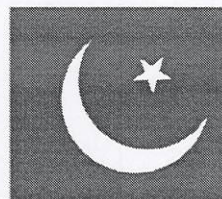


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# ISLAMIC REPUBLIC OF PAKISTAN

## FINAL REPORT

**National and Provincial Assembly Elections  
18 February 2008**

**16 April 2008**

**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

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*This report is available in English and Urdu, but only the English version is official.*

*This report was produced by the EU Election Observation Mission and presents the EU EOM's findings on the National and Provincial Assembly Elections – 18 February 2008 in Pakistan. These views have not been adopted or in any way approved by the European Commission and should not be relied upon as a statement of the Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.*

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## I. EXECUTIVE SUMMARY

The 18 February 2008 National and Provincial Assembly Elections saw a pluralistic process in which a broad range of views were expressed, an election that was competitive and a polling process which achieved increased public confidence in comparison to previous elections. A more significant role was played in these elections by the media and civil society, including by providing greater scrutiny of the process.

However, there were serious problems with the framework and conditions in which the elections were held and a level playing field was not provided during the campaign, primarily as a result of abuse of state resources and bias in the state media in favour of the former ruling parties. As a result, the overall process fell short of a number of international standards for genuine democratic elections.<sup>1</sup> These include the citizen's right to take part in the government of his or her country directly or through freely chosen representatives (UDHR Article 21), freedoms of expression (UDHR Article 19) association and assembly (UDHR Article 20), the right to an effective remedy (UDHR Article 8), the right to non-discrimination (UDHR Article 2), and the right to universal and equal suffrage (UDHR Article 21). There was also a lack of transparency in the performance of the election administration and the results process.

The elections took place in a difficult security environment in which the threat of violence and an atmosphere of fear prevailed. As a result of attacks on political party gatherings, over 100 party supporters were killed during the campaign. In addition, over 50 people were reportedly killed in clashes between supporters during this period. Tragically, on 27 December 2007, Benazir Bhutto, leader of the Pakistan Peoples Party (PPP) was assassinated at a campaign rally, leading to widespread anger, violence and rioting around the country. In this context, the election process, particularly on the day of voting, saw courageous commitment to the democratic process by voters, candidates and party workers, election staff, representatives of media and civil society, and state personnel.

The election process began while emergency rule was in place and the Constitution was suspended, together with its guarantees of fundamental rights. Several thousand people, including judges and journalists, were detained. Emergency rule was lifted only one day before the beginning of the campaign period. During the period of emergency rule many judges, including the Chief Justice, were removed following an executive order, damaging public confidence in the independence of the judiciary and the rule of law. This is particularly significant given the judiciary's prominent role in the election administration as well as election adjudication.

The legislative framework for elections does not provide an adequate basis for the conduct of genuine democratic elections. A number of areas need to be more precisely regulated and brought in line with international standards. In particular there is insufficient provision for the independence of the election administration and transparency in its work, especially in regards to the results process. There are multiple deficiencies in the complaints and appeals process. The right to stand as a candidate is also breached by the legal requirement for a bachelor degree or *madrassa* qualification, which excluded the overwhelming majority of the population (circa 95%).

There was a lack of confidence among election stakeholders in the independence and efficacy of the Election Commission of Pakistan (ECP). While technical preparations were generally undertaken efficiently and on time and saw some important improvements, particularly in regards to training and

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<sup>1</sup> In accordance with EU election observation methodology, the EU EOM to Pakistan assessed the conduct of the National and Provincial Assembly elections in line with international standards for elections. The primary source was the Universal Declaration of Human Rights (UDHR). This provides for the fundamental rights essential to a genuine democratic process.



the use of translucent ballot boxes, serious problematic issues already identified during the 2002 elections were not sufficiently addressed. The ECP lacked transparency in key areas of its working practices, and did not formally consult with political parties and other stakeholders. It did not take sufficient responsibility for various aspects of the process which should be under its control, including supervising the work of returning officers, enforcing the Code of Conduct for Parties and Candidates, staff training, voter education, complaints resolution, and re-counting and re-polling.

Almost 81 million voters were registered to take part in the elections, out of a total estimated population of approximately 160 million. However shortcomings in the voter registration process and the inclusion of 2002 data resulted in an unreliable electoral roll that includes a significant number of duplicate entries, erroneous entries and omissions. As a result, there was a lack of confidence among political parties and civil society in the accuracy and efficacy of the electoral roll. Of the 26 million entries from the 2002 data (added following a Supreme Court ruling in August 2007), a significant number of people could not vote because they did not hold the required national identification card. This affected predominantly the rural poor and women. The Ahmadis (who are not recognised by the government of Pakistan as Muslim) were required to register on a separate voter list, a discriminatory practice without adequate justification, as a result of which they boycotted the elections.

The campaign was low key and subdued, but saw a broad range of views expressed, including some criticism of the President, government and ruling parties. Most campaigning took the form of small meetings or door-to-door visits. Only a few large rallies were held. A number of political parties promoted a boycott of the process, in particular in Balochistan. *Nazims* (elected heads of a local government bodies) were directly involved in campaign activity and widespread misuse of state resources was observed, mostly on behalf of candidates of the former ruling parties. There were credible reports of police harassment of opposition party workers and agents.

Since the 2002 elections, sources of information available to citizens have significantly increased and the media environment has become more diverse and vibrant. However, restrictions and pressures placed on the media before and during the election period seriously limited freedom of expression and the public's right to receive information. In spite of this, private media outlets provided candidates and contesting parties with comprehensive and pluralistic coverage. In contrast, public broadcasters failed to live up to their responsibility to maintain balance, providing substantial coverage to the President, government and PML-Q (Pakistan Muslim League – Quaid-e-Azam), and limited coverage to other parties. Media outlets' detailed coverage of election day and the results aggregation contributed to a sense of scrutiny of the process that was seen to be significant in inhibiting attempts at fraud.

Although women's political rights are protected in the law, in practice there are heavy limitations on the exercise of these rights. Women were under-represented in all aspects of the electoral process: as voters, candidates for general seats, electoral officials, and in political parties. Insufficient measures were taken to meet legal obligations to enable women to exercise their right to vote, as is stipulated in the Constitution, the Convention on the Political Rights of Women (CPRW) and the Convention on the Elimination of Discrimination against Women (CEDAW) to which Pakistan is State Party. In addition, agreements by stakeholders to exclude women from electoral participation in some areas were not addressed by the ECP.

Civil society played a more significant role in comparison to previous elections, in particular through domestic observation before and on election day. Most notably, the Free and Fair Elections Network (FAFEN) mounted a comprehensive programme, observing and reporting on the campaign period and conducting a parallel vote tabulation on election day. While over 18,000 FAFEN observers were accredited, in one third of districts this had been an administratively problematic process. On election day FAFEN observers were not able to gain access to all polling stations or constituency results compilations.