



PRELIMINARY STATEMENT

Pakistan holds competitive elections, despite significant problems with the election framework and environment

20 February 2008, Islamabad

Mission members have been present in Pakistan since 9 December 2007, following an invitation from the Pakistani authorities. Due to the imposition of emergency rule, the mission began as an Election Assessment Team, became a Limited Election Observation Mission from 27 December, and an Election Observation Mission (EOM) on 4 January. The EU EOM is led by Michael Gahler, Member of the European Parliament (MEP). The EU EOM is independent from EU Member States, the European Parliament and the European Commission in its findings and conclusions. The EU EOM deployed 131 observers from 23 EU Member States, Norway and Canada. The observers were deployed throughout Pakistan covering 65% of constituencies to observe and assess the different stages of the electoral process in accordance with international standards for elections. Over the election day period, the EU EOM was joined by a seven member delegation from the European Parliament, led by Robert Evans MEP, which endorses this preliminary statement. On election day, observers visited 445 polling stations in 115 constituencies to observe voting, counting and the compilation of results. The EU EOM is currently observing the results consolidation process and will remain in country to observe post-election developments, including complaints and appeals. A final report containing the EU EOM's overall assessment and detailed recommendations for the future will be published two months after the completion of the election process. The EU EOM adheres to the Declaration of Principles for International Election Observation, commemorated at the United Nations in New York in October 2005.

Preliminary Conclusions

- **The 18 February National and Provincial Assembly elections were held under a framework and environment that provided significant challenges for the conduct of democratic elections. A level playing field was not provided for the campaign, with public authorities primarily favouring the former ruling parties. However, on election day, voting was assessed as positive on the whole, although some disorder and procedural irregularities were noted.**
- **The elections were competitive and the voting process, while not without problems particularly in female polling stations, achieved increased public confidence. Significantly, the election period saw courageous commitment to the democratic process by voters, candidates, election staff, and representatives of media and civil society under challenging security conditions.**
- **On the whole counting was well conducted in the stations observed, although statements of the count were not always issued to agents and were generally not displayed. Observers and candidate agents were not granted sufficient access to results compilation at constituency level. Very few returning officers displayed constituency results with a breakdown by polling station – a basic transparency requirement.**
- **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 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 were**

removed, which undermined public confidence in the independence of the judiciary and the rule of law. These developments were not conducive to a good environment for elections.

- The elections took place in a difficult security environment. Tragically, Benazir Bhutto was assassinated at a campaign rally, leading to widespread anger, violence and rioting around the country. As a result of major attacks on party gatherings, over one hundred party supporters were killed during the campaign. In addition, over 50 people were reportedly killed in clashes between supporters during the campaign. In this context, the threat of violence and an atmosphere of fear prevailed over the campaign period and on election day.
- Elements of the legal framework for elections were problematic, including restrictions on fundamental rights of expression, assembly and movement, essential to a genuine democratic process. There were also restrictions on candidacy and a lack of transparency in results tabulation.
- The right to stand as a candidate is breached by the requirement for a BA degree or madrassa qualification, which excludes the overwhelming majority of the population.
- There is a lack of confidence in the independence of the Election Commission of Pakistan (ECP) among election stakeholders. Technical preparations saw some improvement and were generally undertaken efficiently and on time. Nonetheless, problematic issues identified during the 2002 elections have not been sufficiently addressed. The ECP lacks transparency in some areas of its working practices and has not taken sufficient responsibility for key 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 and voter education.
- The complaints and appeals framework fails to provide an effective remedy for violations of electoral rights. Many appeals are not resolved within a reasonable timeframe or at all, and the Electoral Tribunals lack public confidence. The handling of complaints is inadequate, characterised by an abdication of responsibility, with the result that many complaints remain unresolved.
- There were almost 81 million voters registered to take part in the election, but shortcomings in the voter registration process resulted in the inclusion of a significant number of duplicate entries and inaccuracies. As a result, there is a lack of confidence among political parties and civil society in the accuracy of the voter register. Following the Supreme Court ruling in 2007, 26 million names were added to the register, but of these a significant number could not vote because they did not hold an ID card. This affects predominantly the rural poor and women. The Ahmadis are required to register on a separate voter list, 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 criticism of the government. Most campaigning took the form of small meetings or door-to-door visits with only a few large rallies held. A number of parties actively boycotted the process, in particular in Balochistan.
- *Nazims* were directly involved in campaigning activity and the misuse of state resources in their areas, mostly on behalf of PML-Q candidates. There were credible reports of police harassment of opposition party workers and agents. Some candidates across the board placed undue pressure on public authorities within their constituency to make public resources available to them.
- Since the 2002 elections the media environment has become more diverse and vibrant. Restrictions and pressures were placed on the media before, during and after emergency rule,

and limited freedom of expression during the election period. Nonetheless, private media outlets provided candidates and parties with pluralistic coverage. In contrast, the public broadcasters, the main source of information for most of the population, failed to live up to their responsibility to maintain balance. They provided substantial coverage of the President, government and PML-Q and limited coverage of other parties.

- **In a positive development, civil society organisations had a greater involvement in these elections than in previous ones. In particular, the Free and Fair Elections Network (FAFEN) observed and reported on the campaign period at district level. While over 18,000 observers were accredited, some faced restrictions on their access to polling stations and results compilation centres. Civil society organisations also worked on voter education.**
- **Although women’s political rights are protected in the law, in practice there are a number of limitations on the exercise of those rights. Women are 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 enable women to exercise their right to vote.**
- **In the coming days, it is vital that the ECP meets its public commitment to publish all polling station results on its website, and that complaints and appeals are dealt with in an efficient, transparent and prompt manner. In the longer term, it is essential that the three branches of government demonstrate sufficient political will to improve the framework and conditions for elections in line with international standards.**

Preliminary Findings

BACKGROUND

The election process began during emergency rule, proclaimed by President Musharraf in his capacity as Chief of Army Staff on 3 November 2007, when he suspended the 1973 Constitution and issued a Provisional Constitutional Order (PCO). This action followed a period of political instability involving controversy over the suspension and reinstatement of the Chief Justice and the re-election of President Musharraf by the sitting assemblies. While emergency rule was officially explained on the grounds of increased terrorist threats and activity, the action was widely considered to have been taken to replace an increasingly independent judiciary, which was about to rule on the legality of Musharraf’s re-election as President.

Under emergency rule, fundamental civil and political rights were suspended, including safeguards relating to arrest and detention, freedoms of movement, assembly, association and speech. Several thousand people, including journalists and lawyers, were detained. Significantly, in view of the upcoming elections in which the judiciary play an important role, some 60 judges of the superior courts who refused to take an oath under PCO were deposed. Several were detained, including Supreme Court Chief Justice Iftikhar Chaudhry, and have remained so throughout the election period. President Musharraf stepped down from the post of Chief of Army Staff on 20 November and confirmed that the elections would be held on 8 January, within the time period stipulated by law. Emergency rule was lifted on 15 December, a day before the start of the official campaign period, but after key elements of the election process had been completed, including the filing of candidate nominations

Significantly, before the start of the election process, Benazir Bhutto, leader of the PPP, and Nawaz Sharif, leader of the PML-N, were allowed back into the country. Following the declaration of emergency rule, opposition parties, under the banner of the All Parties Democratic Movement (APDM), expressed strong objections to the conditions for the elections and threatened to boycott the process. However, no agreement on a boycott was reached between the PPP and PML-N, the two main opposition parties, and in the end both decided to participate in the process. While this ended a nationally effective

boycott, the remaining parties of APDM continued to boycott and became the major political force in Balochistan province.

The elections took place in a difficult security environment. Political violence increased prior to the elections and included the suicide attack at Benazir Bhutto's first rally on 18 October. The security environment was further affected by ongoing military operations against militants and insurgents in FATA, Swat district of NWFP and some parts of Balochistan. As a result, the threat of violence and an atmosphere of fear prevailed over the electoral campaign period. Tragically, on 27 December, Benazir Bhutto was assassinated at a PPP rally in Rawalpindi. This led to widespread violence and rioting around the country and resulted in the postponement of the elections to 18 February.

INTERNATIONAL STANDARDS

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)¹. This provides for the fundamental rights essential to a genuine democratic process. These elections fell short of a number of international standards, including the right to stand as a candidate, freedom of expression and assembly, and the right to an effective remedy.

LEGAL FRAMEWORK

The legal framework governing the elections includes the 1973 Constitution and numerous laws and regulations made from 1974 to the present. Internal instructions and notifications also have the force of law, and it is problematic that some of these are not accessible or made public, a key requirement for any law.

There are a number of issues of concern in the legal framework that need to be addressed ahead of future elections. These include restrictions on candidacy that discriminate on the basis of education, and other restrictions based on vague grounds that are open to abuse. The limits on candidates' campaign spending are not properly enforced, and there is no restriction on parties' spending. The legal framework lacks safeguards for transparent tabulation, with the procedures for results compilation found only in an internal instruction, and no legal requirement to publish Form 16, a breakdown of results by polling station. Provision for observation of the electoral process is found only in a guideline, not in the law.

The legal environment in which these elections took place was problematic. Confidence in the independence of the judiciary is essential in Pakistan's electoral system, which relies on judges holding key positions throughout the electoral administration as well as for providing judicial oversight of it. The PCO and the removal of many judges undermined public confidence in judicial independence and in the rule of law.

The context for the elections was marred by restrictions to the fundamental rights provided for in the UDHR and the Constitution. These rights were suspended or severely limited by the PCO, and remain limited after the state of emergency was lifted.

ELECTION ADMINISTRATION

There is a continuing lack of confidence in the impartiality of the Election Commission of Pakistan (ECP) among election stakeholders. The system of appointing the Chief Election Commissioner (CEC), other

¹ The UDHR, adopted by Pakistan in 1948, is broadly accepted to form part of customary international law and was acknowledged as such by the Permanent Representative of Pakistan to the United Nations in December 2007. The EU EOM also considered treaties to which Pakistan is a State Party, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of Racial Discrimination.

members, and the temporary staff is questionable. The CEC and four members are all directly appointed by the President without proper consultation with electoral stakeholders, in particular political parties. The temporary ECP staff, who in practice take ultimate responsibility for the election process and outcome in each district and constituency, are headed by District Returning Officers (DROs) and Returning Officers (ROs), recruited almost entirely from the judiciary. Given many stakeholders' lack of confidence in the independence of the judiciary, the extensive involvement of judges in all significant levels of the election administration is problematic. The system for selection and appointment of polling personnel is limited to public employees, and it is feared they could be pressured by local authorities not to act neutrally. Many polling staff were transferred and replaced before election day, amidst some accusations of this being politically motivated, with the ECP doing little to stop this. As a result those appointed did not have the confidence of all stakeholders.

Despite the ECP having extensive powers, it failed to effectively enforce legal bans on the use of state resources, misuse of official positions and transfers of civil servants. Faced with reports of *nazims*² violating the law by being involved in campaigning, the ECP expressed its helplessness to stop this, stating that DROs are in charge of investigations. However, given that the law puts the DROs under the control and direction of the ECP, this appears to be an abrogation of the ECP's responsibility. Such failures to act made the ECP appear vulnerable to pressure.

Problems identified during the 2002 elections have not been sufficiently addressed, in particular the need for the ECP to have its own functional training and civic education departments, and an effective mechanism for dealing with complaints and appeals. Central management and oversight of what is done at constituency level is needed. Implementation of centrally issued instructions was often inconsistent, with one of the most striking examples being the accreditation of domestic observers at district level.

Technical preparations for the elections saw improvement in a number of areas and were generally undertaken efficiently and on time. Most significantly, there has been a substantial improvement in the training of election staff, which was conducted for all levels of election officials with user-friendly training handbooks. In another positive development, translucent ballot boxes and uniform voter screens were used for the first time. Nevertheless, the training process was largely carried out by external partners (supported by UNDP/SNEP). Similarly, civic and voter education was significantly improved, but with international assistance. The ECP had little involvement, leaving concerns about sustainability.

There is a lack of transparency in some areas of the working practices of the ECP, although the ECP's website contains some helpful information. There are no rules on the frequency and openness of ECP meetings and no requirement to publish the minutes of its meetings. Rather, the ECP issues press releases to inform the public about the most important decisions it has taken. Its internal instructions and notifications are not made public. Key decisions, such as postponement of the election date, were taken without formal consultation with other relevant stakeholders.

VOTER REGISTRATION

Universal suffrage for all Pakistani citizens over 18 has, in principle, been respected. However it was undermined in the case of the many people without an ID card (NIC or C/NIC³), predominantly the rural poor and women, who could not vote, even though many of them were on the electoral roll. An ID card, necessary for voting, costs 75 rupees – a sum beyond the reach of the very poor. Ahmadis are required to register on a separate voter list, which is unjustified discrimination, as a result of which they boycotted the elections.

There are 80,910,318 names on the Final Electoral Roll (FER). The ECP has computerized the electoral roll, in principle a good development, but the accuracy of the FER has been compromised. The ECP's enumeration process of 2006-7 resulted in only 55 million names on the draft electoral roll. Following a

² *Nazims* (mayors) are elected local leaders, at district, town and village level.

³ National Identity Card and the newer Computerised National Identity Card.

Supreme Court ruling, the ECP included 26 million additional names from the old 2002 database, making a total of almost 81 million. A significant number of these people have no ID card, and therefore could not vote. While the resulting total is close to the estimated number of eligible voters, there is a lack of confidence among political parties and civil society in the accuracy and reliability of the FER. Studies have raised concerns about the high number of duplicates, and those citizens who are not included on the roll at all. The EU EOM has documented numerous cases of inaccuracies and suspicious entries in the Final Electoral Roll. For example, in Balochistan, there were several cases of the same C/NIC number being used for the registration of several voters, incorrect C/NIC numbers, an implausibly high percentage of women on the electoral rolls, and polling stations with a very high increase of registrants since 2002.

In a positive development, the FER has been available on the ECP website since early January 2008 and electronic copies were distributed to the main political parties, which enabled them to orient voters on where to vote.

REGISTRATION OF CANDIDATES

The universal right to take part in elections as a candidate is breached by the requirement for candidates to have a bachelor's degree or an equivalent educational certificate issued by religious schools (*madrassas*). Given the small proportion of the population who hold a higher education qualification, this requirement excludes the vast majority from standing for election, and is highly unusual in other democratic countries.

The Constitution contains controversial provisions that a candidate can be disqualified for outstanding debts or even for unpaid utility bills. There are other vague and subjective restrictions relating to a person's moral nature and previous political activities and views. Such restrictions on candidacy are contrary to international standards for elections as they limit a citizen's ability "to take part in the government of his country" and limit the choice available to voters. The law prevents party candidates from running in FATA and no independent candidate can run for reserved seats for women and non-Muslims.

CAMPAIGN ENVIRONMENT

The competitiveness of the elections was boosted by the return of two major leaders from exile, Benazir Bhutto and Nawaz Sharif, and their active participation in the campaign. The election campaign was interrupted by the assassination of Benazir Bhutto on 27 December, reaching full swing only in the last ten days before election day. All parties were less active than in the run-up to previous elections, and there were lower levels of participation by party supporters. Opposition parties attributed their muted activity to an unwillingness to recognize an electoral process which began under emergency rule, and to the threats of violence and atmosphere of fear which prevailed throughout the campaign period.

The assassination of Benazir Bhutto sparked countrywide riots, which saw the destruction of electoral buildings and materials, and led to a number of deaths. There were four major terrorist attacks against political party gatherings, killing over one hundred party supporters since the beginning of the campaign period (16 December). Two secular political parties, PPP and ANP, were targeted by these terrorist attacks. There have also been several clashes between party supporters, with over 50 people reported to have died and three candidates killed.

Nazims at all three levels and district government officials were directly involved in campaigning in their areas, mostly on behalf of PML-Q candidates. This activity has included the provision of state resources such as their offices, vehicles and employees. EU observers documented numerous cases of family members of *nazims* contesting the elections, with the *nazims* appearing on campaign publicity and attending candidate rallies, a misuse of state resources and of their official position. The caretaker governments were not perceived as neutral by opposition parties.

The campaign period has seen restrictions on freedoms in a number of areas. The continued detention under house arrest of Supreme Court judges, including deposed Chief Justice Iftikhar Chaudry, and three

prominent lawyers violate freedoms of movement, assembly and the right to liberty. Freedoms of speech and expression have been curtailed and civil society activities in support of detained judges and lawyers have been curbed. Political parties' freedom of assembly has been restricted: in particular, large scale meetings and processions have been prohibited under section 144 of the penal code. The restrictions have been selectively applied against the opposition and independent candidates. Campaigning by political parties of APDM in support of the boycott has also been limited. Imran Khan, one of the leaders of APDM, was not allowed to enter Karachi and the Sindh government banned the APDM from holding public rallies in the province.

There were credible reports of police harassment of opposition party workers and agents. Particularly in the aftermath of Benazir Bhutto's assassination, many named and unnamed First Information Reports (FIRs), which allow for a person's arrest, have been used against PPP activists and supporters. Opposition parties complained that FIRs were often used by the police as a tool to discourage their activists from participating in campaigning.

Candidates of all political parties violated the Code of Conduct for Parties and Candidates issued by the ECP. The ECP expressed its concerns over the unending series of complaints received and maintained that the code is being flouted constantly. The main breaches reported by EU observers include vote-buying, harassment of voters and display of firearms at public meetings. Several candidates admitted that they have exceeded the campaign finance limits.

In Balochistan the degree of campaigning was significantly lower than in other provinces. The active boycott by the Baloch and Pashtu nationalist parties allied with the APDM was widely supported and significantly affected voter turn out.

MEDIA ENVIRONMENT

Since 2002 there has been exceptional growth in the broadcast market. The media landscape is vibrant and diverse and the sources of information available to citizens have increased significantly. A large number of print and electronic media outlets provide a plurality of alternative viewpoints and opinions. At present, more than 100 local FM community radio channels are available, and around 80 national and international TV stations on cable, which are mainly available to the urban population. The public broadcasters are the principal source of information for most of the population. The national and local press is robust and very active with more than 150 dailies published.

However, before and during the election period, interference in media activities by the state authorities created an environment of legal uncertainty and self-censorship. As part of the proclamation of emergency rule on 3 November, cable distribution of private TV channels was blocked and two presidential decrees restricting the media were passed. These include a bar on printing or broadcasting "*anything which defames or brings into ridicule the head of state, or members of the armed forces, or executive, legislative or judicial organ of the state*". Heavy sanctions (imprisonment or large fines) for violating these provisions contributed to a chilling effect on freedom of reporting. Following the proclamation of emergency rule, more than 200 journalists were arrested, and only released after some days.

In parallel, the Pakistani Electronic Media Regulatory Authority (PEMRA) issued a so-called "voluntary" Code of Conduct that broadcasters were obliged to sign as a condition to get back on air. After signing the Code, many stations cancelled productions viewed with suspicion by the government and suspended critical anchors. The *GEO* network refused to sign the Code and was barred from cable distribution for more than two months. During the election period, the authorities exerted pressure on media owners and

journalists to influence their editorial lines through temporary interruption of cable distribution and the issuing of threatening “show cause” notices.⁴

Strict provisions regulating media activity resulted in journalists tending not to express opinions on issues of public interest and the tone of political coverage being generally uncritical, with the exception being the English language media which was more critical. Nevertheless, coverage of the campaign was comprehensive and provided parties and candidates with the opportunity to present their platforms. The EU EOM monitored a selection of private and public media during the campaign period from 2 January to 16 February. The three monitored private channels covered the main parties in a plural manner, even though they devoted the largest airtime to PPP (*AJJ* devoted 29% to the PPP, *ARY* and *GEO* both 26%). The semi-private *ATV* also provided the main contestants with equitable coverage. Similarly the monitored press (*Jang*, *Nawa-i-waqat*, *Dawn* and *News*) offered voters a plurality of opinions and information regarding candidates.

In contrast, the publicly-funded media, *PTV* and *PBC*, devoted the largest part of their political reporting to the President, the government and the PML-Q, giving other parties only limited coverage. Overall their coverage of the President, government and PML-Q was more than double that allotted to all the other parties contesting the elections. On *PTV Home* this was 82% of the total time devoted to politics and elections, on *PTV News* it was 72%, and on *PBC* 85%. The editorial line adopted by the publicly funded media breached the duty of state-funded media to maintain balance and present the news about the election campaign in as factual, accurate and impartial a manner as possible.

COMPLAINTS AND APPEALS

The complaints and appeals framework fails to provide an effective remedy for violations of electoral rights. It thus breaches a key international standard that Pakistan has accepted⁵. The law provides for judicial appeals on two issues: candidate nomination and results. The procedure for appeals on candidate nomination is flawed because the selection process for the Electoral Tribunals lacks independence. Their members are appointed by the Chief Election Commissioner, head of the very body whose decision is being appealed, with the approval of the President. Several hundred candidates had their nominations rejected and a number made appeals, but details on the grounds of rejection are not available from the ECP. Some of these appeals remain pending before the courts after the elections. Appeals against election results are supposed to be resolved within a four month period, but some appeals from the 2002 elections remain outstanding. Only candidates can make such appeals, voters are denied this right.

There are serious shortcomings in the system for the administrative resolution by the ECP of complaints on other issues, for example, breaches of the Code of Conduct or of the prohibition on misuse of an official position. The primary responsibility for dealing with these complaints lies with the ECP. However, it sends complaints on to other bodies and to its subordinate officials, such as the DROs or ROs, without exercising its extensive powers over these persons to ensure that the complaints are effectively dealt with. A system for recording and tracking complaints received by the ECP centrally was introduced for these elections with the help of international technical assistance. This increased transparency is welcomed, but nonetheless the majority of complaints received went unresolved. Over 2,200 complaints were received by the ECP centrally before the elections, and sent to DROs and ROs or other local staff for investigation and resolution. These people are frequently called upon to investigate and adjudicate complaints regarding their own activities and decisions (for example, the location of polling stations), in breach of fair procedures. No statistics were available from the ECP on how many complaints were finally resolved, but in a number of cases the ECP website reported that the allegations were denied by *nazims* and candidates, and found to be baseless by DROs. Only in a small minority of cases is it reported that grievances were resolved and remedial action taken.

⁴ The show cause notices were warnings and instructions issued by PEMRA to broadcasters for alleged violations of media legislation. They were defined by journalist unions as a way to silence and pressure the media during the electoral process.

⁵ The right to an effective remedy is provided by UDHR Article 8.

No sanctions are provided for violations of the Code of Conduct for Parties and Candidates, which severely weakens its force. Although various provisions of the legal framework make it a criminal offence for government figures and public servants to participate in candidates' campaigns, actions against government figures and public servants may only be initiated by the ECP, and have been rare. This undermines the deterrent effect of the law.

PARTICIPATION OF WOMEN

Although women's political rights are protected in the law, in practice there are a number of restrictions on their exercise. Women are severely under-represented in all aspects of the electoral process, seriously undermining the universality and equality of the electoral process. The ECP has not taken sufficient measures to enable women to exercise their right to vote.

Women were under-represented as voters, making up only 44 % of the electoral roll. The ECP used only male enumerators during voter registration, resulting in women being under-registered. Furthermore, several million of the women on the roll would not have been able to vote because they did not hold an ID card⁶. Security concerns, cultural restrictions on women's movement and significantly lower rates of literacy among women also reduced their ability to receive information about the elections, and to go and vote. There were reports of at least two agreements in FATA and three agreements in Punjab among local leaders to ban women from voting. The EU EOM will follow the ECP's response to see whether the elections in those places are declared null and void. A civic and voter education campaign was carried out by NGOs and through media spots as part of the UNDP/SNEP project, which included some targeting of women.

Women represented less than three per cent of candidates for general seats⁷. The requirement for candidates to hold a Bachelor's degree has a disproportionate affect on women. Female candidates were often accompanied and represented by male family members during the campaign and very few examples were observed of women candidates representing their own political platforms.

Most political parties have women's wings, but these have not integrated women into the upper ranks or mainstream of the party. The parties' manifestos contained commitments to women's issues, but only a few of these went beyond rhetoric to set out concrete strategies.

In 2002, 13 women were elected on general seats in the National Assembly which, combined with the 60 reserved seats, brought women's representation to 21%. In 2008, preliminary results indicate that 13 women were elected on general seats. Affirmative action in the form of reserved seats is a positive factor in increasing the participation of women. However, reserved seats are not accessible to independent candidates; women are thus entirely reliant upon political parties for their nomination. Women's organisations expressed concern at the lack of connection between reserved seat-holders and constituents.

Women are absent from the senior levels of the election administration. At RO level, women stood at two per cent, reflecting the very low levels of women in the judiciary. On election day, women represented 23% of Presiding Officers in polling stations observed by the EU EOM. Male staff were observed in 24% of female polling booths, although having only female staff is likely to facilitate women's voting. The ECP reported no gender policy, and made available only limited gender-disaggregated information.

PARTICIPATION OF MINORITIES

⁶ An additional 14 million women were added to the Electoral Roll from the 2002 database, following the 2007 Supreme Court decision. Of these, eight million did not hold an ID card.

⁷ The ECP website on 16 February listed 64 women candidates and just over 2000 male candidates for general seats in the National Assembly. For general seats in the Provincial Assemblies there were 116 women candidates and 4341 male candidates.

According to the 1998 census, religious minorities comprise 3.7 % of the population. Religious minorities categorised by the census include Christians, Hindus and Ahmadis. Three per cent of the seats of seats in the National and Provincial Assemblies are reserved for non-Muslims.

Religious minorities in some regions claim to be under-represented on the electoral roll. The Ahmadis participation as voters was negatively affected by the discriminatory requirement that they register on a separate list. Religious minority representatives expressed dissatisfaction with the number of reserved seats in all assemblies, and the lack of reserved seats in the Senate, and shared similar concerns to women's organisations regarding the party-based system for allocating reserved seats. A particular concern of these organisations was the worsening climate of religious intolerance and extremism which contributes to the reported resistance of political parties to nominate non-Muslims for general seats, and to allow non-Muslims in reserved seats to raise issues of concern to non-Muslim minorities.

CIVIL SOCIETY

Civil society involvement is one of the positive features of the 2008 electoral process. There were a number of election activities carried out by civil society organisations, including election observation, civic education, political party development and efforts to increase women's participation.

A new domestic observer coalition was established, the Free and Fair Elections Network (FAFEN). They deployed observers at district level during the campaign period and published regular statements on the election process. On election day FAFEN deployed almost 19,000 observers who covered 12% of polling stations in more than 250 constituencies. There were problems with FAFEN observers' accreditations issued at a very late stage, and also they reported difficulties in gaining access to voting and counting. The Pakistan Coalition for Free and Fair Elections (PACFREL) also observed the elections.

VOTING, COUNTING AND RESULTS COMPILATION

Overall, voting was assessed positively in 83% of polling booths visited, with procedures generally being implemented appropriately. Of the remaining polling booths observed, 4% were assessed negatively with a potential to impact on the election outcome. EU EOM observers reported a number of problems including disorder, the presence of unauthorized persons, and failures to apply and check for ink. In 15% of visits, instances of registered voters being turned away for non-possession of an identity card were observed. Despite the use of voting screens, breaches of the secrecy of the vote were observed in various parts of the country. Conditions were observed to be worse in female polling booths. In a positive contribution to transparency, candidate agents were present at 94% of polling booths visited, and domestic observers at 21%.

Counting was assessed positively in the vast majority of stations observed. Polling agents were present at 98% of counts observed. In a few cases observed the statement of the count was not given to all agents present. Furthermore, in nearly two thirds of observations, the statement of the count was not found to be displayed, thus a crucial transparency measure was not fully implemented.

The results compilation process was positively assessed in the majority of the 50 constituencies observed to date. However, it was noted that a high number of polling station statements of count contained errors, and statements and materials were often not stored in a secure manner.

Regrettably, six EU observer teams were denied access to the compilation process (NA constituencies 20, 48, 49, 60, 96, 127 and 259). This is a clear violation of ECP instructions and the conditions for deployment of an observation mission. In contrast to other parts of the process, agents were not present in over half of constituencies visited. Domestic observers were present in less than one third of compilations. When agents or observers were present, they were frequently not granted sufficiently close access for effective scrutiny. In more than half of constituencies observed, copies of the statements were not given to all agents present. There was a serious failure by the electoral authorities to ensure the

display of results with a breakdown by polling station (as is recorded on Form 16). Thus, there was a fundamental lack of transparency in the results compilation process.

The official results consolidation is currently underway, and will continue to be observed by the EU EOM.

The EU EOM wishes to express its appreciation to the Pakistani state authorities for their cooperation and assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Commission in Pakistan and to the International Organisation of Migration for their support throughout.

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This preliminary statement is available in English and Urdu but only the English version is official.

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