## ANNEX 1: OFFICIAL ELECTORAL SCHEDULE

Activity	Dates		
	<i>Phase 1</i>	<i>Phase 2</i>	<i>Phase 3</i>
Notice inviting nomination papers to be issued by Returning Officers	1 September 2015	9 September 2015	28 September 2015
Nomination papers received	7-11 September 2015	13-17 September 2015	3-7 October 2015
Scrutiny of nomination papers by Returning Officers	12-17 September 2015	28 September - 2 October 2015	8-13 October 2015
Appeal filing deadline against Returning Officer's decisions	22 September 2015	6 October 2015	30 October 2015
Deadline for decisions on appeals by Appellate Tribunals	30 September 2015	12 October 2015	5 November 2015
Deadline for withdrawal of candidacy	1 October 2015	13 October 2015	6 November 2015
Publication of revised list of candidates	2 October 2015	14 October 2015	7 November 2015
Polling date	31 October 2015	19 November 2015	5 December 2015

ANNEX 2: MAP OF PUNJAB

PUNJAB





### ANNEX 3: POLITICAL COMPOSITION OF THE PROVINCIAL ASSEMBLY

Composition of the Punjab Provincial Assembly (as of December 2015).

PARTIES	NUMBER OF MEMBERS
Bahawalpur National Awami Party	1
Independent	5
Jamaat-e-Islami Pakistan	1
Pakistan Muslim League	8
Pakistan Muslim League (Nawaz)	310
Pakistan Muslim League (Zia)	3
Pakistan National Muslim League	2
Pakistan Peoples Party (Parliamentarian)	8
Pakistan Tehreek-e-Insaf	31

## ANNEX 4: ELECTORAL SYSTEM

Punjab's local government structure, as outlined in the PLGA and the Election Rules, consists of five types of elected local councils: metropolitan corporation, municipal corporation, municipal committee, district council and union council. The councils are two-tiered in most parts of the province, relying on urban and rural distinctions and population size to determine which bodies are established in which areas. A common council type, the union council, is utilised across most areas. All councils are comprised of directly and indirectly elected members, using multiple electoral systems. Each local council has reserved seats set aside for women, non-Muslims, youth, and peasants or workers, and the higher-tier bodies have additional seats reserved for technocrats. Elections to the local councils can be contested by both party-affiliated and independent candidates.

### RURAL AREAS

There are two tiers of local councils utilised in Punjab's rural districts.

1. **Union Councils:** Union councils each have 13 total members, comprised of a chair, vice chair, six general seat members, two seats reserved for women and one seat each reserved for a peasant, a youth, and a non-Muslim. The general seat members are elected directly from single-member wards<sup>211</sup>, and the chair and vice chair<sup>212</sup> are elected directly on a joint ticket from the whole territory of the union council, both using the first-past-the-post (FPTP) plurality system. The reserved seat members are indirectly elected by the union council's chair, vice chair, and general seat members, yet the electoral system utilised is not fully defined in the legal framework<sup>213</sup>. There are 3,281 rural union councils throughout the province.
2. **District Councils:** A district council encompasses multiple union councils, the territories of which serve as single-member wards for the district council's general seat members. Each district council is comprised of: varying numbers of general seat members, equal to the number of union councils within the district; a maximum of 15 seats reserved for women; a maximum of five seats reserved for non-Muslims; a maximum of three seats reserved for peasants<sup>214</sup>; and one seat each reserved for a technocrat and a youth. The general seat members are the directly elected chairs of the union councils within the district council, who serve on both bodies<sup>215</sup>. The reserved seat members are indirectly elected by the district council's general seat members, yet the electoral system utilised is not fully defined in the legal framework. The chair and vice chair are then indirectly elected on a joint ticket by the council's full membership through a not fully defined majoritarian system<sup>216</sup>. There are 35 district councils in the province.

Each voter in Punjab's rural areas receives two ballot papers: one for a union council general seat member and a second for the jointly contested union council chair and vice chair (the chair of which is concurrently contesting to serve as a general seat member of the district council).

<sup>211</sup> "Ward" is the term used in the PLGA for an electoral constituency.

<sup>212</sup> The PLGA refers to chairmen and vice chairmen and uses other gender-specific language. For the purpose of this report, chair and vice chair are employed.

<sup>213</sup> Ballot structure is not fully defined. For example, would all reserved seat members in a given category (e.g. women) be elected using a single ballot? If so, would electors mark the ballot once, as in a single non-transferable vote (SNTV) system, or would they make multiple marks, as in a block vote or limited vote system? If not, how would the contests be determined? The electoral formula is also not defined, as there is no mention of how votes are translated into seats. For example, would simply the highest vote-getter(s) receive the seat(s) or would a majority be required? This is the case for reserved seat elections to all the local government bodies discussed in this section.

<sup>214</sup> District magnitude here is not fully defined, as the actual number of seats utilised is not established in the legal framework; instead, it is to be set by the Provincial Government. This is the case for all local government bodies discussed in this section with non-specified reserved seat totals.

<sup>215</sup> Unless the district council general seat member is elected to serve as the chair or vice chair of the district council, at which point the member's union council seat would be vacated. This is the case for all the two-tiered local government bodies discussed in this section (i.e. for mayors and deputy mayors of municipal corporations and the metropolitan corporation).

<sup>216</sup> PLGA, section 14(3) states that the chair and vice chair are to be elected "by majority", but it does not define what should take place if a majority is not reached on the first ballot. Would a plurality of votes be sufficient, or would a second round of balloting be required? If a second ballot is utilised, which contestants would advance to the second round (e.g. the top two vote-getters; or all who pass a set threshold)?

## URBAN AREAS (NON-LAHORE)

In urban areas other than Lahore, there are three types of local councils utilised: municipal committees, union councils and municipal corporations. Municipal committees are constituted in urban areas with a population ranging from 30,000 to 500,000 and are a single-tier system with no corresponding higher or lower council. Municipal corporations are constituted in urban areas with a population of more than 500,000, encompassing multiple union councils in a two-tier system.

1. **Municipal Committees:** Each municipal committee is comprised of: varying numbers of general seat members (from 11 to 50), depending on population; a maximum of five seats reserved for women; a maximum of three seats reserved for non-Muslims; a maximum of two seats reserved for workers; and one youth member. General seat members are directly elected from the single-member wards using a FPTP plurality system. The reserved seat members are indirectly elected by the municipal committee's general seat members, yet the electoral system utilised is not fully defined in the legal framework. The chair and vice chair are then indirectly elected on a joint ticket by the council's membership through a not fully defined majoritarian system. There are 181 municipal committees throughout Punjab.
2. **Union Councils:** Union councils in non-Lahore urban areas are elected and constituted in the same manner as rural union councils described above. There are 580 union councils in Punjab's non-Lahore urban areas.
3. **Municipal Corporations:** A municipal corporation encompasses multiple union councils, the territories of which serve as single-member wards for the municipal corporation's general seat members. Each municipal corporation is comprised of: varying numbers of general seat members, depending on the number of union councils within the municipal corporation (ranging from eight to 157); a maximum of 15 seats reserved for women; a maximum of five seats reserved for non-Muslims; a maximum of two seats reserved for workers; two seats reserved for technocrats; and one seat reserved for a youth. The general seat members are the directly elected chairs of the union councils within the municipal corporation, who serve on both bodies. The reserved seat members are indirectly elected by the municipal corporation's general seat members, yet the electoral system utilised is not fully defined in the legal framework. The mayor and deputy mayor(s)<sup>217</sup> are then indirectly elected on a joint ticket by the council's full membership through a not fully defined majoritarian system. There are 11 district councils in the province.

Each voter in Punjab's non-Lahore urban areas receives either one or two ballots papers. Those who elect municipal committees receive one ballot paper each, selecting a general seat member. Those who elect union councils and municipal corporations receive two ballot papers each: one for a union council general seat member and a second for the jointly contested union council chair and vice chair (the chair of which is concurrently contesting to serve as a general seat member of the municipal corporation).

## LAHORE

There are two tiers of local councils utilised in Lahore.

1. **Union Councils:** Union councils in Lahore (both urban and rural) are elected and constituted in the same manner as the rural and non-Lahore urban union councils described above. There are 274 union councils in the Lahore Metropolitan Corporation.
2. **Metropolitan Corporation, Lahore:** The metropolitan corporation encompasses Lahore's 274 union councils, the territories of which serve as single-member wards for the metropolitan corporation's general seat members. The metropolitan corporation is comprised of: 274 general seat members; 25 seats reserved for women; 10 seats reserved for non-Muslims; five seats reserved for workers; three seats reserved for technocrats; and two seats reserved for youth. The general seat members

<sup>217</sup> The number of deputy mayors in a municipal corporation depends on the population. Municipal corporations having population between 500,000 and one million utilise one deputy mayor; those with populations between one and two million utilise two deputy mayors. A deputy mayor is added for each additional million in population thereafter.

are the directly elected chairs of the union councils within the metropolitan corporation, who serve on both bodies. The reserved seat members are indirectly elected by the metropolitan corporation's general seat members, yet the electoral system utilised is not fully defined in the legal framework. The mayor and nine deputy mayors are then indirectly elected on a joint ticket by the council's full membership through a not fully defined majoritarian system. There is only one metropolitan corporation in Punjab.

Voters in Lahore receive two ballot papers each: one for a union council general seat member and a second for the jointly contested union council chair and vice chair (the chair of which is concurrently contesting to serve as a general seat member of the metropolitan corporation).

## ANNEX 5: LIST OF ABBREVIATIONS

ARO	Assistant Returning Officer
CAC	Convention against Corruption
CEC	Chief Election Commissioner
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRPD	Convention on the Rights of Persons with Disabilities
DCA	Delimitation of Constituencies Act 1974
DEC	District Election Commissioner
DRI	Democracy Reporting International
DRO	District Returning Officer
EAM	Election Assessment Mission
ECP	Election Commission of Pakistan
EOM	Election Observation Mission
FAFEN	Free and Fair Election Network
FPTP	First-Past-the-Post
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
JI	Jamaat-e-Islami
KP	Khyber Pakhtunkhwa
LHC	Lahore High Court
MPA	Member of the Provincial Assembly
NADRA	National Database and Registry Authority
PEC	Provincial Election Commissioner
PLGA	Punjab Local Government Act 2013
PML-N	Pakistan Muslim League-Nawaz
PPP	Pakistan Peoples Party
PrO	Presiding Officer
PTI	Pakistan Tehreek-e-Insaf
RO	Returning Officer
ROPA	Representation of the People Act 1976
SNTV	Single Non-Transferable Vote
UN	United Nations

## DEMOCRACY REPORTING INTERNATIONAL

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<http://www.democracy-reporting.org/pakistan>  
[pakistan@democracy-reporting.org](mailto:pakistan@democracy-reporting.org)

### Democracy Reporting International

Prinzessinnenstraße 30  
10969 Berlin, Germany  
T / +49 30 27 87 73 00  
F / +49 30 27 87 73 00-10  
[info@democracy-reporting.org](mailto:info@democracy-reporting.org)  
[www.democracy-reporting.org](http://www.democracy-reporting.org)

Islamabad GPO-44000 / Pakistan  
P.O. Box Nr. 1006  
T / +92 51 8 35 79 72  
F / +92 51 8 35 79 73  
[pakistan@democracy-reporting.org](mailto:pakistan@democracy-reporting.org)  
[www.democracy-reporting.org/pakistan](http://www.democracy-reporting.org/pakistan)