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## **ELECTION OBSERVATION DELEGATION TO THE GENERAL ELECTIONS IN PAKISTAN**

**(25 JULY 2018)**

**Report by  
Jean LAMBERT, Chair of the EP Delegation**

### **Annexes:**

**A. Participants**

**B. European Parliament Election Observation Delegation Statement**

## **Introduction:**

A seven member delegation of the European Parliament observed the parliamentary elections in Pakistan that took place on 25 July 2018. The Conference of Presidents had authorised the mission on 7 June 2018, noting that this authorisation was subject to the deployment of an EU Election Observation Mission (EOM) and "to the ... security situation on the ground not precluding the sending of such a mission".

The particular conditions placed on the mission were in the light of the serious security challenges faced by Pakistan, which was rated as one of the ten countries in the world most severely affected by terrorism. Despite some relative improvement (2017 witnessed a 16% decrease in the number of terrorist attacks) there had been 40 major incidents of terrorism-related violence in the first six months of 2018. This had significant implications for the EOM, which did not deploy short term observers and did not observe in Balochistan where the worst violence had occurred.

The EP delegation was required to travel in armoured vehicles and was restricted in its deployment on Election Day to the Islamabad Capital Territory, Rawalpindi and Jhelum - all locations within a day's return travel from the hotel where the delegation was based.

The problems caused by the security challenges for the EOM were compounded by the unprecedented delays in the deployment of its observers (which had not been the case during previous election observation missions). These delays - the result of a number of bureaucratic obstacles - had serious consequences for the ability of the mission to thoroughly observe and assess some aspects of the electoral process, including the candidate nomination process, the campaign environment and the work of the election administration at local level.

EU EOMs and EP observation delegations had been deployed to Pakistan in 2002, 2008 and 2013 and there had been an Electoral Follow-up Mission in 2016. Most recently - within the framework of the EP's democracy support programme - there had been a study visit to Brussels by Pakistan MPs in July 2016 which had focussed on the workings of the committee system in the European Parliament.

The decision to deploy an EOM, which was supported by the EP's Democracy Support and Election Coordination Group (DEG), had followed a broadly positive assessment of the progress made by Pakistan in implementing a number of recommendations from the 2013 election (see below) and in the light of significant EU support to the country over several electoral cycles through observation missions, technical assistance and political dialogue - including the regular inter parliamentary contacts. In particular the recommendations from the 2013 election had been a significant influence on the adoption of the new legal framework for subsequent elections. It was anticipated that the presence of the EOM would help to increase the transparency of the electoral process and deter possible electoral malpractice.

The EP delegation followed a programme in the country from 23 to 27 July 2018 and the MEPs were as usual again integrated into the EU Election Observation Mission (EU EOM) led by Chief Observer Michael Gahler (EPP, DE) who had also held the position in 2008 and 2013.

The EP delegation was chaired by Jean Lambert (Greens/EFA, UK), and was also composed of Bogdan Zdrojewski (EPP, Poland), Joachim Zeller (EPP, DE), Wajid Khan (S&D, UK), Julie Ward (S&D, UK), Amjad Bashir (ECR, UK), and Joelle Bergeron (EFDD, France).

### **The context of the 2018 elections:**

Pakistan is the sixth most populous country in the world and the fifth largest with competitive elections. The elections marked the second consecutive occasion in the history of the country that a democratically elected government had completed its five year term. Following the victory in the 2013 elections of the Pakistan Muslim League-Nawaz (PML-N) party, headed by Nawaz Sharif, the position of main parliamentary opposition had been taken by the previous governing party, the Pakistan People's Party (PPP). However, the two-party dominance of Pakistan politics had been transformed by the rise of the Pakistan Tehreek-e-Insaf (PTI) - Pakistan Movement for Justice - headed by Imran Khan. The PTI claimed to be an alternative to the conservative PML-N and the left of centre PPP and campaigned on an anti-corruption platform, while being accused by its mainstream opponents of being populist and soft on religious extremism. A significant number of other parties were registered to compete in the 2018 elections (107 as of 2 July), although many of these were restricted to regional, ethnic or religious constituencies.

The elections took place against a backdrop of political turbulence following the decision in July 2017 of the Supreme Court to disqualify Prime Minister Nawaz Sharif from office in the light of disclosures in the Panama Papers and subsequent charges of corruption against him. He was replaced as Prime Minister by Shahid Abbasi who was a senior member of his party. In February 2018 the Supreme Court debarred Mr Sharif from heading the PML-N party and he was succeeded in this post by his brother Shabaz Sharif, another party veteran and Chief Minister of Punjab. Mr Nawaz Sharif was sentenced *in absentia* to ten years imprisonment and fined \$10.6 million. Both he and his daughter were arrested on their return to Pakistan on 13 July 2018.

There were widespread reports that the military, particularly through its influence over the Supreme Court, was directly and indirectly interfering in the electoral process and seeking to weaken the PML-N party, which was allegedly seen as being too soft on neighbouring India, with whom Pakistan has an historically-tense relationship.. The military rejected these charges and stressed that they supported free and fair elections.

Prior to the elections there had been a number of significant reforms to the legal system that were aimed at bringing Pakistan's electoral framework into line with its international legal commitments. The EOM to Pakistan in 2013 had made a total of 50 recommendations, leading the Pakistan authorities to carry out an in-depth consultative process. This had taken account of some of the recommendations (by June 2018 it was reported that 37 of the recommendations from 2013 had been partially or totally implemented) and had led to the technical unification, codification and amendment of the legal framework for elections and new primary legislation.

The resultant 2017 Elections Act, which repealed eight pieces of pre-existing legislation and - along with a number of post 2010 constitutional reforms and the Elections Rules and

Codes of Conduct<sup>1</sup> - underpinned the national legal framework for the 2018 elections. The Act - which was the first major electoral reform since 1970 - addressed key areas of the election process and had been widely supported by political parties and other stakeholders. It included a strengthening of the powers of the Election Commission of Pakistan (ECP) and measures to improve the participation of women in the elections and in politics in general.

The final register for the elections included 105,955,407 voters or around 51% of the population. There was a 23% increase in the number of voters since 2013, although in the previous election 55% of the population had registered. There was a significant difference between male and female registration with 56% of males registered and only 44% of females. Almost every constituency was a new one following the adjustment of constituencies after the 2017 census.

### **GSP+ and compliance with international conventions**

EU-Pakistan political relations have evolved in recent years in a broadly positive direction under the 2014-2020 Multiannual indicative Programme and with the inclusion of Pakistan in 2014 in the EU's special incentive arrangement for sustainable development and good governance - the Generalised System of Preferences Plus scheme (GSP+). GSP+ requires Pakistan - inter alia - to abide by 27 international human rights, environmental and ILO labour rights conventions. In February 2018, Pakistan was granted a two year extension of the GSP+ scheme. The EU has welcomed the accession by Pakistan to the aforementioned international conventions and has acknowledged the progress to date.

In May 2018, in a major positive development, the outgoing Parliament of Pakistan and the Khyber Pakhtunkhwa Assembly passed the 25th amendment to the Constitution merging the seven districts of the Federally Administered Tribal Areas (FATAs), known in the past as the "agencies" with the Khyber Pakhtunkhwa province. The laws of the country - including the Constitution and the jurisdiction of the courts - would now apply to 3.5 million Pakistan citizens who had previously been administered under the Frontier Crimes Regulation which dated back to colonial times and enshrined legally primitive concepts such as a "collective responsibility". This would be covered by an interim statute until 2020 in order for the merger to become fully effective.

The 25th amendment meant that a number of international conventions now covered the entire territory of the country and therefore dealt with a significant legal shortcoming that needed to be addressed in order to comply with GSP+.

However there remain significant gaps in Pakistan's compliance with certain aspects of some international conventions<sup>2</sup>. Indeed there are still major concerns about the state of human rights in the country - for example the increased use of capital punishment - with many commentators considering that the situation has deteriorated in recent years as the military has prioritised security over personal freedoms.

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<sup>1</sup> Promulgated by the Election Commission of Pakistan (ECP)

<sup>2</sup> These include - apart from those detailed below - the Convention on the elimination of all forms of racial discrimination (CERD) and the Convention Against Torture and other cruel punishments (CAT).

Islamabad continues to maintain its reservations about Article 25 of the International Covenant on Civil and Political Rights (ICCPR) covering citizen participation in public life. The rights to vote and be elected at periodic elections have been limited *"to the extent that they are in conformity with Muslim personal law"*. Other restrictions have been introduced to Article 25 as candidates for election in Pakistan are - inter alia - required to be of *"good character"* and of *"good moral reputation"*. It is questionable whether such requirements are in line with international standards and in addition these criteria appear to have been interpreted in an inconsistent manner.

There is long standing discrimination against religious and other minorities, including LGBTI people, as well as many cases of harassment and imprisonment of human rights defenders and individuals accused of blasphemy. One notable case has been the removal of the Ahmadis from the general electoral list and their registration on a separate list, a status which they cannot accept, meaning that very few of them could exercise their voting rights in 2018. This represents an ongoing shortcoming that is in violation of Article 25 (political rights) and Article 26 (non-discrimination) of the ICCPR.

Issues were also raised around Article 19 of the ICCPR concerning provisions on freedom of expression. Although the media landscape in Pakistan is large, there are many reports that journalists engage in self-censorship in the face of intimidation and coercion and that consequently there is little analysis and scrutiny. This was subsequently highlighted in the EU EOM preliminary statement which noted that there was a tendency for editors to downplay issues relating to the military, state security structures and the judiciary. There were reports of concerted efforts to stifle the reporting environment, including intimidating phone calls, the disruption of the distribution of newspaper and harassment of journalists. Indeed some commentators have described Pakistan as one of the world's most dangerous places for journalists. Owners of newspapers were reluctant to risk the revenues that they obtained from advertising by publishing controversial articles.

Regarding the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the 2017 Election Act had brought about significant improvements in the legal framework regarding women's participation in elections. The Act foresaw the possibility of cancellation of elections in a constituency if female turnout was less than 10% and introduced a legal requirement for women to make up a minimum of 5% of the candidates nominated by political parties. However it was reported that many parties did not do so and the ECP had taken no action. Indeed the situation of women (which has been assessed as one of the worst in the world<sup>3</sup>) remains an issue of deep concern, despite recent changes in legislation.

### **European Parliament programme**

In the first part of the programme, the MEPs received briefings from the Head of the EU Delegation and the EU EOM core team. These covered the political landscape, the legal

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<sup>3</sup> The 2017 Global Gender Gap ranked Pakistan as the second worst country for women's rights in the world (143rd out of 144 countries)

electoral framework, the security environment and the media situation in Pakistan. Other meetings took place with the Election Commission of Pakistan, women's rights groups and other representatives of local civil society, the media, and international NGOs. The delegation also met the caretaker Foreign Minister, Mr Abdullah Hussain Haroon. The Head of the EP delegation (as well as the Chief Observer and DCO) also met the top leadership of the military (at the request of the latter as they wished to have the opportunity to put their point of view on electoral matters). No other MEPs, nor the EP secretariat, were able to accompany the EP Chair for this meeting.

Meetings were requested with the leaders of the main political parties or their spokespersons. Contrary to past experience most of these failed to materialise and only the Balochistan National Party (BNP) fielded a representative, other parties either cancelling or not responding. The BNP representative regretted that the EOM was not sending observers to Balochistan and stressed the need for international support to strengthen democracy in his province.

Issues mentioned in the meetings - in addition to those outlined above - included the following:

- the ongoing importance of the feudal system in rural Pakistan - the influence of landowners on the voting patterns of their tenants and of families/clans on their members;
- the presence on the ballots of significant numbers of candidates from the extremist fringes;
- the courting of extremists by the PTI party;
- the majority of political parties had put women in unwinnable seats;
- citizens from poorer backgrounds were prevented from standing for election because of the costs involved - as it was put "a taxi driver could not become an MP" - and it risked being only a "rich person's election";
- the military "has its favourites in the elections" and that - while the army did not want to be in charge of the government - "it does want to be in charge of governance" thereby allowing it to avoid the blame for the failings of the government;
- the role played by the "electables" - politicians who could attract voters through their financial wealth and personal influence - and who were reported to be switching from the PML-N to its rivals;
- political parties needed to be stronger in order to avoid the "parachuting" described above;

- the problems faced by non-Muslim minorities who were often treated as scapegoats and who enjoyed little real influence in politics - they were beholden to the party leaders who had nominated them rather than their voters;
- civil society representatives in particular were very positive about the presence of the election observers, although they stressed the need for the EU to maintain its involvement throughout the five year period between elections;
- the blurred lines between the competences of the judiciary and the legislative powers;

## **Election Day**

The ECP - in an unprecedented move - on the evening before Election Day withdrew the accreditation that had already been issued to the EU EOM local assistants. This affected all LTO teams throughout the country and as a result most of the teams deployed observed the voting and counting without the support of a local assistant/interpreter.

The EP delegation split into three teams, travelling to Islamabad, Rawalpindi and Jhelum - all within a day's travel from the hotel. The MEPs were particularly struck by the presence of camps organised by political parties that were often closer to the polling station than should have been the case. The delegation had reservations about the system whereby the parties handed out paper slips to assist voters before they cast their ballots. Although this appeared to be a traditional custom in Pakistan, the Members were concerned that many voters believed the practice to be obligatory and that there might be implications for the secrecy of the ballot. The ECP had introduced an online tool designed to help voters find their polling station and registration details but this was not fully operational on the day.

The Delegation noted the strong presence in the polling stations of soldiers who had been mandated by the ECP to manage security<sup>4</sup>. While recognising the importance of security, MEPs looked forward to a move in future elections to greater civilian oversight in view of the fact that elections should be seen as an act of civil society. Members also noted that during the counting the security personnel gave the impression of carrying out a parallel tabulation as they were closely observing the count and recording and transmitting the results by their own channels and - presumably - to their hierarchy. MEPs also commented on the limited number of domestic observers in the polling stations that they visited.

Members were pleased at the large number of women who voted in the polling stations that they observed, although they were concerned that this was not the case everywhere in the country. They appreciated the efforts made by the ECP to ensure greater inclusion in the electoral process, particularly through the Gender and Disabilities Working Group. The Head of the EP Delegation subsequently stressed that the 5% quota for women candidates is "*just a starting point and more in winnable seats would be welcome*". She also urged the authorities to take further steps to improve access for those with disabilities.

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<sup>4</sup> One MEP reported the unprompted comment of a voter that "the military are in charge of the elections"

The findings of the EP delegation were in line with those of the entire EOM which observed in a total of 582 polling stations and tabulation centres in 113 constituencies. Voting was assessed as *"well-conducted and transparent (however) counting was somewhat problematic with staff not always following procedures"*. However Election Day was also marred by violence in Balochistan where there were no EU EOM observers and where dozens of people perished in terrorist strikes, including suicide attacks in Quetta and Baleeda.

### **Press conference and the EU EOM preliminary statement**

The EU EOM and EP press conference took place on 27 July 2018. The EP fully endorsed the conclusions of the EU EOM and the comments made by the Chief Observer on the pre-election period.

In her comments the Head of the EP delegation focussed on Election Day, covering the points raised in the previous section. However she also looked ahead to the final report of the EOM and stressed that its recommendations could also play an important part in the GSP + monitoring process, in which the European Parliament is a stakeholder. In addition she underlined that the EP was looking forward to developing its relations with the newly elected parliament and to working with the "Friends of the EU" group that had been established in the previous legislature.

The EU EOM Preliminary Statement and its Press Release stressed that positive changes to the legal framework with the new Elections Act and a stronger and more transparent Election Commission, had been overshadowed by restrictions on freedom of expression and self-censorship and unequal opportunity to campaign

### **Post-Election Day developments**

In the 342 seat National Assembly the PTI Party won a total of 149 seats with 31.82% of the vote which represented a huge increase from its previous figure of 28 seats. The PML (N) won 82 seats compared to 126 in 2013 with 24.35% of the vote. The PPP slightly increased its share of seats with 54 (compared to 33 in 2013). Among other parties only the Muttahida Majlis-e-Amal party (with 15 seats) reached double figures. Opposition politicians charged the electoral authorities with vote-rigging

PTI leader Imran Khan was sworn in as Prime Minister on 18 August 2018 having gained the backing of 176 members, including a number of MPs from smaller parties.

### **Recommendations**

The EU EOM Final Report should inform further electoral reforms and feed into the EU's post-election political dialogue with Pakistan, as well as giving visibility to the work of the EU in the country. The EP Election Observer Delegation therefore recommends that DEG, AFET and the Delegation for relations with South Asia closely follow up the conclusions and recommendations of the final report.



The EP's International Trade Committee - and in particular its South Asia Monitoring Group - should also examine the final EU EOM report, particularly in order to assess the extent to which Pakistan has implemented its international commitments under GSP+.

In view of the significant budgetary investment in the EOM (and indeed the EP delegation mission), the EP Delegation stresses the need for the EU Chief Observer to undertake a short and focussed follow-up mission in order to monitor the implementation of the related EOM recommendations. Such a mission would also permit an assessment of the extent to which the new PTI-led government is willing to have constructive discussions on these issues. The competent bodies of the EP should be closely associated with any such visit.

There should also be serious reflection on the advisability of sending a mission in the future, in view of the unprecedented administrative hurdles faced by the 2018 EOM including significant visa delays and refusals; revocation of accreditation for local staff). Any future mission should receive firm political assurance from the Pakistan authorities that international observers would not be impeded from carrying out their duties across the whole electoral period and that these assurances will include the period in office of any caretaker government. In the absence of such assurance, the EP Delegation cannot recommend to the DEG group that another large-scale EOM be deployed.

# **EUROPEAN PARLIAMENT**

## **ELECTION OBSERVATION DELEGATION GENERAL ELECTIONS IN PAKISTAN**

**25 JULY 2018**

### **MEMBERS**

**Ms Jean LAMBERT, United Kingdom, VERTS/ALE, Chair**

**Mr Bogdan Andrzej ZDROJEWSKI, Poland, EPP**

**Mr Joachim ZELLER, Germany, EPP**

**Mr Wajid KHAN, United Kingdom, S&D**

**Ms Julie WARD, United Kingdom, S&D**

**Mr Amjad BASHIR, United Kingdom, ECR**

**Ms Joëlle BERGERON, France, EFDD**

Annex B

**Statement by Ms Jean Lambert,  
Head of the European Parliament election observation delegation  
to the General elections in Pakistan,  
*25 July 2018***

Islamabad, 27 July 2018

Ladies and gentlemen,

Thank you first of all for the great interest that you have shown in this press conference. As Chair of the European Parliament's observation team, I have the honour of speaking on behalf of myself and my six fellow MEPs.

Since our arrival in Pakistan we have met politicians, with the Election Commission of Pakistan, with civil society, and with the media. And, of course, we observed Election Day from start to finish.

The European Parliament delegation fully supports the preliminary findings and conclusions of the EU Election Observation Mission. I would also like to express my appreciation of the excellent work carried out by my colleague, Mr Michael Gahler, the EOM Chief Observer, and by his team.

The Chief Observer has already given a thorough overview of the Mission's preliminary findings and I therefore wish to focus on a few issues relating both to Election Day and what we discussed during our earlier meetings.

I would like to preface my words on Election Day by stressing that our assessment should be seen within the context of the comments of the Chief Observer on the overall long term framework underpinning the elections. And at this point I should like to join with the Chief Observer in strongly condemning the violence that has been present during the election

campaign and the terrible loss of life in Quetta and in Baleeda on Election Day itself – our deepest sympathies are with the victims of these appalling atrocities

On Wednesday we divided into three teams and observed in a number of polling stations: in and around the capital, in Rawalpindi and in Jhelum. We wish to commend in particular the commitment of the voters to cast their ballots, particularly those with disabilities who displayed great courage to make sure they could participate, often in places where access to the polling station was very difficult. Although we did note that ramps had been installed in some polling stations, we urge those concerned to continue to work on improving access.

We were pleased, too, that so many women came out and voted in the polling stations that we observed, although we are concerned that this was not the case everywhere in the country *and* that there are reports that in some constituencies even the statutory 10% threshold was not reached.

We appreciate the efforts made by the Election Commission to aim for greater inclusion in the electoral process, particularly through the Gender and Disabilities Working Group, and look forward to further progress. After all, the 5% quota for women candidates is just a starting point and more in winnable seats would be welcome.

We also recognise the professionalism that we witnessed of the polling station staff and the commitment of the political party agents – women and men – who were present throughout an extremely long day working in very high temperatures. We did, nevertheless, note that there were only a limited number of domestic observers - these observers have an important role in ensuring public confidence in the electoral process and we trust they will be able to play a full role in future elections.

We were struck by the significant security presence at polling stations. We understand the need for security, however elections are an act of civil society and we look forward to a move to greater civilian rather than military oversight – particularly inside the stations where people are casting their ballot.

One issue that needs attention when preparing for future elections is the presence of the political party camps. Some of those we saw were located closer to the polling station than they should

be. We also had reservations about the system whereby the political parties give paper slips to voters before they cast their ballots. We understand that this has been a traditional custom in Pakistan, however we are concerned that many voters see the practice as obligatory and there are worries that it might have an impact on the secrecy of the ballot.

However, an election is not simply about what happens on one day, and I wish to underline that I share the concerns expressed by the Chief Observer about aspects of the pre-election environment. We look forward to the final report of the Election Observation Mission and the recommendations that it will contain. These recommendations will also play an important part in the GSP Plus monitoring process, in which the EP is a stakeholder.

Looking ahead, and speaking both as the head of the MEP observer delegation – and also as the Chair of its standing delegation for relations with South Asian countries – I would like to underline that the European Parliament is committed to developing its relations on a cross party basis with the newly elected parliament. We are pleased that a “Friends of the EU” group was established in the previous parliament and look forward to working with it.

Thank you for your attention.