

Final Report

European Union

Election Observation Mission

Islamic Republic of Pakistan



General Elections, 25 July 2018



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This report contains the findings of the EU Election Observation Mission (EOM) on the general elections. The EU EOM is independent from European Union institutions, and therefore this report is not an official position of the European Union. This report is available in English and Urdu, but only the English version is official.

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I. EXECUTIVE SUMMARY

The European Union deployed an Election Observation Mission (EU EOM) to observe the 25 July general elections after a mission was welcomed by the Election Commission of Pakistan (ECP). The EU EOM was present in Pakistan from 24 June 2018 until 23 August 2018. The mission's mandate was to observe all aspects of the electoral process and assess the extent to which the elections complied with international commitments for elections, as well as with national legislation.

The EU EOM encountered significant challenges and difficulties before and during its deployment to Pakistan. Unlike in previous elections, it faced unprecedented delay in the deployment of the whole mission. Due to a series of bureaucratic delays, including with issuing visas and accreditations, EU long-term observers arrived in Pakistan later than planned and were deployed to districts only one week, sometimes less, before election day. This had repercussions on the mission's ability to observe and thoroughly assess some fundamental areas of the electoral process. These included the candidate nomination process and candidacy complaints and appeals, the campaign environment, as well as the work of the election administration at local level. Additionally, despite constant efforts, meetings with two main interlocutors, the ECP and the judiciary and the various courts, were very limited or did not take place at all. The non-extension of visas for members of the core team led to an earlier than planned departure of the EU EOM from Pakistan. As a result, the final stages of the electoral process were not observed.

The 25 July 2018 general elections followed, for the first time in Pakistan's history, two terms of continuous civilian rule with two elected legislatures completing their terms. The elections took place against a background of allegations of interference in the electoral process by the military-led establishment and the role of the judiciary as a political actor.

An increase in violent attacks and threats targeting political parties, party leaders, candidates and election officials severely affected the campaign environment in the two weeks before election day. The bomb attack during a Balochistan Awami Party (BAP) campaign event in Mastung district, Balochistan, killed 149 people and injured over 200. Several other candidates and hundreds of campaigners, party workers and citizens were injured. An attack near a polling station in Quetta on election day killed over 30 people, including children.

Pakistan has adopted key international treaties applicable to elections. The legal framework provides an adequate basis for the conduct of elections in line with international standards. The Constitution largely provides for fundamental freedoms, including freedom of speech, information, movement, association and assembly, as well as the right to vote and to stand. Fundamental rights are subject to "any reasonable restriction imposed by law" and therefore vulnerable to arbitrary implementation. Freedom of expression and the right to stand may be curtailed by vague, moral and ethical requirements. Blasphemy laws are problematic for the effective exercise of freedom of speech, while legal restrictions on the right of assembly were, on occasion, applied in an excessive manner during the 2018 elections.

After the 2013 elections, Pakistan embarked on an ambitious process of electoral reform. The Elections Act 2017, which followed an extended period of consultations, repealed eight pieces of legislation, creating a single unified law. Overall, ECP powers were strengthened and its orders were given the same weight as High Court orders. It was also empowered to make rules, clarify the law and, if necessary, make provisions where there were gaps. These powers gave new space to the ECP to manage the election process more independently. Despite the reforms, however, there are still gaps in various aspects of the law. The processes by which political parties choose candidates are inadequate. Candidates and parties benefit from insufficient campaign finance regulation, resulting in an uneven playing field. The law does not specify a start date for the campaign period. This entails uncertainty for the reporting period for campaign expenses and in relation to the overall enforcement of campaign rules.

The National Assembly comprises 342 members, with 272 members directly elected to general seats, 60 members elected to seats reserved for women and 10 members to seats reserved for non-Muslims. All members serve a five-year term. The 272 members are directly elected in single-member constituencies under the first-past-the-post system. The members of the four provincial assemblies are elected in the same way. Members for reserved seats are elected under an indirect proportional representation closed party-list system. These seats are allotted to political parties based on their electoral performance in the general seats. The reserved seats for women are distributed to parties in proportion to the number of general seats won in each of the provinces. Non-Muslim reserved seats are allocated in proportion to the number of general seats won by parties nationally. The recent constituency delimitation did not change the total number of constituencies, only the number of seats for each province.

The Election Commission of Pakistan is the constitutional body with the authority and responsibility to conduct elections. The Chief Election Commissioner and the four members of the ECP are appointed by the president based on nominations made by a parliamentary committee. The mandate of the ECP is to organise elections including the preparation of electoral rolls and the delimitation of constituencies. The ECP enjoys increased administrative and financial authority. The ECP met key operational deadlines. Technical aspects of the election process were generally well-administered.

The ECP made limited efforts to improve its transparency and accountability during the electoral period. The lack of regular communication with civil society and political parties, as well as timely information to voters on key stages of the electoral process, such as the failure to announce provisional results on time, increased the level of distrust between stakeholders and the ECP, and damaged the institution's reputation.

Overall, the ECP's voter education was insufficient and it was not implemented in a timely manner. Important information on voting procedures and prohibited actions inside polling stations was not well communicated. Voter education was not tailored for any vulnerable group, including persons with disabilities. Civil society organisations and media tried to fill in this gap.

The right to vote is broadly vindicated by an inclusive system for the preparation of the electoral rolls, although large disparities remain between male and female voters, while disadvantaged groups face hurdles registering. Although steps were taken to ensure participation of minorities in the electoral process, the obstacles faced by the Ahmadi community remain unchanged. They are still registered on a separate electoral roll, contrary to constitutional provisions on the equality of citizens and against Pakistan's international commitments. There were 105,955,407 voters on the final electoral roll, an increase of 23 per cent from 2013. The gap between the male and female electorate was slightly reduced, with women making up 44 per cent of the electorate.

Candidacy requirements are addressed in detail in the Constitution, but include qualifications that are vague and subjective. The lack of implementation guidelines resulted in inconsistent candidate scrutiny. Ninety-five of 121 registered parties participated in the elections. There were 11,855 candidates contesting the elections (3,459 for the National Assembly and 8,396 for provincial assemblies), of which 55 per cent stood as independents. Political parties nominated 172 women and 44 non-Muslims for reserved seats in the National Assembly, and 386 women and 113 non-Muslims to the provincial assemblies. Eight per cent of the overall number of candidates for both National and provincial assembly elections represented extremist parties.

Despite a deteriorating security situation, the campaign was competitive with party leaders travelling across the country. However, some restrictions were imposed for security reasons, thus limiting public assembly. The restrictions imposed due to the violent attacks contradict the principles of democratic elections; they somewhat affected freedom of campaigning; and, to some extent, did not allow voters and candidates to take part in elections free from fear and intimidation. Notwithstanding several legal provisions aiming to ensure a

level playing field, there was a notable lack in equality of opportunity. The campaign was often dominated by candidates with large political appeal and financial means. Incomplete campaign spending provisions, including a lack of spending oversight and controls on political parties, as well as an undefined campaign period further undermined candidates' equal opportunity to campaign. The escalation in violence two weeks before election day limited candidates' direct engagement with voters and made more prominent the role of the media in the campaign. Social media was used extensively, with the Pakistan Tehreek-e-Insaf (PTI), the Pakistan Muslim League-Nawaz (PML-N) and the Pakistan Peoples Party (PPP) enjoying the greatest online presence.

At first glance, Pakistan's media appears vibrant, seemingly offering a platform for a free and pluralistic exchange of ideas. Comprehensive analysis of the media's output, however, reveals that editorial policies were carefully calibrated to downplay issues relating to the army, state security structures and the judiciary. Concerted efforts to stifle the reporting environment were observed, and included intimidating phone calls to senior editors, the disruption and hindrance of the distribution of broadcast and print outlets, and harassment of individual journalists. Most of the content restrictions that affected election coverage stem from the Constitution. Article 19 subjects freedom of expression to "any reasonable restrictions imposed by law", which diverges from international standards. Excessive content limitations, citing security, religious and moral concerns, are scattered throughout the legal framework for media, resulting in a catalogue of issues on which media cannot report.

Media coverage of the elections, as monitored by the EU EOM, was extensive, but devoid of journalistic, non-partisan scrutiny. There was no level playing field for electoral contestants, including on the state-run TV. The PTI, the PML-N and the PPP joint share of exposure in all media was 81 per cent, including within the news on electoral matters. Overall the PML-N was the most featured party. However, up to two-thirds of its coverage was negative in tone, including on court cases against the party leadership and on prominent defectors. The coverage of the PPP was mostly neutral or positive, and predominantly afforded to the party's campaign activities. The PTI was also featured in either a neutral or positive manner. The PTI leader was by far the most quoted political figure across the media landscape, which was particularly beneficial in such a divisive campaign environment.

The system for resolving electoral disputes is largely a judicial model, with judges of various courts involved at different stages. ECP orders also have the same weight as High Court rulings. There was considerable uncertainty over the resolution of electoral disputes, with a high number of petitions to the Supreme and High Courts. There was a lack of transparency regarding ECP decisions on electoral disputes, as well as late changes in the make-up of panels for ECP dispute hearings.

The Constitution guarantees the equality of all citizens and provides for the full participation of women in national life. The Elections Act foresees the cancellation of elections in constituencies where female turnout is less than ten per cent. However, the ECP annulled elections only in one provincial assembly constituency, but not in other constituencies where female turnout was just under 10 per cent. Each political party had to nominate at least five per cent of women candidates for general seats. Seven of 95 political parties failed to fulfil this requirement. Only eight of 172 women candidates were elected to general seats in the National Assembly compared to nine in 2013 and 16 in 2008.

Despite positive measures taken by the ECP and civil society organisations, minorities, persons with disabilities and transgender people are still hampered from fully participating in the electoral process. EU observers concluded that two-thirds of the polling stations observed on election day were accessible to persons with reduced mobility but that only 12 per cent granted independent access with ramps or additional measures. Transgender candidates confronted several obstacles, including harassment and threats, throughout the electoral process.

The Elections Act 2017 gives the ECP powers to allow citizen observers and international observers to observe the electoral process. However, it is at the discretion of the ECP as to whether it actually allows groups to observe, as well as the extent of access it provides. Due to a lack of clear instructions on accreditation procedures, national and international observers faced difficulties with accreditation. Observers were also hindered by the Code of Conduct for Security Officials which empowered security personnel to allow accredited observers and media stay at a polling station only for a brief period of time.

The Trust for Democratic Education and Accountability-Free and Fair Election Network (TDEA/FAFEN) trained over 19,000 observers for election day observation. TDEA/FAFEN's preliminary report on election day, based on the reports of 9,699 observers from 37,001 polling stations, assessed the process as positive. Overall, TDEA/FAFEN observation in 2018 was less visible in the field than in 2013. In addition, there were several civil society organisations observing the participation of women, persons with disabilities and transgender people.

Election day was orderly, despite two attacks on polling stations in Balochistan where over 30 people were killed and others injured. EU observers assessed positively opening procedures at polling stations observed. Voting was assessed as well-conducted and transparent in most of the 446 polling stations observed. The ECP allowed the deployment of 370,000 army personnel inside as well as outside polling stations and increased their powers, including the provision of a parallel structure to report irregularities if the presiding officer did not take action. EU observers noted army personnel inside all polling stations observed, and reported a few cases where they interfered in polling proceedings or directed party agents to stay outside the polling stations. Counting was sometimes problematic, with EU observers assessing as positive the counting process in only two thirds of observations. EU observers assessed as positive the intake process, tabulation and the consolidation of results process in 90 per cent of observations, while in eight cases they were denied access to observe the consolidation process. Overall, technical preparations and logistical arrangements were sufficient for an orderly voting process. However, the count, transmission and tabulation of results lacked transparency, leaving room for allegations of electoral malpractices.

The ECP did not meet the legal deadline for announcing provisional results by 02:00 on 26 July. On election night, the Results Transmission System (RTS) failed during the submission of results from polling stations and the ECP had to stop using it. Following widespread criticism, the ECP called for an enquiry commission to identify reasons for RTS failure.

The immediate post-election day environment was marred by allegations from the majority of political parties of widespread rigging and electoral malpractices influencing the electoral process, and demonstrations across the country.

The ECP announced the final results on 7 August, within the 14-day legal deadline. On 7 and 8 August, consolidated result forms for all constituencies were published on the ECP's website. For the first time, as a result of public pressure and criticism from political parties and civil society organisations, result forms from all polling stations were also posted on the ECP's website. The official final turnout was reported at 52 per cent for the National Assembly elections and at 53 per cent for the provincial assembly elections. The percentage of invalid votes was registered at 3.1 per cent for the National Assembly and 3.3 per cent for the provincial assembly elections. Eleven political parties, one coalition of parties and four independent candidates shared the 342 National Assembly seats, including the 60 reserved seats for women and the 10 seats for non-Muslims. The 728 seats of the four provincial assemblies were shared among fifteen political parties, one coalition of parties and eleven independent candidates.

The EU EOM 2013 offered 50 recommendations for improving the framework for elections. Ahead of the 2018 general elections, five of these recommendations had been completely implemented. A further 33 recommendations were also reflected, at least partially, in the Elections Act 2017.

The EU EOM 2018 offers 30 recommendations for future electoral reform based on observations, analysis and extensive discussion with a range of stakeholders. It has eight priority recommendations:

1. Establish legal certainty for the right to stand. Review the Constitution and Elections Act so that any restrictions imposed are not subject to vague, moral and arbitrary criteria and, in practice, align with international standards. The ECP should establish guidelines for consistent implementation of candidacy requirements.
2. Revise the Elections Act, Election Rules and Codes of Conduct to ensure robust mechanisms for transparency. These would include specific timeframes for, and the manner of, dissemination of information of public interest, including online. Enforceable sanctions for non-compliance should also be adopted.
3. To contribute to public confidence in the ECP, the Commission should introduce a range of measures to increase transparency and inclusiveness. These would include the timely publication of procedures, decisions and other information of public interest, and regular meetings and consultations on electoral issues with key stakeholders, including civil society.
4. Guarantee civilian ownership of the conduct of elections. The presence of security forces, including the army, should be limited to outside polling stations and should not interfere in the election process.
5. Review the legal framework for media, including for online content, to ensure compliance with international standards for freedom of expression, and repeal undue restrictions on media's output. Consider decriminalisation of defamation, clarify the definition of blasphemy and set out unambiguous criteria for blocking online content.
6. Adopt affirmative measures to foster the representation of women contesting general seats. Double the current five per cent mandatory registration of women candidates in political parties. Consistently implement sanctions for non-compliance. Ensure strict adherence to the legal threshold for female voter turnout.
7. Adopt a unified electoral roll by removing the requirement for any supplementary list of voters, so that all citizens can be registered to vote on an equal basis in accordance with international standards.
8. Establish in law the right to national and international observation, ensuring full access for observers, including media, to all stages of the electoral process. Develop and adopt simple and transparent requirements for accreditation to be published well in advance of elections. To ensure scrutiny of the process, the ECP should facilitate the participation of civil society organisations in election observation.

II. INTRODUCTION

The European Union deployed an Election Observation Mission (EU EOM) to observe the 25 July general elections after a mission was welcomed by the Election Commission of Pakistan (ECP). The EU EOM was present in Pakistan from 24 June 2018 until 23 August 2018. The mission's mandate was to observe all aspects of the electoral process and assess the extent to which the elections complied with international and regional commitments for elections, as well as with national legislation.

The EU EOM was led by Chief Observer Michael Gahler, a Member of the European Parliament from Germany. The EU EOM comprised a core team of ten analysts based in Islamabad and 60 long-term observers deployed in districts across Pakistan. All 28 EU member states as well as Norway were represented in the mission. On election day, the mission was reinforced by 41 locally-recruited short-term observers from the diplomatic staff of EU member state embassies, Norway, Switzerland, Canada and the EU Delegation in Pakistan. A delegation of seven Members of the European Parliament, led by Jean Lambert from the United Kingdom, also joined the mission. On election day, 122 EU observers followed election proceedings (opening, voting and counting) in 476 polling stations in 113 constituencies in Punjab, Sindh, Khyber Pakhtunkhwa and Islamabad Capital Territory. The mission did not observe in Balochistan due to security reasons. The EU EOM presented its preliminary statement in a press conference on 27 July.

The EU EOM is independent, including from governments, and strictly neutral, with no vested interest in the outcome of the elections. The EU EOM is also independent in its findings and conclusions from EU institutions. The mission followed an established methodology and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.¹

III. EU EOM 2018: DIFFICULTIES AND CHALLENGES

The EU EOM encountered significant challenges and difficulties before and during its deployment to Pakistan for the 25 July elections. The European Union had previously deployed election observation missions to Pakistan, in 1997, 2002, 2008 and 2013, but did not face the problems that in 2018 substantially affected EU EOM standard *modus operandi*.

Unlike in previous missions, the EU EOM faced unprecedented delay in the deployment of its observers.² EU observation methodology focuses on comprehensive long-term observation, meaning long-term observers are usually deployed four to five weeks before election day in order to cover all stages of an electoral process. However, due to a series of bureaucratic delays, including in issuing visas and obtaining accreditation from the Election Commission of Pakistan, long-term observers arrived in Pakistan later than planned and were deployed to districts only one week, sometimes less, before election day.

This delay had repercussions on the mission's ability to observe and thoroughly assess some fundamental areas of the electoral process. These included the candidate nomination process and candidacy complaints and appeals, the campaign environment, as well as the work of the election administration at local level. Furthermore, the last-minute cancellation by the ECP of accreditation that had already been issued to the mission's national staff meant that on election day the majority of teams observed voting and counting without the assistance of an interpreter.

¹ [EU EOM Handbook 2016](#) and [Declaration of Principles for International Election Observation](#).

² [EU EOM statement, 13 July](#).

Additionally, despite constant efforts, meetings with two main interlocutors, the ECP and the judiciary and the various courts, were very limited or did not take place at all. During the deployment of the EU EOM, core team analysts met only five times with ECP officials despite numerous official requests for regular meetings. All requests for meetings with the judiciary and the High Courts in the provinces were either denied or not replied to, and no information regarding complaints and appeals was shared with the mission.³ As per methodology, EU EOMs establish regular meetings and have almost daily contacts with the election administration bodies and the judiciary as well as the courts.

IV. POLITICAL BACKGROUND

A multi-party system provided for competitive elections, although violence overshadowed the campaign in the run-up to election day. Allegations of influence on the electoral process by the military-led establishment, as well as restrictions on freedom of expression, affected the political environment.

a) Elected institutions

The Islamic Republic of Pakistan is a federal parliamentary republic and comprises four provinces, Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh, as well as Islamabad Capital Territory (ICT) and two autonomous regions, Gilgit-Baltistan and Azad Jammu and Kashmir (Pakistan-administered part of Kashmir). The Federally Administered Tribal Areas (FATA) as an administrative unit is currently merging with Khyber Pakhtunkhwa.⁴

The president is the head of state, representing the unity of the republic. The president is elected indirectly by an electoral college consisting of members of both houses and of provincial assemblies.⁵ Presidential powers are largely ceremonial. Parliament is bicameral and comprises the National Assembly and the Senate. The Senate consists of 104 members indirectly elected for a six-year term, with one half of the membership renewed every three years by the members of the four provincial assemblies, including FATA and ICT representatives, by proportional representation.⁶ The National Assembly comprises 342 members, with 272 members directly elected to general seats, 60 members elected to seats reserved for women and 10 members to seats reserved for non-Muslims. All members serve a five-year term.

Each of the four provinces has an elected assembly. Provincial assemblies are unicameral, with members elected for a five-year term at the same time as elections to the National Assembly. Provincial governors are appointed by the president. The autonomous regions are administered by Pakistan as self-governing territories: they have their own assemblies but they are not represented in the national parliament.

³ Exceptionally, EU observers were granted access to the High Court in Lahore, but under very strict conditions. They were not allowed to copy judgments but only to read decisions under supervision.

⁴ FATA representatives join Khyber Pakhtunkhwa members in the Senate and the National Assembly. Until the [Constitution \(Twenty-Fifth Amendment\) Act, 2018](#) passed on 31 May, FATA were under the administrative control of the federal government. The new arrangements also provide for provincial assembly representation.

⁵ The Constitution, Article 41(3). The presidential election was held on 4 September 2018.

⁶ The Constitution, Article 59.

Other institutions

The judiciary consists of the Supreme Court of Pakistan, provincial High Courts, District Courts, anti-terrorism Courts, and *Sharia* Courts.⁷ Supreme Court judges and the Chief Justice are selected by the Judicial Commission of Pakistan and appointed by the president.

Throughout Pakistan's history, the military has played a significant role in society and politics. Since independence, the military has ruled Pakistan for much of the time.⁸ The president on the suggestion of the prime minister appoints the Chairman of the Joint Chiefs of Staff Committee and Chiefs of Staff for branches of the military. The Chief of the Army Staff has a prominent role in society.⁹ The Armed Forces are effectively exempt from civilian control, as most civilian judicial powers do not extend over the army personnel.¹⁰

b) Political context

The 25 July 2018 general elections followed, for the first time in Pakistan's history, two terms of continuous civilian rule with two elected legislatures completing their terms. The elections took place against a background of allegations of interference in the electoral process by the military-led establishment and the role of the judiciary as a political actor.

The key contenders for the 2018 general elections were the Pakistan Muslim League-Nawaz (PML-N), the Pakistan Peoples Party (PPP), the Pakistan Tehreek-e-Insaf (PTI), an alliance of religious parties, the Muttahida Majlis-e-Amal (MMA) and the Muttahida Qaumi Movement Pakistan (MQM-P). The outgoing National Assembly comprised the government coalition led by the PML-N and several opposition parties, the strongest being the PPP, the PTI and the Muttahida Qaumi Movement (MQM).¹¹

An increase in threats and violent attacks targeting political parties, party leaders, candidates and election officials severely affected the campaign environment in the two weeks before election day. The bomb attack targeting a Balochistan Awami Party (BAP) campaign event in Mastung district, Balochistan, on 13 July killed 149 people and injured over 200. Among those killed in various attacks were leaders and candidates of the BAP, the Awami National Party (ANP), and the PTI. A candidate from the Jamiat Ulema-e-Islam-Fazl (JUI-F) survived two attacks. Several other candidates and hundreds of campaigners, party workers and citizens were injured. The ECP underlined the need to increase security across the country after the National Counter Terrorism Authority (NACTA) informed it of threats to political leaders and candidates. An attack near a polling station in Quetta on election day killed over 30 people, including children. Another attack in a polling station in Baleeda, Balochistan, killed four poll workers and injured others.

The dismissal of former Prime Minister, Nawaz Sharif, in July 2017; his disqualification for life from holding public office for financial malfeasance in April 2018; and his arrest after an eleven-year prison sentence after the verdict of the Accountability Court on 6 July 2018 reshaped the political environment ahead of the elections. Most interlocutors acknowledged a systematic effort to undermine the former ruling party through cases of corruption, contempt of court and terrorist charges against its leaders and candidates.

⁷ The Constitution, Article 175.

⁸ Generals Mohammad Ayub Khan 1958-1969, Agha Muhammad Yahya Khan 1969-1971, Muhammad Zia-ul-Haq 1977-1988, and Pervez Musharraf 1999-2008.

⁹ The position is currently held by General Qamar Javed Bajwa.

¹⁰ The Constitution, Articles 199 (3) and 245.

¹¹ The government coalition had 178 seats in the outgoing National Assembly. The main opposition parties had: the PPP 46, the PTI 34 and the MQM 24 seats.

The pre-electoral environment was marred by allegations of influence on the electoral process by the military-led establishment and the active role of the judiciary in political affairs, including through its special *suo moto* jurisdiction.¹² The apparent collusion of interests between the army and the judiciary was particularly instrumental in the dismissal of Nawaz Sharif, and his disqualification for life from holding public office. Numerous reports depicted the armed forces and security agencies pulling strings to persuade candidates of anti-establishment parties to switch allegiance or to run as independents, contributing to splitting the votes and influencing the results.¹³

Media outlets and journalists suffered from undue restrictions on freedom of expression which resulted in widespread self-censorship. Several events prior to and during the campaign pointed to the shrinking space for free speech and genuine pluralism. For example, the distribution of Dawn newspaper was disrupted in May 2018 following an interview with Nawaz Sharif. In March 2018, GEO TV was taken off air across most of the country and was not available on cable networks in cantonment areas throughout the campaign period. Several key broadcast media editors received phone calls from state actors advising not to live broadcast the return of Nawaz Sharif on 13 July. Media were also asked to mute any statement that might contain “anti-judiciary” speech. In addition, media did not air interviews conducted with the Sharifs in London prior to their return to Pakistan, or PML-N, PPP, ANP and MMA leaders’ accusations of the military engineering the elections. Media referred to the Lahore High Court ruling from 16 April 2018 that upheld the ban on “anti-judiciary speeches”, based on Articles 19 and 68 of the Constitution. Overall, a range of state actors took resolute measures well before the elections to control the public political narrative and to silence any debate that might challenge the role of the military or to promote the supremacy of a civilian-led government.

Of concern was the emergence of extremist parties with affiliations either to terrorist groups, or individuals linked to organisations that have used, incited or advocated violence.¹⁴ The ECP included 925 extremist-linked candidates in the final candidate list. Several interlocutors and media reports commented on how the ECP implemented the scrutiny procedures on candidate nomination and accepted those candidates.

V. IMPLEMENTATION OF 2013 EU EOM RECOMMENDATIONS

The EU EOM to Pakistan in 2013 offered 50 recommendations for improving the framework for elections. Ahead of the 2018 elections, five of these recommendations had been completely implemented, including one through a constitutional amendment extending direct representation to the Federally Administered Tribal Areas. Also among the recommendations fully implemented was the establishment of a special Parliamentary Committee on Electoral Reforms (PCER), which reviewed the legal framework for elections through a broad consultative process; the adoption of a new Elections Act consolidating former electoral legislation; measures for improving the participation of women; and provisions on the role and mandate of caretaker governments.¹⁵

¹² *Suo moto* "on its own motion" describes an act of authority taken without formal prompting from another party. The term is usually applied to actions by a judge taken without a prior motion or request from the parties.

¹³ The PPP and the PML-N were most influenced. Spokespersons of both parties named publicly the army officers implicated in influencing their candidates.

¹⁴ The Allah-o-Akbar Tehreek (AAT), the Pakistan Rah-e-Haq Party (PRHP) and the Tehreek-e-Labbaik Pakistan (TLP).

¹⁵ The Constitution, Article 224. Upon the dissolution of parliament and pending elections, the president in consultation with the outgoing prime minister and opposition leader appoints a caretaker prime minister. The caretaker prime minister advises on the appointment of caretaker ministers, the job of whom is to attend to the day-to-day business of government without taking major policy decisions until a new government is installed after the elections.

A further 33 recommendations were also reflected, at least partially, in various aspects of the Elections Act 2017. These included increased powers and responsibility for the ECP; new transparency requirements for the announcement of results; a revised dispute management process (including shorter timeframes for handling complaints challenging results), and additional measures for enhancing the participation of women and persons with disabilities.

Some of the key EU EOM recommendations from 2013, however, were to a large extent not taken on board. They were the revision of legal provisions on political party campaign finance; the removal of vague, moral and subjective candidacy registration criteria; the publication of disaggregated data on women's participation; enhanced transparency for administrative complaints; access for observers to all stages of the electoral process; the removal of a separate voters' roll for Ahmadis; and the limitations on media and on freedom of expression.

Following the elections of 2018, various stakeholders informed the EU EOM of the need to revisit the Elections Act and to engage a new parliamentary committee for additional electoral reforms to address shortcomings. Given the reforms previously undertaken, alongside the various gaps that remain, the EU EOM encourages such action to ensure further progress.

VI. LEGAL FRAMEWORK

The legal framework provides an adequate basis for democratic elections. Recent reforms improved the law; however fundamental rights and rights of participation are still subject to uncertain criteria, while transparency could be further strengthened.

a) International Principles and Commitments

Pakistan has adopted six key international treaties applicable to elections.¹⁶ The International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Corruption (UNCAC) and the Convention on the Rights of Persons with Disabilities (CRPD) were adopted over the last decade. Pakistan is also party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Political Rights of Women (CPRW).¹⁷ Some of Pakistan's initial treaty reservations have been withdrawn in recent years.¹⁸ Remaining reservations, however, support legal restrictions with

¹⁶ [International Covenant on Civil and Political Rights \(ICCPR\)](#) (2010); [United Nations Convention Against Corruption \(UNCAC\)](#) (2012); [International Convention on the Elimination of All Forms of Racial Discrimination \(ICERD\)](#) (1966); [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#) (1996); [Convention on the Political Rights of Women \(CPRW\)](#) (1954); [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) (2011).

¹⁷ Reservations are used to place a state outside the scope of application of some treaty provisions, typically where a constitutional document clashes with the international legal norms. For a list of Pakistan's previous and remaining reservations see <http://www.mofa.gov.pk/contentlist.php>.

¹⁸ Notably to the ICCPR and CEDAW. See Pakistan's [Ratifications and Withdrawal of Reservations](#).

discriminatory effects contrary to international standards.¹⁹ Notably, the offices of president and prime minister are open to Muslim citizens only.²⁰

b) Constitutional rights

The Constitution of the Islamic Republic of Pakistan 1973 (Constitution) largely provides for fundamental freedoms, including freedom of speech, information, movement, association and assembly, as well as the right to vote and to stand.²¹ The state is mandated to safeguard the interests of minorities and ensure the participation of women in public life. In practice, however, there are clear shortcomings.

Fundamental rights are subject to “any reasonable restriction imposed by law” and therefore vulnerable to arbitrary implementation. Freedom of expression and the right to stand may be curtailed by vague, moral and ethical requirements.²² Mental incapacity is also ground to restrict the right to vote and to stand.²³ Blasphemy laws are problematic for the effective exercise of freedom of speech, while legal restrictions on the right of assembly were, on occasion, applied in an excessive manner during the 2018 elections.²⁴ The right to profess, practise and propagate religion is undermined by the definition of non-Muslims, which includes citizens who oppose the definition.²⁵ Equal citizenship rights are not fully assured.

Ensure that full enjoyment of fundamental rights, such as the right to assembly, freedom of expression, the right to vote and equality of citizens, is not unduly restricted by vague, subjective, discriminatory or arbitrary criteria, and aligns with international standards.

The Supreme and High Courts may enforce fundamental rights. Citizens can petition the High Courts, while the Supreme Court, as well as being the appellate jurisdiction, also enjoys powers to protect fundamental rights by itself.²⁶ During the 2018 elections, the Supreme Court adopted a quasi-legislative role, addressing issues such as population growth, taxes on petroleum products and dam construction.²⁷ More recently, the Court also addressed the issue of overseas voting and supported extending the franchise to citizens abroad.²⁸

¹⁹ [Pakistan Citizenship Law \(1951\)](#) section 10. Pakistan’s citizenship law limits the ability of foreign spouses of Pakistani women, unlike Pakistani men, to obtain citizenship. Foreign spouses of Pakistani women are thus deprived of the right to vote unless they obtain citizenship by other means. [Pakistan Citizenship Law \(1951\)](#), sections 9 and 20 permit citizenship applications based on naturalisation or Commonwealth citizenship. [Proposed amendments](#), introduced in the Senate in 2017, to address differential treatment were unsuccessful. See also, [CEDAW](#), Article 1. The law does not align with the [Constitution](#), Article 25(1), “All citizens are equal before law and are entitled to equal protection of law.” (2) “There shall be no discrimination on the basis of sex.”

²⁰ Such limitations do not accord with prohibitions on discrimination enshrined in Article 2 of the [Universal Declaration of Human Rights](#) (UDHR).

²¹ The [Constitution](#) has been amended 25 times; five times since 2013, most recently on 31 May 2018.

²² Regarding freedom of expression, the UN Human Rights Committee (HRC) stated in general comment (GC) [34 at para. 22](#) “Restrictions may be imposed and [...] must conform to the strict tests of necessity and proportionality.” With regard to the right to stand, [HRC GC 25](#) at para. 4 says restrictions should be “objective and reasonable.”

²³ See e.g., the [Constitution](#), Article 63, “a person shall be disqualified from being elected or chosen as, and from being, a member of the *Majlis-e-Shoora* (Parliament), if- (a) he is of unsound mind and has been so declared by a competent court;” [CRPD Committee, GC 1](#) at para. 12 “[...] “...a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election.”

²⁴ [Code of Criminal Procedure \(1898\)](#), section 144 was applied in Islamabad for security reasons from 11 July.

²⁵ The [Constitution](#), Article 20. The preamble also reads “adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures.” However, Article 260 (1) (b) identifies as non-Muslim certain minority groups (Ahmadi/ Lahori), who themselves profess to be Muslim.

²⁶ The Constitution, Article 184(3) gives the Supreme Court power to initiate cases on its own (*suo moto* actions).

²⁷ The Supreme Court queried the previous government’s efforts on population control. It also opened enquiries into petrol taxes and started a funding campaign for the [Diamer Basha and Mohmand Dams](#), which were priorities of the PTI manifesto.

²⁸ In August, it delivered a decision in several postponed cases on [overseas voting](#). It directed the ECP to implement a newly-developed internet voting application for overseas voting in the October by-elections.

However, its directions to the ECP, such as keeping secret the results of overseas voting until the integrity of the system is assured, could become a source of future uncertainty.²⁹

c) *National legal framework for elections*

The legal framework provides an adequate basis for the conduct of elections in line with international standards. Recent legal reforms have led to greater harmonisation of election laws with Pakistan's international commitments. The legal framework consists, primarily, of the Constitution and the recently adopted Elections Act 2017. These are supplemented by the ECP's 2017 Election Rules and six separate Codes of Conduct for various election stakeholders.³⁰ Parts of Pakistan's Code of Criminal Procedure and Penal Code apply to the right of assembly and some electoral offences.³¹

Throughout the election period, the ECP issued legally-binding notifications. These took the form of written directions on various matters, including the appointment of election officers, advising on election deadlines and interpreting or giving instructions on the implementation of law.³² Although most notifications were procedural, such as detailing appointments, some were more substantive. The Codes of Conduct and the deployment of military inside polling stations were announced by notification. A correction to a notification regarding the military, which repealed the powers given to military personnel to prosecute campaigning at polling stations, was published only seven days before election day.³³

The Elections Act 2017 was adopted on 2 October and amended twice in quick succession.³⁴ The amendments involved the removal of Ahmadi citizens from the general voters' roll and registering them again on a supplementary list. The Act also required the ECP to conduct the delimitation of constituencies. Delimitation could proceed only after a constitutional amendment on 26 December, allowing for provisional census data to be used. While the ECP began the delimitation exercise immediately afterwards, the final list of constituencies was not issued until May 2018. Numerous court cases relating to the process are still ongoing.

Some Codes of Conduct were also issued late. The Codes of Conduct for Media and for Security Officials were published two and six days respectively after the final list of candidates was published. Several substantive ECP notifications, relating to campaigning, security and access to polling stations on election day, were also issued late. Some matters did not involve stakeholder consultations.³⁵ Not all notifications were promptly published on the ECP website.³⁶

²⁹ [Constitution Petitions No.74-79/2015, 49-56/2016, 2/2018, CMAs No.4292/2017 and 162/2018](#), at page 10.

³⁰ [Election Rules, 2017, Code of Conduct for Polling Staff \(Urdu\), Code of Conduct for Observers, Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents, Code of Conduct for Security Officials, Code of Conduct for Media and Code of Conduct for International Observers and Media.](#)

³¹ [Code of Criminal Procedure \(1898\) as amended](#) and the [Penal Code \(1860\) as amended](#).

³² The ECP published some 50 notifications on its website in the month before election day.

³³ An ECP notification, 10 July 2017, gave military officials powers to arrest and summarily try certain offences, including political acts such as campaigning at polling stations. These were reversed in a later notification, with powers of the military to try offences confined to personation and capturing a polling station.

³⁴ The [Elections \(Second Amendment Act\) 2017](#). Within a month the Act was subject to two amendments, both relating to the registration of non-Muslims as voters. This meant that procedures, not originally envisaged in the Act, had to be put in place.

³⁵ The Elections Act, section 233. The ECP is required to consult on the Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents only with political parties, no other stakeholders. A Code of Conduct for Media was issued by the ECP without any input from key media.

³⁶ The ECP closed its website search facility, reducing access to documents. The ECP said the decision was made to limit potential hacking.

The Elections Act was again amended on 26 July by a presidential ordinance.³⁷ Previously, the ECP could hear complaints with one bench that comprised a minimum of three commissioners. This limited its capacity to dispose of cases. The late change in the law allowed for the operation of two ECP benches with two commissioners each.

Contribute to certainty of laws and stakeholder awareness by ensuring that no significant amendments to the electoral law (except for necessary improvements following stakeholder consultations) are made within a period of at least six months to a year before any election.

d) The Constitution

The Constitution confers on Parliament the power to make electoral laws. Recent constitutional amendments have strengthened the ECP and enhanced direct representation for citizens of the Federally Administered Tribal Areas (FATA).³⁸ The twenty-fourth constitutional amendment of December 2017 allowed the use of provisional census data for constituency delimitation ahead of the 2018 elections.³⁹ The Constitution also regulates election matters, including the procedure for calling elections, the governance of the ECP and, importantly, the basis for challenging election results.

The Elections Act is largely silent on the role of the Supreme and High Courts in electoral matters.⁴⁰ By law, no election can be called into question except by an Election Tribunal.⁴¹ These operate under the auspices of the ECP. Nonetheless, during the election period, the courts were petitioned on many occasions. They operated as a *de facto* parallel system of electoral justice to that of the ECP. Thus there was uncertainty about the exact extent and limit of the courts' jurisdiction in electoral matters. This issue was recently flagged in a Supreme Court appeal case.⁴² Notwithstanding, courts did handle petitions relating to election matters.

The Constitution addresses the right to stand in considerable detail, but the prescribed qualifications are at times vague and subjective. For example, requirements include being of good character, righteous and sagacious, honest and truthful.⁴³ These criteria are tested during candidate scrutiny and on appeal to Appellate Tribunals. The Supreme Court has interpreted these criteria in several cases.⁴⁴ In some cases, it refused to exclude candidates unless presented with proof of dishonesty in the form of a court order.⁴⁵ In others, the Court appears to have disqualified candidates without such prior evidence.⁴⁶ Failing to satisfy the current criteria can result in disqualification for life from becoming a member of parliament. Some

³⁷ The Constitution, Article 89(1). When Parliament is not in session, the president can issue a specific ordinance, if deemed urgent and necessary.

³⁸ The [Constitution \(Twenty-Second Amendment\) Act, 2016](#) addressed the appointment and tenure of ECP commissioners. The [Constitution \(Twenty-Fifth Amendment\) Act, 2018](#) reflected recommendation 50 from the [EU EOM Pakistan 2013](#). The FATA were merged with Khyber Pakhtunkhwa. Elections for additional provincial assembly seats are to be held in the first half of 2019.

³⁹ The [Constitution \(Twenty-Fourth Amendment\) Act, 2017](#).

⁴⁰ Rights of appeal to the Supreme Court are specified on some matters (e.g. results challenges), but the right of direct petition to the High Courts is not elaborated in the context of electoral disputes.

⁴¹ The Constitution, Article 225.

⁴² Supreme Court, Civil Appeal 467/2018.

⁴³ The Constitution, Articles 62 and 63.

⁴⁴ The Court devoted lengthy consideration to the implication of 'honesty' in the Panama Papers case.

⁴⁵ On 19 July, the Court disqualified the PTI's Rai Hassan Nawaz based on a prior court order. See also, Supreme Court, Civil Appeal 467/2018.

⁴⁶ Nawaz Sharif was disqualified on 28 July 2017 following a Supreme Court-led investigation into his financial affairs.

candidates have been disqualified for not being “truthful and honest.”⁴⁷ A consistent way of addressing these issues needs to be identified and implemented.⁴⁸

A recent Supreme Court judgement cogently summarises, “[...] the vague, uncertain, obscure and conflicting terminology used in different provisions of Articles 62 and 63 of the Constitution...is bound to confuse the electorate at large, hound the candidates and their voters, embarrass the Returning Officers at the time of scrutiny of nomination papers, confound the Election Tribunals and become a nightmare for the lawyers and Courts in the years to come.”⁴⁹

Establish legal certainty for the right to stand. Review the Constitution and Elections Act so that any restrictions imposed are not subject to vague, moral and arbitrary criteria and, in practice, align with international standards. The ECP should establish guidelines for consistent implementation of candidacy requirements.

e) Legal reforms: the Elections Act, 2017

After the 2013 elections, Pakistan embarked on an ambitious process of electoral reform. The Elections Act followed an extended period of multi-stakeholder and cross-party consultations. It repealed eight pieces of legislation, creating a single unified law.⁵⁰ It now regulates caretaker governments for the first time, providing a framework for neutral governance during elections. On women’s participation, the law gives additional powers to the ECP to cancel polls where women’s turnout is less than ten per cent. Overall, ECP powers were strengthened and its orders were given the same weight as High Court orders. It was also empowered to make rules, clarify the law and, if necessary, make provisions where there were gaps. These powers gave new space to the ECP to manage the election process more independently.

Despite the reforms, however, there are still gaps in various aspects of the law.⁵¹ The processes by which political parties choose candidates are inadequate as in many cases they were appointed rather than democratically selected as envisaged by the law. Candidates and parties benefit from insufficient campaign finance regulation, encouraging an uneven playing field. The law does not specify a start date for the campaign period. This entails uncertainty for the reporting period for campaign expenses and in relation to the overall enforcement of campaign rules. A controversial amendment to the Elections Act required Ahmadi voters to assume the status of non-Muslims or subscribe to a declaration and oath against their beliefs.⁵² Thus, contrary to the Constitution, Ahmadis must choose between citizenship rights or their religious identity. Some matters required by law have no sanctions for non-compliance.⁵³

⁴⁷ The Constitution requires that the test for honesty is proven by the existence of a court order to the contrary. E.g. A Balochistan Appellate Tribunal rejected PTI candidate, Yar Muhammad Rind. He petitioned the High Court which upheld the decision. On further appeal, the Supreme Court allowed him to stand. The Lahore High Court disqualified PML-N candidate, Rana Zahid Hussain, for not being honest (concealing assets). The same court overturned an Appellate Tribunal’s disqualification order on the PTI’s Fawad Ahmed, but upheld that of Ghulam Abbas of the PTI.

⁴⁸ Akram v Ghafoor & Others (Civil Appeal 616 and 617/ 2014) at para.13. See also Malik v Aswan and Others (Civil Appeal 669-L/2013) at para. 4, “At this juncture, it is important to emphasize that in cases involving a finding of fact about the disqualification of a returned candidate in election matters, such finding must be based on affirmative evidence and not on presumptions, inferences and surmises,” citing Muhammad Siddique Baloch v Jehangir Khan (PLD 2016 SC 97).

⁴⁹ Saeed & Others (Civil Appeal 467/2015) (20 March 2018) at para. 26 citing Ishaq Khan Khakwani v Mian Muhammad Nawaz Sharif (PLD 2015 Supreme Court 275).

⁵⁰ In 2014, a PCER was established to lead the reform agenda.

⁵¹ Even in areas where there is improvement, further elaboration is required. The boundaries of responsibility of caretaker governments are not always clear, such as the vague restriction on making controversial decisions.

⁵² The [Elections \(Second Amendment Act\), 2017](#) (23 November 2017). Ahmadis profess to be Muslim, but this is denied by the Constitution, Article 260(1)(b).

⁵³ The Elections Act, section 230(3) attached no sanction for the failure of members of caretaker governments to submit to the ECP statements of assets and liabilities within three days of taking office.

Overall, there was an insufficient publication by the ECP of information relevant to key stages of the electoral process. It did not publish decisions following complaints against its subordinate officers, or relating to breaches of the Code of Conducts.⁵⁴ The Elections Act foresees a consultative process for the delimitation of constituencies and the ECP received over 1,200 representations. However, these were not made public. Many petitions relating to the delimitation process were taken to the High Courts. Information on these cases, including outcomes, was not published. Decisions resulting in the disqualification of candidates were unpublished. A series of court cases which raised questions about candidate nomination affidavits was ultimately settled by the Supreme Court. Court decisions, which placed extra pressure on the ECP, and which resulted in amendments to the schedule for candidate scrutiny, were not published.⁵⁵ Legal timelines and details for the publication of provisional results from polling stations were also imprecise. This reduced confidence in the electoral process.

Despite its powers to address insufficiencies in the law, the ECP did not clarify legal provisions to ensure publication of information in a timely and user-friendly manner.⁵⁶ Returns of assets were published as received in PDF format from assembly members. They could not be easily analysed. Results from polling stations were published in the same format, with some of the data unreadable, making any analyses difficult.

Revise the Elections Act, Election Rules and Codes of Conduct to ensure robust mechanisms for transparency. These would include specific timeframes for, and the manner of, dissemination of information of public interest, including online. Enforceable sanctions for non-compliance should also be adopted.

f) The electoral system

The 342 members of the National Assembly are elected for a five-year term. There are 272 general seats and 70 reserved seats of which 60 are for women and 10 for non-Muslims.⁵⁷ The 272 members are directly elected in single-member constituencies under the first-past-the-post system. Provincial assemblies are elected in the same way as the National Assembly. However, they vary in size and seat composition.⁵⁸

Members for reserved seats are elected under an indirect proportional representation closed party-list system. These seats are allotted to political parties based on their electoral performance in the general seats. The reserved seats for women are distributed to parties in proportion to the number of general seats won in each of the provinces. Non-Muslim reserved seats are allocated in proportion to the number of general seats won by parties nationally. The Elections Act includes a new requirement that parties nominate candidates for reserved seats in order of priority on their lists to be published on the ECP website. However, the ECP

⁵⁴ The Elections Act, section 15, requires publication of decisions and orders. It does not specify a deadline for the publication of such information. The 2017 Election Rules had many forms for various aspects of the process, but none for complaints.

⁵⁵ Modification of election schedules on [3 June](#) and [8 June](#), following hearings at the Lahore High Court and Supreme Court respectively.

⁵⁶ The [Elections Act](#), section 4. The ECP can issue orders and directives to give effect to the law.

⁵⁷ The 272 general seats for the National Assembly are distributed as follows: Punjab 141, Sindh 61, Khyber Pakhtunkhwa 39, Balochistan 16, FATA 12, Islamabad Capital territory three. The 60 reserved seats for women were distributed as follows: Punjab 32, Sindh 14, Khyber Pakhtunkhwa 10, Balochistan four. The 10 non-Muslim reserved seats are assigned to the entire country as a single constituency.

⁵⁸ Provincial assembly seats: Punjab 297 general seats, 66 reserved for women, eight reserved for non-Muslims; Sindh 130 general seats, 29 reserved for women, nine reserved for non-Muslims; Khyber Pakhtunkhwa 99 general seats, 22 reserved for women, three reserved for non-Muslims; Balochistan 51 general seats, 11 reserved for women, three reserved for non-Muslims.

did not publish these lists, defeating the law's purpose of giving voters greater certainty as to who might represent them.⁵⁹

The ECP published the final results on 7 August, within the legal deadline.⁶⁰ Results of 14 of 272 National Assembly general seats, and 23 of the 577 provincial assembly seats, were withheld for various reasons, mainly due to court disputes relating to recounts.⁶¹ On 11 August, and before all the results for general seats were announced, the ECP published the names of party candidates who would fill the reserved seats.

The electoral formula for the allocation of reserved seats is not elaborated in the Elections Act or the Rules, and the way the process was decided by the ECP was unclear. The quotient of women's seats for each province was calculated by dividing the number of seats won in each provincial assembly by the number of reserved seats in the respective provincial assembly. The allocation to parties was then calculated by dividing the quotient into the number of seats gained by each party in the relevant province. The quotient for the allocation of non-Muslim seats in the National Assembly is the total of general seats divided by the total of non-Muslim seats.

Within three days of the declaration of final results, elected independent candidates could, by law, join political parties. Those who did so were included in the total number of seats won by parties, which was the figure used to calculate reserved seats for women and non-Muslims. In addition, some candidates won several general seats, as the law allows candidates to simultaneously stand in multiple constituencies. Even though candidates by law can take up only one seat, their multiple wins were counted in the allocation of reserved seats.⁶² This contributes to distortion in the proportionality of representation.⁶³ It also means citizens may have voted for candidates who did not take up their seats, thus depriving voters of certainty of outcome.

Ensure certainty of outcomes by providing in law a well-defined electoral formula for the allocation of reserved seats and avoid distortions of representation. Ensure that the distribution of reserved seats takes place after the final allocation of general seats.

⁵⁹ The [Elections Act](#), section 104 (1), required political parties to file separate lists of their candidates in order of priority for seats reserved for women and non-Muslims, and for the ECP to publish them. The [minority lists published](#) on the ECP website did not reflect party affiliation or the order of priority in each party.

⁶⁰ The deadline for the declaration of final results was 8 August 2018.

⁶¹ Eight declarations for the National Assembly were withheld pending resolution of court disputes; five pending determination of breaches of the Codes of Conduct by the ECP; and one due to non-submission of election expenses. In addition, elections to two National Assembly seats were postponed, one due to the death of a candidate and the other following the criminal conviction of a PML-N candidate. Between the 8 and 15 August, the ECP announced the results of a further nine National Assembly seats and 12 provincial seats.

⁶² The [Constitution](#), Article 51(6)(d) and (e) and Article 223(1).

⁶³ For example, the PTI won 110 seats in the National Assembly with nine independent candidates joining the party within three days, bringing the total to 119. Sixty-seven of these seats were won in Punjab. This figure included a number of multiple constituency wins and seven independent candidates who joined the party within three days of the declaration of results. The calculation of the reserved seats on the basis of 67 seats in Punjab meant the PTI was allocated 16 of Punjab's 32 reserved seats for women in the National Assembly. If independent candidates and wins in multiple constituencies had been excluded, the party would have been allotted 15 seats instead.

VII. ELECTION ADMINISTRATION

Well-organised logistical preparations, but significant weaknesses revealed in the implementation of the legal framework. Limited voter education, flawed postal voting, and a lack of transparency in delimitation and results transmission processes led to allegations of electoral malpractices.

a) Structure, composition and powers of the election administration

The Election Commission of Pakistan is the constitutional body with the authority and responsibility to conduct elections. The Chief Election Commissioner (CEC) and the four members of the ECP are appointed by the president based on nominations made by a parliamentary committee.⁶⁴ The Chief Election Commissioner must be a former judge of the Supreme Court, or a former senior civil servant or senior technocrat, and not more than 68 years of age.⁶⁵ Retired High Court judges, senior civil servants or technocrats are qualified to be members of the Election Commission. The Chief Election Commissioner is appointed for a five-year term, while only two of four members shall serve a full five-year term. The other two members shall be replaced after completing half a term of office. The current composition of the ECP includes for the first time a retired civil servant and a woman.⁶⁶

The mandate of the ECP is to organise elections including the preparation of electoral rolls and the delimitation of constituencies. The ECP enjoys increased administrative and financial authority in hiring staff to fulfil its functions and duties. It has powers equivalent to those of the High Courts to issue directions and orders to ensure good administration of the elections. All executive authorities at federal and provincial levels must assist the ECP in organising elections.⁶⁷

For the 2018 elections, the ECP developed election rules, Codes of Conduct and an action plan with operational deadlines for its main activities. As required by law, an election schedule was adopted setting legal deadlines regarding candidate nominations and withdrawals, the publication of candidate lists, the allocation of symbols, as well as the election date. The ECP used its power on two occasions to amend the election schedule, extending deadlines related to candidate nomination and appeals.

The permanent structure of the ECP, with offices at federal, provincial, divisional and district levels, was supported by a temporary structure comprising 131 district returning officers, 859 returning officers, 1,740 assistant returning officers, 132 district monitoring officers and 592 campaign monitoring teams. With few exceptions, the district returning officers and returning officers were from the judiciary. The practice of judicial officials administering the elections had been criticised in the past, as the ECP did not establish sufficient chain of command and effective review mechanisms, which led to inconsistency in the implementation of procedures by returning officers. Some 800,000 temporary polling staff were recruited from federal or provincial administrations.

⁶⁴ The appointment mechanism involves the prime minister, in consultation with the leader of the opposition, forwarding three names for hearing and confirmation to a cross-chamber parliamentary committee.

⁶⁵ Only a former senior civil servant with at least twenty years in federal or provincial government, or a senior technocrat with at least twenty years of experience, is eligible for the position of the CEC.

⁶⁶ The current Chief Election Commissioner, Mr Sardar Muhammad Raza, assumed office on 6 December 2014. The four ECP members, including the first female member Justice (R) Ishrat Qaiser, assumed office on 27 July 2016.

⁶⁷ The ECP can require all executive authorities to assist it in discharging its functions, Elections Act, Section 5(2). Section 8(c) empowers the ECP to make such orders as necessary to conduct the elections “honestly, justly and fairly” in accordance with the law and the rules.

The ECP asked the army to provide security for the distribution of election materials and allowed their deployment inside as well as outside polling stations.⁶⁸ There were 370,000 army personnel deployed on election day, many from the reserves, as compared to 70,000 in 2013.⁶⁹ In addition to the army, 450,000 police officers were deployed. The ECP organised the training of master trainers from the army, the police and rangers, who then trained their own security personnel. The Inter-Services Public Relations of the Pakistan Armed Forces prepared a 20-minute video for the training of army personnel deployed at polling stations. The Code of Conduct for Security Officials issued by the ECP on 6 July increased the powers and role of security personnel posted inside and outside of polling stations, including the provision of a parallel structure to report irregularities if the presiding officer did not take action, thus negating the civilian ownership of the electoral process.

While a secure environment for voters, candidates and polling staff is essential, the deployment of large numbers of soldiers, and their presence inside polling stations with expanded powers, can result in voter intimidation.⁷⁰ Various EU EOM interlocutors raised concern over the role of the military inside polling stations, particularly their interventions during the vote count and transmission of the results. Others described the presence of the army inside polling stations as intimidating and that, in a few cases, it was the security official rather than the presiding officer who was in charge. The ECP informed the EU EOM that the decision to deploy army personnel outside and inside the polling stations was based on requests from political parties. Political parties, however, told the EU EOM that they agreed the army should be deployed only outside. The ECP did not give reasons why it deviated from its original plan of fielding security personnel only outside polling stations.

Guarantee civilian ownership of the conduct of elections. The presence of security forces, including the army, should be limited to outside polling stations and should not interfere in the election process.

b) Administration of elections

Most logistical preparations met operational deadlines. Election material and ballot papers with a watermark were procured on time. However, the printing of ballots for some 100 constituencies was delayed due to candidacy-related petitions to the High Courts. Due to court decisions on candidate nomination forms, the ECP had to twice revise the election schedule and extended candidacy deadlines.

The ECP declared 20,831 of 85,000 polling stations as “sensitive” due to security concerns. District returning officers were obliged by law to make public the final list of polling stations 30 days before election day. However, changes to the list of polling stations were made up to one week prior to election day. Consequently, voters were not informed on time about the location of their polling stations. The ECP SMS information service had technical problems on election day and there was no contingency plan to inform voters of their assigned polling stations. Political parties filled this gap with their own voter information.⁷¹

⁶⁸ There is no specific provision in the Elections Act or Rules for the deployment of security personnel within a polling station. Section 233 requires that security personnel abide by the Code of Conduct which provides for the deployment of army personnel both inside and outside polling stations.

⁶⁹ Overall, the security situation was worse during the 2013 elections, when there were 130 incidents of violence in the four weeks prior to election day and 64 people killed on election day (source: EU EOM 2013 Final Report pages 25 and 33).

⁷⁰ Human Rights Committee (HRC), GC 25 at para. 19 “Persons entitled to vote [...] without undue influence, or coercion of any kind which may distort or inhibit the free expression of the will of the voter.”

⁷¹ Political party activists were based outside polling locations distributing *perchees* to voters, slips of paper with their electoral roll serial number. The PTI developed a database and mobile application that linked voters with their polling stations. It was used effectively on election day by the party’s polling camps across the country.

The ECP should establish polling locations well ahead of election day and reliably inform voters of their voting location in time. On election day, the ECP should assume sole responsibility for directing voters to their assigned polling station.

Training of polling staff started in March and had finished by 20 July. There were two days of training for presiding officers on important issues, including vote counting and completing the results forms. The training handbooks and video were useful tools, but they did not cover some late ECP decisions on the deployment and the role of security personnel inside polling stations. On election day, the EU EOM noted a lack of understanding among presiding officers about vote counting procedures and difficulties in filling out the result forms.

Modern technologies were introduced by the ECP to improve the efficiency and transparency of various stages of the election process. These included the introduction of GIS mapping of polling stations, the Results Transmission System (RTS), the Results Management System (RMS), the 8300 SMS Service, the Click ECP mobile application⁷² and the ECP website. As some of these components were dependent on each other, the delays in inputting information to one component affected the output of another. For example, the significant delays in the GIS mapping of polling stations led to a delayed communication to voters of polling locations via the SMS service. The lack of contingency planning and of testing the RTS application resulted in the delayed and non-transparent transmission of election results.⁷³

The ECP maintains a website contributing, to some extent, to the transparency of the electoral process. The ECP was obliged by law to publish on its website in a timely manner: polling station locations, polling station results, orders and decisions on complaints, delimitation reports and proposals for amendments, nominated candidates, electoral offence convictions and annual reports. However, the ECP failed to provide timely information to voters and clear instructions to stakeholders on important aspects of the electoral process. These included information on polling station locations, candidates, postal voting arrangements, accreditation procedures for observers, recounts, polling agents at female polling stations and the ban on mobile phones inside polling stations. The ECP's action plan, the final delimitation report, and reports on electoral offence convictions were not available on the ECP website, and other information of public interest, notably on candidate scrutiny, was either absent, published in an inconsistent manner, or available in a non-user-friendly format.

To contribute to public confidence in the ECP, the Commission should introduce a range of measures to increase transparency and inclusiveness. These would include the timely publication of procedures, decisions and other information of public interest, and regular meetings and consultations on electoral issues with key stakeholders, including civil society.

Advanced postal voting was available for people in government service; members of the Armed Forces, their spouses and children stationed outside the area where they were registered as voters; polling staff and security personnel on election duty; voters with physical disabilities; and prisoners and detainees. However, procedures for application, including deadlines, and voting with postal ballots are insufficiently elaborated in the law. In addition, there is a lack of safeguards against possible fraud and violation of the secrecy of the vote.

The ECP did not undertake any initiatives to fill these gaps in the law. Polling staff and persons with disabilities reported that they were not informed of the deadline for applications and consequently could not vote. The postal ballot paper contained a unique serial number, which also appeared on the counterfoil and

⁷² Click ECP was an android-based application providing information about ECP offices and polling locations.

⁷³ See Elections Act, Section XVII.b Announcement of Provisional Results.

the voter's declaration, along with the voter's name. Thus, the secrecy of the postal vote was compromised as the voter's choice on a ballot and his or her identity could be easily traced and linked. There were no instructions for returning officers on recording postal ballot applications, and on the issuing and counting of postal ballots.⁷⁴

Consider an overhaul of postal voting to ensure the integrity of the process. Effective measures include increasing public awareness among eligible voters, a reasonable timeframe for applications, and guaranteeing the secrecy of the vote at all stages.

c) Voter education

The Elections Act requires the ECP to increase public understanding of electoral procedures. These include public awareness programmes and media campaigns to ensure maximum voter enrolment and participation in elections, and information on procedures for casting a vote.⁷⁵ The Election Rules and the ECP's action plan are silent on civic and voter education.⁷⁶ In accordance with its Strategic Plan 2014-2018, ECP civic and voter education activities were conducted at grassroots level through district voter education committees. These operated under the district election commissioners, in cooperation with civil society organisations to promote participation of all groups in society, including women, youth, minorities and persons with disabilities.

The ECP's voter information campaign was visible in the broadcast media only one week before election day.⁷⁷ The campaign explained the voting process and called for active participation. A similar "Go out and vote" campaign was launched by the Ministry of Information, Broadcasting, National History and Literary Heritage (MoIB). The media wing of the Pakistan Armed Forces produced a video explaining the role of the military on election day. The civil society organisation, Alif Ailaan, and broadcast media launched voter information campaigns in late June and addressed a broader range of election-related matters. Alif Ailaan called for scrutiny of parties' policies in education, with broadcast media encouraging people to vote for policies, not personalities, to assess the parties' records while in office and to scrutinise their manifestos.

Overall, the ECP's voter education was not sufficient and was not carried out in a timely manner. Important information on voting procedures and prohibited actions inside polling stations was not well communicated. Voter education was not tailored for any vulnerable group, including persons with disabilities. Civil society organisations and media tried to fill in this gap, but voters' lack of awareness on voting procedures was evident on election day.

Amend the Elections Act to include voter education covering all stages of the electoral process. Voter education programmes could be implemented through field activities, online, print and broadcast media. The ECP in close cooperation with civil society organisations should design and implement programmes, including for vulnerable groups.

⁷⁴ HRC, GC 25 para. 20 "States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists [...]."

⁷⁵ Section 12(b) (c) of the Elections Act.

⁷⁶ HRC GC No. 25. para. 11 "Voter education and registration campaigns are necessary to ensure the effective exercise of Article 25 rights by an informed community."

⁷⁷ ECP voter education spots first appeared on state-run PTV on 11 July. The campaign became more visible during primetime hours from 19 July. In total, 133 ECP spots were recorded in media monitored by the EU EOM.

d) Delimitation of constituencies

Before the 2018 elections, the ECP conducted for the first time since 2002 a delimitation exercise for all national and provincial assembly constituencies. A constitutional amendment allowed a one-time redrawing of constituency boundaries using the provisional data of the 2017 census. The total number of seats in the National Assembly remained unchanged, but the distribution of seats for the provinces was adjusted to take into account their population change.⁷⁸

A delimitation committee was established on 15 January 2018 and a draft report with the new delimitations was produced for public review on 5 March. A total of 1,285 representations were received. After hearings addressing the representations, a final list of the 272 National Assembly and 577 provincial assembly constituencies was published on 3 May. The ECP published on its website the preliminary report with maps of constituency boundaries, details of the representations made and the final report with maps. However, the ECP did not publish any report indicating how decisions were reached and how representations were dealt with.

The EU EOM received several complaints from political parties in Karachi about the validity of the census data. According to interlocutors, it underrepresents the population of Karachi. Complaints regarding the transparency of the delimitation process focussed on the process being undertaken without sufficient consultation.

The Elections Act limits the variation in constituency population size to ten per cent. In an exceptional case, this limit may be exceeded, but reasons should be recorded. According to an analysis of the preliminary delimitation by Democracy Reporting International, one third of National Assembly constituencies exceeded the variation limit, mainly due to a large variation in the population of administrative districts. For example, the population and number of registered voters in constituency NA-37 (Tank) is one third of the population and electorate of constituency NA-35 (Bannu).⁷⁹ Hence, the delimitation carried out within existing district boundaries does not respect the principle of equality of the vote.⁸⁰

Amend the Elections Act to include clear and specific principles for constituency delimitation and periodic review in line with international best practices to ensure equality of the vote. The process should take place after broad public consultation, including with the local population, civil society organisations and political parties. Allow enough time for effective access to judicial remedy.

⁷⁸ The number of general seats for Punjab decreased from 148 to 141. In Balochistan, the number increased from 14 to 16; in Khyber Pakhtunkhwa it increased from 35 to 39; and in Islamabad Capital Territory it increased from two to three. The number of seats for Sindh remained the same at 61.

⁷⁹ According to the 2017 unofficial census data, Bannu district has 1,167,892 inhabitants while Tank district 391,885. Each district formed one NA seat constituency, NA-35 in Bannu with 578,872 registered voters, and NA-37 in Tank with 180,872 registered voters.

⁸⁰ HRC GC 25, para 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 and the method of allocating votes 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.”

VIII. VOTER REGISTRATION

The right to vote is broadly vindicated by an inclusive system for the preparation of the electoral rolls, although large disparities remain between male and female voters, and disadvantaged groups face hurdles registering. Continued enrolment of Ahmadis on a supplementary voter list is contrary to international standards.

a) The right to vote

The Constitution and the Elections Act grant the right to vote to every citizen at least 18 years old, appearing on the electoral roll and not adjudicated of “unsound mind” by a competent court.⁸¹ Inclusion on the electoral roll depends on whether the citizen has obtained a computerised national identity card (CNIC). Citizens who hold a CNIC, but live overseas, have the right to vote, which is exercised by returning to vote in the constituency of their address in Pakistan.⁸² Prior to the new Elections Act, some overseas Pakistani citizens lodged court petitions seeking the right to vote from abroad.⁸³ The ECP had conducted overseas voting trials at several locations, but these efforts were deemed unsuccessful.⁸⁴

The Elections Act included a provision for testing overseas voting procedures in by-elections to determine the feasibility and security of overseas voting.⁸⁵ In early 2018, the Supreme Court directed NADRA, in coordination with the ECP, to develop a mechanism for overseas voting.⁸⁶ Implementation of the proposed system was deferred until after the 25 July elections as it was not fully tested. Since then, and revisiting various petitions on the issue, the Supreme Court noted new ECP rules on electronic voting had been drafted and that a system for internet voting was ready for testing.⁸⁷ The Court directed the tests to take place in the by-elections on 14 October.⁸⁸ Implementation of overseas voting, if successful, will enhance inclusivity among an estimated eight million Pakistani citizens living abroad.⁸⁹

b) Voter registration

In 2013, the ECP made *ad hoc* arrangements with NADRA for the electoral roll. These were formalised in the Elections Act, with the ECP taking overall responsibility for the preparation and maintenance of the computerised electoral roll. The roll is linked with the CNIC database maintained by NADRA, which includes a voter’s personal and biometric data, photograph and a unique 13-digit CNIC number. Voters must hold a NADRA-issued national identity card, even if its validity period has expired, showing they are resident, either on a temporary or permanent basis, in an electoral area. A comprehensive process for enrolment, transfer of addresses, and objections and appeals regarding entry in the electoral roll is provided in law.

⁸¹ The [Constitution](#), Article 51(2). The cut-off date for the closing of the electoral rolls was 30 April 2018. Citizens who turned 18 afterwards could not be added and were thus disenfranchised. While HRC, GC 25 para. 4 cites mental disability as a possible basis for exclusion, more recent practice suggests otherwise e.g. CRPD, Article 29. See also UN General Assembly Resolution A/RES/46/119 (1991).

⁸² The right to vote for Pakistani citizens living overseas was affirmed by a Supreme Court (Chaudhary Nasir Iqbal and Others v Federation of Pakistan and Others), (PLD 2014 SC 72), interpreting the Constitution, Article 17, on the right of association.

⁸³ Fifteen related petitions on the issue of overseas voting were filed between 2015 and 2018.

⁸⁴ The ECP report [Road to General Elections 2018: Preparations](#), page 11. Issues with tested processes included logistics, security and costs.

⁸⁵ The Elections Act, section 94, referring to overseas Pakistanis as citizens or holders of national identity cards, and working or residing for more than six months out of the country.

⁸⁶ The direction was given during the hearing of a petition on overseas voting in January 2018.

⁸⁷ [Constitution Petitions No.74-79/2015, 49-56/2016, 2/2018 and Civil Misc. Applications 4292/2017 and 162/2018 \(Under Article 184 of the Constitution\)](#), 17 August 2018.

⁸⁸ The ECP announced [scheduled by-elections](#) on 17 August 2018.

⁸⁹ Ministry of Overseas Pakistanis and Human Resource Development, [Yearbook 2013-2014](#), page 8.

At the start of 2018, the ECP conducted a door-to-door campaign to verify voter information on the electoral roll. Preliminary voter lists were displayed from 26 March at 14,487 locations for inspection, objections and corrections. Voters could also check their registration data through the 8300 SMS-based service operated by the ECP by sending a text message with their CNIC number. An automated response to voters included the name of their electoral area, block code and the voter's serial number on the electoral roll. Voters were given the option to transfer their registration to either a temporary or permanent address at the district election commissioners' offices. The list closed on 30 April, after which no new voters could be added for the 25 July elections.

There were 105,955,407 voters on the final electoral roll, an increase of 23 per cent from 2013. The number of female voters increased to 46,731,145. The gap between the male and female electorate was slightly reduced, with women making up 44 per cent of the electorate.⁹⁰ In co-operation with the UNDP, civil society organisations and NADRA, the ECP launched a campaign in 79 districts to increase female voter registration.⁹¹

EU EOM interlocutors reported that the electoral roll includes the data of a number of deceased voters, possibly due to the non-registration of their death certificates with local government bodies. Of the 3.3 million persons with disabilities, only 165,927 were registered to vote as the procedures for persons with disabilities to obtain special CNICs were time-consuming and cumbersome. Since Ahmadiis remain registered on a supplementary list of voters, the Ahmadi community announced that they would not participate in the elections.⁹² The accuracy of the electoral roll is difficult to assess due to the absence of a comprehensive audit or analysis to check for inaccuracies.

Ensure the accuracy and inclusiveness of the electoral roll by effectively removing the names of the deceased and citizens legally excluded from voting (such as persons declared by a court to be of unsound mind), and by eliminating legal and procedural barriers to obtain national identity cards.

Adopt a unified electoral roll by removing the requirement for any supplementary list of voters, so that all citizens can be registered to vote on an equal basis in accordance with international standards.

IX. REGISTRATION OF POLITICAL PARTIES AND CANDIDATES

Standards of scrutiny of parties and candidates were inconsistent. Decisions of Appellate Tribunals, which the law says are final, were at times successfully challenged in the High Courts.

a) Registration of political parties

To register with the ECP, a political party must show at least 2,000 members, pay PKR 200,000 in registration fees,⁹³ and certify various matters including non-receipt of foreign funding.⁹⁴ Any registered

⁹⁰ In FATA, the registration of women increased by 66 per cent.

⁹¹ HRC GC No. 25, para. 11. "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed."

⁹² Only Ahmadiis are required to be included in a separate electoral roll.

⁹³ EURO 1 = PKR 146.50 was the official exchange rate on 1 October 2018.

⁹⁴ Under the Elections Act, the constitutions of political parties must regulate matters from membership fees to procedures for the selection of candidates by transparent and democratic means. Political parties formed before the Elections Act 2017

party is then entitled to a symbol to contest elections.⁹⁵ The law prohibits parties from activities such as promoting hatred and violence but there are certification gaps. For example, a party seeking registration must certify its holding of intra-party elections and its funding sources, but no specific certificate is sought regarding democratic conduct.⁹⁶ The Elections Act does not give a clear mechanism to prevent from contesting the elections parties with links to, for example, armed groups or those who promote violence or extremism.

Some extremist parties, which had used or advocated violence, were able to participate.⁹⁷ For example, the ECP did not allocate an electoral symbol to the Milli Muslim League (MML), a party with links to militant organisations, as the party was not cleared by the Ministry of Interior.⁹⁸ Subsequently, however, members of the MML contested under another party, the Allah-o-Akbar Tehreek (AAT), which was registered. The ECP did not decisively address these weak points.

Enhance political parties and candidates' commitment to democratic principles by establishing standard scrutiny procedures against extremist affiliation, sectarianism, hate speech and the promotion of violence.

Ninety-five of 121 registered parties participated in the elections. Seven parties did not comply with the five per cent threshold for women representation among their candidates.⁹⁹ This legal requirement was not a condition for contesting the elections, hence symbols were allotted to all political parties before the quota compliance was established. No sanctions applied for non-compliance.¹⁰⁰

b) The right to stand

Any non-dual citizen who is at least 25 years old and registered as a voter has the right to stand. Aspiring candidates had to pay a deposit fee of PKR 30,000 and PKR 20,000 for national and provincial assembly seats respectively, an almost eightfold increase since 2013. Deposits were refundable only if a candidate obtained more than 25 per cent of constituency votes. These requirements were aimed at discouraging frivolous candidacy applications.¹⁰¹ However, some 80 per cent of the 2018 candidates lost their deposits. The level of deposit required particularly disadvantaged female and transgender candidates.

Some legal restrictions affect the right to stand. Bankruptcy is a bar to elected office, and some public servants must resign two years in advance of contesting.¹⁰² Persons found by a court to be of “unsound mind” cannot be registered as candidates.¹⁰³ Vague constitutional limits on the right to stand, at odds with international standards, were inconsistently applied during the nomination period.¹⁰⁴

were deemed registered, provided they updated the ECP with information on their constitutions, intra-party elections and sources of funding.

⁹⁵ The Elections Act, section 215. The right to a symbol applies notwithstanding anything in any other law.

⁹⁶ The Elections Act, section 200, says that a party shall not promote hatred, sectarianism or violence, or propagate opinions contrary to the Constitution, indulge in terrorism or undermine public order or morality. There is no expressed sanction for any breach.

⁹⁷ The AAT, the PRHP and the TLP.

⁹⁸ The Ministry of Interior clearance procedure is not articulated in the Elections Act.

⁹⁹ The TLP, the PRHP, the AAT, the PTI-N, the JUI-S, the PB and the PMA.

¹⁰⁰ There is no sanction for non-compliance with the female candidate quota for either newly registered parties or those registered before the new Act. There is no legal quota for women’s representation among officers within party structures.

¹⁰¹ There was a 24 per cent decrease in the total number of candidates compared to 2013.

¹⁰² HRC GC 25 para. 4 “Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria.”

¹⁰³ See also, CRPD, Article 29 and GC 1 (2017) at para. 48, “[...] a person’s decision-making ability cannot be a justification for any exclusion [...]”

¹⁰⁴ See Legal Framework, recommendation at page 17.

c) Candidate registration

Aspiring candidates, nominated by any two voters of a constituency, could stand for political parties or as independents. Voters could submit up to five separate nominations for a candidate. Nominated candidates had to file, with returning officers, various documentation, including an oath of fulfilment of the constitutional requirements to stand.¹⁰⁵ Candidates then underwent a scrutiny hearing. The decision of a returning officer was largely confined to the information supplied in the nomination paper.¹⁰⁶ A returning officer could not, for example, question a candidate's declaration on the constitutional criteria unless there was "material to the contrary available on record." As such, the decisions of the returning officers were somewhat constrained. Guidelines for scrutiny to ensure consistent practice were also lacking.

Although the Elections Act says parties must select their candidates by internal democratic and transparent procedures, an absence of minimum standards with clear oversight mechanisms meant this was not guaranteed.¹⁰⁷ The arbitrary allocation of party tickets was also possible as the law allows simultaneous registration of candidates in multiple constituencies at both national and provincial level. Apart from the fact that voters can never be certain if an elected candidate will go on to represent their constituency, the option of competing in different constituencies increased space for intra-party conflicts.¹⁰⁸ Renouncing surplus constituencies also entails costly by-elections.

Enhance intra-party democracy by promoting genuine candidacies through implementation of the law requiring transparent and democratic procedures for candidate selection. Consideration could be given to requiring party primaries coupled with ECP oversight and certification of the process.

Enhance genuine elections, certainty of outcomes, and reduce the number of costly by-elections by authorising candidates to stand for election in only one constituency in any given election.

Following scrutiny, some candidates were rejected in one constituency but accepted in another.¹⁰⁹ Others were rejected based on minor technical errors, including partially completed documentation.¹¹⁰ A somewhat revised nomination process and designated Appellate Tribunals aimed to determine eligibility in a coherent manner.¹¹¹ However, practice varied between the initial scrutiny stages overseen by returning officers and the appeal decisions. Some candidates were rejected for reasons which appeared to have little connection to their suitability as a candidate.¹¹² Although the law states that the decisions of Appellate Tribunals are final,

¹⁰⁵ Documents included certified copies of CNICs, statements of assets (including spouse(s) and dependents), and details of a dedicated campaign bank account.

¹⁰⁶ The Elections Act, section.62 (9)(d)(i).

¹⁰⁷ The Elections Act, section 201(f). HRC GC 25 at para. 26 "Political parties and membership in parties play a significant role in the conduct of public affairs and the election process. States should ensure that, in their internal management, political parties respect the applicable provisions of Article 25 in order to enable citizens to exercise their rights thereunder." Form A to be completed by candidates did not provide for clear verification of democratic selection procedures of nominated party candidates.

¹⁰⁸ The distribution of tickets to so-called "electables" led to PTI party workers protesting at Imran Khan's residence in June 2018. Some 54 per cent of PML-N and 12 per cent of PPP candidates elected in 2013 either left their parties, became independent or decided not to run. The ECP heard a petition against the PTI for seeking "loyalty" affidavits from applicants for party tickets, which stated they would not leave the party or stand as independents if they weren't selected. In other instances, the appointment of "electables" to party tickets forced others to run as independents.

¹⁰⁹ Among them were Imran Khan (PTI), Shahid Khaqan Abbasi (PML-N) and Farooq Sattar (MQM-P).

¹¹⁰ E.g. NA-53 saw four candidate nomination rejections by returning officers, including that of Imran Khan, due to minor omissions in forms. Pervez Musharraf's nomination was rejected because he had failed to appear at a court hearing. The winner of NA-248, the PPP's Abdul Qadir Patel, appealed his rejection by the returning officer in Karachi.

¹¹¹ Under the Elections Act, some changes were made to candidate forms and affidavits. Compared to the previous legal framework, returning officers had limits placed on the extent of queries they could raise.

¹¹² A Sindh provincial assembly candidate, Nisar Khuro, had his nomination papers rejected because he listed among his dependents two wives instead of three.

many candidates still petitioned the High Courts over decisions related to nominations. The petitions produced different outcomes. Numerous cases involved complexities linked to the manner of legally determining a candidate's honesty.

The PML-N was notably impacted during the candidate nomination and scrutiny period. Disqualifying candidates late in the process was detrimental to a level playing field. Several PML-N candidates in Punjab left the party on the eve of the deadline for candidate nomination. The sudden desertion of PML-N candidates left the party in a precarious situation, as replacement contestants were not available. The PML-N didn't have candidates in 29 of 297 constituencies in Punjab; in some others it fielded *ad hoc*, inexperienced candidates.

The final list of candidates was published on 29 June.¹¹³ A total of 11,855 candidates contested the elections (3,459 for the National Assembly and 8,396 for provincial assemblies), of which 55 per cent stood as independents. EU EOM interlocutors attributed the particularly high number of independent candidates as an attempt by the military establishment to weaken political parties. Political parties nominated 172 women and 44 non-Muslims for reserved seats in the National Assembly, and 386 women and 113 non-Muslims to the provincial assemblies. Eight per cent of the overall number of candidates for both National and provincial assembly elections represented extremist parties.¹¹⁴

X. CAMPAIGN ENVIRONMENT

a) *The election campaign*

A competitive election campaign marred by a number of violent incidents entailed some restrictions on freedom of assembly. An undefined campaign period, the role of party polling camps, breaches of campaign silence, the disqualification of candidates during the campaign period and some media restrictions also contributed to an uneven playing field.

Despite a deteriorating security situation in the run-up to election day, the campaign was competitive with party leaders travelling across the country. Most campaigning involved four parties: the PTI, PML-N, PPP and the MMA coalition. The PTI leader's strong personality was especially prominent in the PTI campaign. Other contestants were less active or active only in particular provinces.

Overall, there was a notable lack of equality of opportunity. Influential landowners and representatives of extended families, the so-called "electables", were able to generate large political appeal and financial means to secure votes.¹¹⁵ Vote-buying allegations also featured in various areas.¹¹⁶ The PTI's campaign messages focused on anti-corruption and promised investments in infrastructure, while the ruling coalition promised to increase investments and new projects. Campaign styles varied from traditional approaches such as the use of extended family networks to modern campaign techniques such as the use of social media. The judiciary was increasingly perceived as politicised, owing to numerous high-profile court cases involving the

¹¹³ The PDF format of the list made data difficult to access and analyse. The submission of nomination papers ran from 4 to 11 June. The last day for withdrawals was 28 June.

¹¹⁴ 925 candidates from the AAT, the TLP and the PRHP.

¹¹⁵ An electable is a holder of a significant number of votes. In principle, he has already been elected to office or belongs to an influential family. The impact of these candidates was noted by EU observers in Abbottabad, Jhelum, Gujrat, Sukkur, Nawabshah, Jhang, Sargodha, Sheikhpura and Hyderabad.

¹¹⁶ EU observers noted vote-buying allegations in Rawalpindi, Gujrat, Sahiwal, Nawabshah and Karachi.

PML-N and the PPP during the campaign.¹¹⁷ This image was further bolstered by the Chief Justice's visit to a hospital developed by an Awami Muslim League (AML) candidate. Public praise of the candidate's accomplishment appeared to conflict with the ban on the use of development schemes in election campaigning.¹¹⁸

There was no legally defined start of the campaign period. According to the ECP, the campaign started on 30 June when the final list of candidates was published. On 11 June, eleven days after the announcement of the election, the ECP deployed 592 two-person campaign monitoring teams.¹¹⁹ District monitoring officers, to whom monitoring teams reported, could impose fines for breaches of campaign rules.¹²⁰ However, the campaign was already well underway for the major political parties. EU observers noted the collection of data by district monitoring officers on alleged breaches of the Code of Conduct but details of enforcement were not widely published.

The 48-hour campaign silence period did not affect online campaigning or the party polling camps established near polling stations. The camps were used by party activists to direct voters to their polling stations by distributing slips of paper with the voter's name, the polling station number and the party's symbol. The impact of these party camps had been addressed in a 2012 Supreme Court case, in which the Court directed the ECP to immediately ban them and to take charge of informing voters of their polling station locations.

Ensure equal campaign opportunities by clarifying and consolidating campaign silence provisions, including on election day. Extend the campaign silence to polling camps established by political parties.

Several terrorist attacks in Balochistan and Khyber Pakhtunkhwa impacted specific parties and campaigning.¹²¹ The leaders of the main parties continued to travel across the country, but political parties said their campaigning was hindered. For example, restrictions on public assembly, contrary to international standards, were widely enforced in Islamabad.¹²² The restrictions imposed due to the violent attacks contradict the principles of democratic elections; affected freedom of campaigning; and, to some extent, did not allow voters and candidates to take part in elections free from fear and intimidation.

The return to Pakistan of Nawaz Sharif and his daughter Maryam Nawaz on 13 July, following their conviction by the anti-corruption Accountability Court in Islamabad, prompted a large PML-N campaign event. The police mobilised up to 10,000 security personnel to maintain law and order. PML-N leaders reported excessive use of force by security personnel; that hundreds of supporters were injured and detained

¹¹⁷ After the rally organised for the return of Nawaz Sharif and his daughter, cases were opened against other PML-N members, including Shehbaz Sharif. Other prominent PML-N politicians had already been disqualified, including Daniyal Aziz; former Foreign Minister, Khawaja Asif; and Hanif Abbasi, convicted following a controversial drug case. The PPP candidate, Humayun Khan, was also disqualified.

¹¹⁸ The Chief Justice of Pakistan visited the Mother and Child Hospital on 30 June upon the invitation of the AML candidate, Sheikh Rasheed, trustee of the hospital. The visit was widely covered in the media and criticised by political parties and CSOs. See Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents, Part 1, (d) 43.

¹¹⁹ The Elections Act, section 234. The focus was on violations of the Election Act and the Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents.

¹²⁰ District Monitoring Officers were largely recruited from among executive district administrators who are entrusted with overall responsibility for law and order. Fines were limited to a maximum of PKR 50,000.

¹²¹ A PTI candidate for a provincial assembly seat in Khyber Pakhtunkhwa was killed in an attack on his convoy in Dera Ismail Khan on 22 July. On 13 July, a bomb attack at a BAP campaign event in Mastung, Balochistan, killed 149 people, including the party candidate. On the same day, an attack on a JUI-F convoy in Bannu, Khyber Pakhtunkhwa, killed four people and injured others. On 10 July, an attack on an ANP event in Peshawar killed 20 people, including one of its leaders, Haroon Bilour.

¹²² Code of Criminal Procedure (1898), section 144, contradicts the ICCPR Article 21 and HRC GC 25 at para. 25.

in Lahore, Faisalabad and other cities in Punjab; and that senior party leaders were placed under house arrest. The PML-N stopped campaigning in Punjab for five days. The authorities switched off mobile services in most parts of Lahore during the rally, to avoid any political unrest.

The role of the media in the last two weeks of the campaign became more prominent due to an escalation in violence that limited candidates' direct engagement with voters. Paid advertising, alongside live broadcasts from parties' publicity events, was used to reach large audiences. The PTI, the PPP and the PML-N each purchased some 30 primetime hours on the most watched TV channels.¹²³ However, the media regulator reshaped the campaign on TV by banning one PML-N and requesting the re-editing of two PML-N advertisements, one PTI advertisement¹²⁴ and the PPP's spot on the inclusion of minorities. Restrictions were placed on live broadcasts, at times resulting in muted statements from party leaders. Consequently, both the monetisation of the campaign, and restrictions on content, limited pluralism and subverted international good practices for genuine political debate.¹²⁵ Smaller parties complained that they could not keep pace with large national parties, especially regarding expensive political advertising, even if the law sought to curtail unfair advantages.

Social media was used extensively, with the PTI, the PML-N and the PPP enjoying the greatest online presence.¹²⁶ However, apart from prominent political figureheads, only one third of candidates used the internet for individual campaigning.¹²⁷ Sixty-nine per cent of the winning candidates in 181 constituencies assessed by the EU EOM were active online, proving the effectiveness of internet-based electioneering. Most commonly, social media was used for self-promotion, but some targeted negative campaigning was also observed.¹²⁸ Third-party accounts served to discredit political rivals¹²⁹ and the PTI leader used Twitter to capitalise on a terrorist attack.¹³⁰ Overall, online communication polarised the campaign environment.

b) Campaign finance

Incomplete legal provisions, including a lack of spending oversight and controls on political parties, underpin an uneven playing field and provide weak scrutiny processes.

Political and campaign financing rules are incomplete and there is an inadequate level of oversight. Political parties were not subject to campaign spending limits. They were only required to disclose to the ECP

¹²³ The PTI paid for the placement of 3,169 spots amounting to 35 hours of airtime; the PPP paid for 1,275 spots (32 hours) and the PML-N for 2,486 spots (29 hours) across all seven TV channels monitored by the EU EOM.

¹²⁴ The Pakistan Electronic Media Regulatory Authority (PEMRA) issued a ban with immediate effect on 16 July, citing unlawful language used in the respective spots (not hate speech). Any live coverage had to be delayed by 180 seconds and media had to mute any political statement that might contain undesirable language.

¹²⁵ HRC, [GC 34 at para.13](#) "The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential."

¹²⁶ The PTI and Imran Khan had 6.2 and 8.8 million followers on Facebook and 3.6 and 8.4 million followers on Twitter, respectively. The PML-N and its leader had 2.8 and 2.1 million on Facebook, and 0.9 and four million on Twitter. The PPP had 251,449 and Bilawal Bhutto Zardari 152,396 on Facebook, with 579,000 and 2,880,000 followers respectively on Twitter. Among other parties represented in the National Assembly, only the ANP had a sizable online presence with 124,000 followers on Facebook and 47,000 on Twitter.

¹²⁷ The EU EOM assessed 1,907 candidates standing for elections in 181 constituencies. Of them, 55 per cent represented political parties and 45 per cent were independents; 94 per cent were male. In total, 35 per cent of assessed candidates had a dedicated Facebook page or Twitter account. Six per cent of female candidates assessed used social media.

¹²⁸ Seven per cent of candidates used their individual social media accounts (Facebook or Twitter or both) for negative campaigning. An additional eleven per cent of candidates posted on their Facebook pages a few messages targeting their closest rival.

¹²⁹ EU observers were informed about such cases in Karachi, Lahore and Multan and by a candidate in Balochistan.

¹³⁰ The PTI leader on his official Twitter account linked the terrorist attacks with the Sharifs' return to Pakistan. This statement was later used by the PTI-leaning TV channels against the PML-N.

individual donations over PKR 100,000 for campaign spending purposes.¹³¹ Parties should also report details of general election expenses. However, there were no clearly prescribed scrutiny and sanction mechanisms. Requirements for political party finance reporting are insufficient: the annual returns deadline fell a month after election day; no pre-election day reporting was foreseen in the Elections Act; and forms do not ensure consistent reporting.

Candidates, unlike parties, were subject to campaign finance rules at nomination stage and after the elections.¹³² These included operating designated campaign bank accounts and limits on campaign spending.¹³³ The ECP is mandated by law to scrutinise the returns of candidates' expenses. This includes direct candidate expenditure, but also by a political party on their behalf.¹³⁴ Various candidates started their campaigns and spending before 30 June, the date the ECP regarded as the start of the campaign. While candidates are required to report all expenditure, irrespective of when incurred, expense forms do not ensure consistent reporting. With over 11,000 candidates competing in the elections, with each candidate required to vouch for all spending over PKR 1,000, the ECP faced an unrealisable scrutiny exercise.¹³⁵

If the ECP does not scrutinise expenses within 90 days after they are filed, they are deemed correct. As the ECP has both discretionary and obligatory scrutiny powers, the 90 day-rule could be an incentive to forego the onerous scrutiny exercise.¹³⁶ The ECP acknowledged to the EU EOM that campaign spending oversight was a daunting new task for its political office. Additionally, interim campaign reporting requirements in the Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents were not enforced.¹³⁷

Overall, a level playing field for parties or candidates is not assured. Key beneficiaries of campaign spending, such as media houses, were subject only to *ad hoc* reporting requirements.¹³⁸ This diminished transparency and is at odds with international standards.¹³⁹ Elected candidates' final returns of campaign expenses were due by 4 August. The ECP is not obliged to publish them. The declaration of one candidate's election victory was withheld for non-compliance.¹⁴⁰

Ensure a level playing field and effective campaign finance oversight. Set political party spending limits and standardised reporting and disclosure requirements, with proportional financial penalties for non-

¹³¹ The Elections Act, section 211.

¹³² The Elections Act, section 98 (3), returned candidates must file accounts within 10 days of polling. Section 134, non-returned candidates must file returns within 30 days of the notification of returned candidates.

¹³³ Spending limits are PKR 4 million and PKR 2 million for National Assembly and provincial assemblies respectively. EU observers in Karachi, Hyderabad, Sukkur and Sahiwal noted their interlocutors considered the limits too low, with suggestions that PKR 10 million was a more realistic ceiling.

¹³⁴ Almost all candidates met by EU observers said they were self-financing. In NA-122, candidate Ali Salman of the PTI said he paid his party PKR 1 million towards his campaign costs.

¹³⁵ Annual returns of assets by sitting assembly members, under the Elections Act section 137, showed a huge divergence in the quality of reporting, with large numbers illegible or with information missing. In some cases, asset values are quoted in foreign currencies.

¹³⁶ Under the Elections Act, section 136 (1), the ECP shall scrutinise each contesting candidate, while under section 132(2) the ECP is required to scrutinise only if there is a dispute. The law is unclear in other respects. Section 136(4) refers to section 134, which cites only part of the obligations of returned candidates. It fails to mention the timeline for returns in section 98(3).

¹³⁷ Paragraph 13 of the Code required fortnightly statements of election expenses during the campaign period.

¹³⁸ On 12 July, PEMRA requested all commercial broadcasters to submit reports on income from political advertising despite there being no legal provision to do so, and without providing an approved financial account form. Reports were not made public, raising doubts about the purpose of the order and its relevance to enhanced campaign financing transparency.

¹³⁹ Article 7.3 of the [UNCAC](#) obliges states to "consider taking appropriate legislative and administrative measures, [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

¹⁴⁰ NA-271, ECP Notification of Final Results, 8 August 2018.

compliance. Strengthen the ECP's verification capacity with timely and consistent reporting from service providers such as media, publishers and advertising agencies.

XI. MEDIA

Undue restrictions on freedom of expression led to self-censorship across the media landscape and election coverage without non-partisan, journalistic scrutiny.

a) Media environment

At first glance, Pakistan's media appears vibrant, seemingly offering a platform for a free and pluralistic exchange of ideas. Comprehensive analysis of the media's output, however, reveals that editorial policies were carefully calibrated to downplay issues relating to the army, state security structures and the judiciary. Concerted efforts to stifle the reporting environment were observed, and included intimidating phone calls to senior editors, the disruption and hindrance of the distribution of broadcast and print outlets, and harassment of individual journalists. In such an environment, severe self-censorship was the safest option to continue publication.

Television is the principal news medium in cities, while radio is key to reach the rural electorate. The state still holds a monopoly on terrestrial services; hence the state-run Pakistan Television Corporation (PTV) is the only broadcaster with a nationwide reach.¹⁴¹ The commercial broadcasting sector is diverse, with GEO TV accounting for by far the largest audience and share of commercial revenue.¹⁴² Of 160 privately-owned radio stations, only a few air programming that is produced by journalists employed by the media house. Most radio news bulletins reproduce the output of the state-run news agency, Associated Press of Pakistan (APP), providing a uniform coverage of events of public relevance, including the elections.

Urdu and Sindhi newspapers still enjoy large audiences, with an estimated total of around six million copies read by at least 20 million adults a day. A dozen national newspapers, owned by large media houses, are financially self-sustainable and strive to offer quality reporting. In contrast, regional print media suffer from financial and staffing shortages.¹⁴³ As with the FM radios, local newspapers largely rely on APP's newsfeed, further shrinking pluralism outside urban centres.

Investment in IT infrastructure and a steady consumption in growth has elevated online media to an important communication channel for state institutions, political parties, media and the wider public. Facebook is the most popular social network with 33 million users. WhatsApp was also widely employed for mobilisation and propaganda purposes, while Twitter, like the English-language newspapers, is an appealing news exchange platform for urban elites.

b) Legal and regulatory framework for media

Most of the content restrictions that affected election coverage stem from the Constitution. Article 19 subjects freedom of expression to "any reasonable restrictions imposed by law", which diverges from international standards.¹⁴⁴ Excessive content limitations, citing security, religious and moral concerns, are scattered throughout the legal framework for media, resulting in a catalogue of issues on which media

¹⁴¹ Two of eight of PTV's channels are in the country's top ten most watched TV stations. PTV's channels, like all commercial TV channels, are available also via cable or satellite.

¹⁴² In total, 100 commercial TV channels are available via cable or satellite.

¹⁴³ EU observers reported such instances in Attock, Digri, Mirpur Khas, Sahiwal and Sukkur districts.

¹⁴⁴ HRC, [GC 34 at para. 22](#). "Restrictions may be imposed and [...] must conform to the strict tests of necessity and proportionality."

cannot report. This includes a prohibition on publishing content that could be considered as undermining the sanctity of judiciary, armed forces, political parties or electoral process, or against the ideology of Pakistan.¹⁴⁵ The Prevention of Electronic Crimes Act extends content restrictions to online communication, including on social media platforms. Defamation is a criminal offence, at odds with international standards.¹⁴⁶ Blasphemy is punished by death and citizens are persecuted for liberal beliefs with impunity.¹⁴⁷ Such a general legal framework is not conducive to freedom of expression.¹⁴⁸

While covering the campaign, media had to comply with the general legal framework and supplementary regulatory instruments issued by the media regulator and the ECP. The provisions for implementation were vaguely defined and provided for an arbitrary application of power. Further, there were virtually no safeguards against formal or informal censorship. Consequently, Article 19 and various regulatory instruments were cited to prevent media from comprehensively covering selected political parties. At national level, prior to all key events and court rulings that affected the campaign, senior editors from liberal-leaning media houses received phone calls from state actors, who offered instructions on which aspects of the case should and should not be highlighted. At regional level, district information officers and other state actors often “advised” media on how to cover certain parties.¹⁴⁹ Primarily it marred coverage of the PML-N and the PPP, obstructing voters from making a fully informed choice.

On the pretext of maintaining law and order, constraints were also placed on online communication. On 13 July, the mobile network was shut down in large parts of Lahore, limiting the media’s ability to comprehensively report on the return of Nawaz Sharif and his daughter. Further, on 20 July, mobile internet services were suspended in three districts of Balochistan until after the elections.¹⁵⁰ Decisions were made in an opaque manner and unnecessarily curbed freedom of expression and association.¹⁵¹

Review the legal framework for media, including for online content, to ensure compliance with international standards for freedom of expression, and repeal undue restrictions on media’s output. Consider decriminalisation of defamation, clarify the definition of blasphemy and set out unambiguous criteria for blocking online content.

Oversight and regulatory powers are vested in the Pakistan Electronic Media Regulatory Authority (PEMRA). The regulator lacks genuine independence and transparency, as its members are appointed by the president and its yearly budget depends on the government. Rulings on complaints, including on election-related matters, are not made public.¹⁵² While PEMRA’s head office monitors media with a nationwide

¹⁴⁵ Most but not all of the prohibitions are listed in the PEMRA Schedule-A – Electronic Media Code of Conduct 2015.

¹⁴⁶ HRC, [GC 34 at para. 47](#) “Defamation laws must be crafted with care to ensure [...] that they do not [...] stifle freedom of expression. States parties should consider the decriminalization of defamation.”

¹⁴⁷ For example, after the independent candidate (NA-247, Karachi) and rights activist, Jibrán Nassir, refused to label Ahmadis as “non-Muslims”, he was publicly accused of blasphemy and branded as a non-believer, including by a religious authority during a well-attended Friday sermon in Karachi on 13 July. Afterwards, he and his campaigners were physically and verbally harassed on several occasions. No police investigation followed.

¹⁴⁸ HRC, [GC 34 at para. 13](#) “The free communication of information and ideas implies a free [...] media able to comment on public issues without censorship or restraint.”

¹⁴⁹ EU observers were informed about such instances in Abbottabad, Digri, Karachi, Lahore, Sahiwal, Sialkot and Sukkur.

¹⁵⁰ The Pakistan Telecommunication Authority, on the request of the Ministry of Interior, suspended mobile internet services in Mastung, Pishin and Qilla Abdullah districts until 31 July. In February 2018, mobile internet was shut down in Awaran, Kalat and Kech districts in Balochistan.

¹⁵¹ Decisions were not published on the [PTA website](#). HRC, [GC 34 at para.15](#) “States parties should take all necessary steps [...] to ensure access of individuals thereto (online media).” HRC, [Resolution 20/8](#) (2012) on the promotion, protection and enjoyment of human rights on the internet affirms that “the same rights that people have offline must also be protected online, in particular freedom of expression.”

¹⁵² For example, the PPP’s complaint about unequal media coverage. The decision was not published on [PEMRA’s website](#). The EU EOM was informed that such documents are “confidential.”

reach, its regional and sub-offices oversee the conduct of regional outlets and cable operators.¹⁵³ The staffing and methodology employed at sub-level do not provide for effective oversight. Further, none of the sub-offices was willing to detail its monitoring method or disclose records.¹⁵⁴ Such a regulatory system is at odds with basic principles of public access to information, is prone to arbitrary application of power and undermines the right to an effective remedy.¹⁵⁵

These systemic drawbacks were evident prior to and after the elections. First, PEMRA issued several directives to the broadcast media that contained vaguely defined prohibitions, making commercial media vulnerable to institutionalised pressure and self-censorship.¹⁵⁶ Secondly, PEMRA displayed clear bias by applying a contradictory sanctioning policy. Six TV channels were fined for violating campaign silence, while no sanctions followed when two TV channels blatantly breached the ECP's prohibition and broadcast before 19:00 on election day preliminary results showing the PTI's victory.¹⁵⁷ Thirdly, no affirmative measures were taken when cable operators removed GEO News from the distribution list in cantonment areas and changed the channel placement of Dawn TV, reducing the broadcasters' audiences shortly before election day. GEO News was also off the cable networks in residential parts of Lahore and Karachi on 3 and 4 August.¹⁵⁸ Such action and inaction of PEMRA curbed pluralism and raised questions about the regulator's motivation. Further, its decisions also fall short of the principles enshrined in the joint statement on the media and elections, issued in May 2009, by authoritative international bodies for the protection of freedom of expression.¹⁵⁹

Establish a genuinely independent regulator, with clearly defined powers and a decision-making capability that provides for transparency, accountability and efficiency.

The legal framework governing the state-run broadcaster does not provide for adequate and sustainable editorial and financial independence. The PTV and Radio Pakistan are under the jurisdiction of the Ministry of Information, Broadcasting, National History and Literary Heritage (MoIB). Both chairmen are principal-level civil servants at the ministry, potentially leading to a conflict of interests. Further, the director general of the media wing of the Pakistan Armed Forces is a board member of both broadcasters. Consequently,

¹⁵³ EU observers visited regional offices in Lahore and Karachi and sub-offices in Gujranwala, Hyderabad, Multan, Rawalpindi, Sargodha and Sukkur. On average, each office has 30 employees, oversees a dozen local broadcast media outlets and up to 300 cable operators.

¹⁵⁴ Only the PEMRA regional office in Lahore detailed the dispute resolution mechanism, while admitting its limited monitoring capacity. All sub-offices said that a decision to reject a complaint is not subject to judicial review and there is no paper trail in such cases.

¹⁵⁵ HRC, [GC 34 at para. 39](#) stipulates a regulatory framework that respects freedom of expression, "a necessary condition for [...] transparency and accountability." See also para.19 "[...] States parties should proactively put in the public domain Government information of public interest."

¹⁵⁶ On 12 July, PEMRA issued an *ad hoc* warning stipulating the suspension of broadcasts "without any notice or further opportunity of hearing" if a TV channel airs content that "might likely undermine the sanctity of judiciary, armed forces, other institutions, individuals, political parties or electoral process."

¹⁵⁷ ARY News (the second most watched news channel) and Bol News aired preliminary results from 18:00 to 18:15. The chairman of PEMRA told the EU EOM that, after his phone calls to TV channels, the publication of results stopped, and no sanctions were necessary.

¹⁵⁸ GEO News considered this as a warning not to report on any event, even if newsworthy, that challenges the official positive narrative of the elections. EU observers in Karachi were informed about GEO's signal disruption in Clifton, Gizri, Lyari, Liaquatabad, Samanabad, and in some areas of District West and New Karachi.

¹⁵⁹ [The joint statement on the media and elections](#) by the UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information stipulates that "oversight of any rules relating to the media and elections should be vested in an independent administrative body which should address any complaints promptly. The decisions of this body should be subject to judicial review."

there is no clear separation between the public service media and government institutions, contrary to international standards.¹⁶⁰

Establish legal and regulatory safeguards for the public service broadcaster's editorial independence and financial autonomy. Clear separation between government institutions and the public broadcaster should be granted by law.

c) EU EOM media monitoring

Media coverage of the elections, as monitored by the EU EOM,¹⁶¹ was extensive, but devoid of non-partisan, journalistic scrutiny.¹⁶² Controversial decisions by state institutions, including the Election Commission, which had an impact on the elections were not publicly examined. Paid-for content and partisan discussion programmes dominated, and a substantial share of news was devoted to discontented voters and quotes from party leaders criticising each other, leaving little space for non-partisan coverage of elections.¹⁶³

There was no level playing field for electoral contestants, including on the state-run TV.¹⁶⁴ The media featured the three-horse race between the PTI, the PML-N and the PPP, coverage of which was tainted by corruption scandals and driven by court decisions. The PTI, the PML-N and the PPP joint share of exposure in all media was 81 per cent, including within the news on electoral matters.¹⁶⁵

Overall, the PML-N was the most featured party.¹⁶⁶ However, up to two-thirds of its coverage was negative in tone, including on court cases against the party leadership and on prominent defectors. Further, partisan debates about the PML-N often substituted for news reports from the party's large-scale events that would have revealed the scope of its public support.¹⁶⁷ The coverage of the PPP was mostly neutral or positive, and predominantly afforded to the party's campaign activities. The PTI was also featured in either a neutral or positive manner. However, in addition to its large-scale rallies, the PTI leader's sharply negative remarks against the PML-N and, to a lesser extent, the PPP were also considered newsworthy. The PTI leader was by far the most quoted political figure across the media landscape, which was particularly beneficial in such a divisive campaign environment.¹⁶⁸ No debate between the party leaders took place, depriving voters of the possibility to directly compare them. Further, no analytical production compared party manifestos or scrutinised them for viability.

¹⁶⁰ HRC, [GC 34 at para. 16](#) "States parties should ensure that public broadcasting services operate in an independent manner, [...] guarantee their [...] editorial freedom, [...] provide funding in a manner that does not undermine their independence."

¹⁶¹ From 27 June to 23 July 2018, the EU EOM conducted qualitative and quantitative media monitoring of seven broadcast, including the state-owned broadcaster PTV, and four print outlets with an almost nationwide reach. The broadcast media was monitored daily during primetime hours (from 18:00 to 24:00). The print media was also monitored daily. For detailed media monitoring results see Annex 3.

¹⁶² Up to 56 per cent of TV channels' primetime programming was devoted to election-related matters. Newscasts constituted up to 20 per cent of programming, while paid-for airtime reached 37 per cent.

¹⁶³ Direct speech constituted 33 per cent of election-related editorial programming. On PTV, direct quotes from political actors reached 41 per cent.

¹⁶⁴ Of 95 political parties contesting the elections, only 12 had sizable exposure on PTV and nine on commercial TV.

¹⁶⁵ For disaggregated media monitoring results per media outlet see Annex 3.

¹⁶⁶ Twenty-nine to 50 per cent of the editorial programming on electoral matters was granted to the PML-N.

¹⁶⁷ For example, the coverage of Nawaz Sharif and his daughter's return. While social media featured thousands of supporters, TV channels discussed the event without showing comprehensive live footage. Several media in Islamabad, Karachi and Lahore informed the EU EOM that state actors "advised" them how to cover the event.

¹⁶⁸ During the monitoring period, Imran Khan was granted more than seven hours of direct speech within primetime news; Shehbaz Sharif and Bilawal Bhutto Zardari received four and three hours each.

Other parties made media headlines only in a few isolated cases¹⁶⁹ or when challenging PML-N, PTI or PPP leaders. Among the independents, it was only prominent defectors with the jeep symbol who gained some exposure.¹⁷⁰ In addition, on three liberal-leaning TV channels, the rights activist and independent candidate from Karachi, Jibran Nasir, was able to address voters directly during primetime news. Two candidates from the Pashtun Tahafuz Movement, who won elections in Waziristan, *de facto* faced a media blackout.¹⁷¹ Consequently, voters were not presented with the full range of political alternatives.¹⁷²

The editorial policy of the print media largely mirrored that of television. In total, 77 political parties were mentioned, but only 10 had a sizable presence in the news. The PML-N, the PTI and the PPP joint share of exposure was, on average, 76 per cent. The press was less negative towards the PML-N than the TV channels. Overall, the coverage benefited prominent politicians, with Imran Khan's photo being the most frequently used illustration of electoral news.

d) Social media

Social media served as both a vehicle for a party propaganda and as a platform for news and analysis that opposed the official political discourse. Journalists and rights activists used online and social media to debate candidates, their manifestos and the conduct of state institutions. Frequently, videos, articles and commentaries, rejected by mainstream media, were published on journalists' private online accounts.¹⁷³ This contributed to overall pluralism, but limited access to the internet and instances of blocked media content reduced the positive effect.¹⁷⁴

At the same time, partisan social media sites deepened public disenchantment by reproducing videos of disappointed voters from across the country. Such video footage mainly targeted incumbents from the PML-N and the PPP. Online harassment of liberal-leaning journalists, rights activists and female netizens was also observed.¹⁷⁵

XII. PARTICIPATION OF WOMEN

Despite a slight increase of female candidates, women remain underrepresented as voters and as members of the assemblies.

The Constitution guarantees the equality of all citizens, prohibits discrimination on the basis of sex and provides for the full participation of women in national life. Pakistan has ratified the CEDAW as well as the

¹⁶⁹ For example, the ANP was the fourth most featured party; 85 per cent of its already scant coverage was on the suicide bomb attack at the ANP's rally in Peshawar on 10 July.

¹⁷⁰ More than 100 independent candidates standing in the National Assembly elections were allocated a jeep symbol, perceived as a symbol depicting candidates endorsed by the establishment. Many had left the PML-N and, to a lesser extent, the PPP shortly before the start of candidate nomination. The most prominent PML-N defectors with the jeep symbol were the former Minister of Interior, Chaudhry Nisar Ali Khan, and the former Provincial Minister of Punjab for Religious Affairs, Zaeem Qadri.

¹⁷¹ In June, as well as earlier in 2018, mainstream media did not report on any of the large-scale PTM demonstrations, even if they were present.

¹⁷² [The joint statement on the media and elections](#) by UN, OSCE, OAS and ACHPR: "states should put in place a range of measures [...] to create an environment in which a pluralistic media sector can flourish."

¹⁷³ EU observers noted such cases in Abbottabad, Islamabad, Karachi, Lahore and Multan. In April, 50 prominent journalists signed an open petition against editorial censorship and the subsequent removal of controversial articles and editorials.

¹⁷⁴ For example, on 7 August, a Radio Mashaal (Pashto-language branch of Radio Free Europe) article on protests against the results was blocked in Pakistan. The article cited ANP, JUI, PkMAP and PML-N leaders levelling accusations of election-rigging against the ECP and military.

¹⁷⁵ The term "netizen" describes people who are not journalists, but who are active on social media and regularly post about social and political developments.

CPRW. However, it does not meet the minimum threshold of 30 per cent of female participation in decision-making positions, set by the 1995 Beijing Platform for Action. Women remain underrepresented in all spheres of political life.

Despite concerted efforts by the ECP to increase women's voter registration, the gap between male and female voters remained almost the same, except in FATA where the registration of women increased by 66 per cent.¹⁷⁶ There are various reasons for this disparity: social and cultural barriers, a lack of awareness on political rights, as well as limited access to information on how to obtain CNICs, a prerequisite for voter registration.

The Elections Act foresees the cancellation of elections in constituencies where female turnout is less than ten per cent.¹⁷⁷ However, the ECP annulled elections only in one provincial assembly constituency (PK-23 Shangla-I), but not in other constituencies where female turnout was just under 10 per cent. Women were reportedly restricted from voting in at least eight constituencies in Khyber Pakhtunkhwa and Punjab upon agreements between local elders and candidates.¹⁷⁸ The ECP issued directives to returning officers to ensure that women voted in six districts (Battagram, Lower Dir, Shangla, Swabi, Swat and Upper Dir) in Khyber Pakhtunkhwa.

Only eight of 172 women candidates were elected to general seats in the National Assembly compared to nine in 2013 and 16 in 2008. Three are from the PPP, two from the PTI, one from the PML-N, one from the Grand Democratic Alliance (GDA) and one from the BAP. Several aspiring female candidates had difficulty raising the deposit required for the submission of their candidature.

The ECP was responsible for ensuring that each political party nominated at least five per cent of women candidates for general seats. However, due to the lack of clear legal provision and its narrow interpretation by the ECP, parties were not sanctioned for non-compliance. Seven of 95 political parties contesting the elections failed to fulfil this requirement.¹⁷⁹ Political parties put forward many women in seemingly unwinnable constituencies. An EU EOM survey based on a sample of 80 female candidates showed that only 25 per cent of women candidates were nominated in constituencies won by their parties in previous elections.

The ECP established a Gender Affairs Wing and developed a Code of Conduct for Political Parties, Contesting Candidates, Election Agents and Polling Agents. The code requested political parties to provide equal opportunity for men and women in the electoral process, and prohibited agreements that barred women from contesting. There are only 42 women of 2,280 ECP staff. For the first time one commissioner is a woman.

Women on reserved seats are indirectly elected through a proportional system based on the number of general seats won by each party. As a result, women members of the assemblies are more dependent on a political party than linked to a constituency. Women contestants are mainly from politically influential

¹⁷⁶ The ECP carried out specific programmes in order to increase the civic and political awareness of female voters. In addition, activities aiming at increasing the registration of female voters were implemented in cooperation with civil society organisations through mobile registration teams. The ECP initiated in 79 districts a "Female NIC and registration campaign" from November 2017 onwards, aiming at registering 880,000 women.

¹⁷⁷ During the by-elections in May 2015, the ECP declared null and void the elections in Lower Dir (PK-95) and ordered re-polling, as none of the 53,000 women registered turned out to vote. This was the first time the ECP took such action.

¹⁷⁸ The reported locations were: Upper Dir, Lower Dir, Bajaur, Malakand and Lakki Marwat districts (Khyber Pakhtunkhwa), and Chakwal, Mandi Bahauddin and Sargodha (Punjab).

¹⁷⁹ The AAT, the JUP, the Pakistan Justice and Democratic Party (PJDP), the PMA, the PRHP, the QWP, and the TLP.

families with strong *biradari* (clan or community) links.¹⁸⁰ Female candidates were to a large degree invisible in the media and were rarely quoted in the news. On average, broadcast media devoted 13 per cent of time to female candidates.¹⁸¹ Neither political parties nor the media encouraged the equality of women's participation in elections.

Adopt affirmative measures to foster the representation of women contesting general seats. Significantly increase the current five per cent mandatory registration of women candidates in political parties. Consistently implement sanctions for non-compliance. Ensure strict adherence to the legal threshold for female voter turnout.

XIII. PARTICIPATION OF PERSONS WITH DISABILITIES

Despite positive measures taken by the ECP and civil society organisations, persons with disabilities were largely marginalised throughout the electoral process.

Pakistan ratified the CRPD in 2011.¹⁸² However, the political rights of persons with disabilities are yet to be enshrined in the national legal framework, pending the enactment of the Disability Bill.¹⁸³

Of 3.3 million persons with disabilities according to the 2017 census,¹⁸⁴ only 165,927 were registered as voters. They have to overcome several administrative and institutional obstacles regarding the issuance of CNICs. In addition, if someone wishes to vote by post, a disability certificate issued by a district hospital is necessary in order to obtain a CNIC with a special logo to enable postal voting. Overall, postal voting procedures were unclear, cumbersome and not published in a timely manner, with a number of National Assembly constituencies receiving no postal ballots from persons with disabilities.¹⁸⁵ Only three candidates with disabilities contested the elections; none was elected.

As a pilot exercise, the ECP produced limited voter information material in braille for the visually-impaired that was available in 300 polling stations. Overall, voter information campaigns in the media for persons with disabilities were almost non-existent. The ECP Code of Conduct for Media does not require media to produce any programming advocating participation in the electoral process for persons with disabilities. The state-run broadcaster added sign language to its news headlines, but not to the main news stories or to any voter education or voter information spot.¹⁸⁶ The electoral rights of persons with disabilities were not debated during primetime discussion shows.

¹⁸⁰ According to an EU EOM survey based on a sample of 80 female candidates, women from politically influential families are five times more likely to be elected to Parliament (a success rate of 20.7 per cent versus 4.3 per cent).

¹⁸¹ For example, direct speech of Imran Khan constituted seven hours in total, while that of the most quoted female candidate, Jasmin Rashid (PTI), was one hour in total. There were ten times as many quotes from male candidates in the media compared with female candidates.

¹⁸² The CRPD, Article 29, requires State Parties to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others [...] including the right and opportunity for persons with disabilities to vote and be elected.” The CRPD is not included in the relevant [EU Generalised Scheme of Preferences](#) conventions, to which Pakistan must adhere.

¹⁸³ Article 23 of the draft Disability Bill provides that the government “shall ensure that persons with disabilities are provided special quota in Senate, National Assembly and Provincial Assemblies of Pakistan.” Article 37.a (1) provides for the set-up of the Pakistan National Council for Persons with Disabilities.

¹⁸⁴ The actual number of persons with disabilities is reported to be between 25 and 30 million. Based on the World Health Organization's Global Health Survey 2002-2004, of which Pakistan was one of the participating countries, persons with disabilities in Pakistan should be *circa* 31 million.

¹⁸⁵ In National Assembly constituencies 72 to 76, 88 to 91, and 101 to 110, returning officers informed EU observers that they did not receive any postal ballots from registered voters with disabilities.

¹⁸⁶ State-owned PTV's three-minute headlines at 8.00 and at 20.00 are translated into sign language.

On election day, voters with disabilities had difficulty accessing polling premises despite the ECP's efforts to establish polling stations on the ground floor. EU observers concluded that two-thirds of the polling stations observed on election day were accessible, but only 12 per cent granted independent access with ramps or additional measures.¹⁸⁷

Enact and effectively implement the Pakistan Disability Bill to ensure full enjoyment of civil and political rights for persons with disabilities and ensure tailor-made voter education.

XIV. PARTICIPATION OF RELIGIOUS AND ETHNIC MINORITIES AND OTHER UNDERREPRESENTED GROUPS

Pakistan is yet to fulfill its international obligations regarding equality of all minority citizens' electoral rights

Pakistan is a mosaic of various ethnic and religious minorities with 96.3 per cent of the population being Muslim (75 per cent Sunni and 25 per cent Shia). There are 3.33 million Hindus (1.6 per cent), 3.29 million Christians as well as Bahai, Buddhist, Jain, Parsi and Sikh communities.¹⁸⁸ Despite Pakistan's international commitments and legal safeguards enshrined in the Constitution, some minority groups, in particular Ahmadis, Christians, Hindus, Hazaras and Shias,¹⁸⁹ are targets of discrimination, and sectarian and religious violence.¹⁹⁰

Despite a 30 per cent increase of non-Muslim voters (3.63 million against 2.7 million in 2013), only 44 candidates contested for the ten National Assembly reserved seats for non-Muslims,¹⁹¹ a decrease of 38 per cent compared to 2013, due in part to the shrinking space for freedom of expression and belief. For the first time since 2002, a Hindu candidate was elected to a National Assembly general seat (NA-222, PPP). The system of allocating reserved seats does not enable effective representation of non-Muslims since their elected representative is not linked to a constituency. In the new National Assembly, six Hindus and four Christians represent the reserved seats for non-Muslims.¹⁹² In Chitral, a representative from the Kalash community was elected for the first time to a reserved seat in the provincial assembly.¹⁹³ Equal electoral franchise is not yet ensured for religious and ethnic minorities.

Ahmadis are excluded from political life. They are not recognised by law as Muslims and since 1985 they have been registered on a separate electoral roll. As they refuse to consider themselves as non-Muslims, they

¹⁸⁷ This assessment is based on 497 polling stations visited by EU observers on election day.

¹⁸⁸ Bahais, Buddhists, Jains, Parsis and Sikhs were not part of the 2017 census. Sikh and Bahai communities, living mainly in Punjab and Khyber Pakhtunkhwa, are said to each number 30,000. Parsis, living mainly in Karachi, and Buddhists, living mainly in Punjab and Sindh, are small communities of several thousands. The number of Jains (Hindus) in Pakistan is not known.

¹⁸⁹ Hazaras (mainly Shias) are an ethnic group, mainly in Balochistan, between 650,000 and 900,000 in number. According to the Pakistan Bureau of Statistics (PBS), Ahmadis account for 0.22 per cent of the population.

¹⁹⁰ ICCPR, Article 2, ensures equality of all citizens' rights "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin." Article 18 ensures freedom of thought, conscience and religion and prohibits religions coercion. The Constitution provides for freedom of religion and requires the state to safeguard minorities' rights (Articles 20 and 36). Freedom of speech is subject to the "glory of Islam" (Articles 2, 19 and 41) and might be curtailed by blasphemy laws.

¹⁹¹ Out of 44 candidates for reserved seats, there were 27 Christians, 16 Hindu and one Parsi. Seven were women.

¹⁹² Five reserved seats were allocated to the PTI, two to the PPP, two to the PML-N, and one to the MMA.

¹⁹³ The Kalash are a non-Muslim indigenous community of 4,000 people living in Chitral, Khyber Pakhtunkhwa.

did not participate in the elections.¹⁹⁴ The disenfranchisement of 167,500 Ahmadi voters was not discussed in the state media, or in political party manifestos. In an environment tainted by sectarian violence, Ahmadis have to choose between freedom of belief and their political rights as citizens.¹⁹⁵

Pakistan recognised transgender as a third gender in 2009 and granted transgender citizens the right to vote and contest elections in 2013. In May 2018, the Transgender Persons (Protection of Rights) Act was adopted.¹⁹⁶ Despite these legal achievements and positive measures taken by the ECP,¹⁹⁷ transgender candidates encountered several obstacles throughout the electoral process.¹⁹⁸ Five transgender candidates competed in the elections, and faced defamation on social media and serious harassment.¹⁹⁹ No transgender candidate was elected.

Cumulative vulnerabilities such as bonded labour and internal displacement constitute additional factors of disenfranchisement. According to the International Labour Organization, there are between two to eight million bonded labourers in Pakistan, mostly Hindus and Christians in Sindh and southern Punjab. They face many difficulties in obtaining their CNICs, restriction of movement, as well as the patronage system unduly influencing their electoral choices.

XV. CITIZEN OBSERVATION AND INTERNATIONAL ELECTION OBSERVATION

More diverse and active but less visible citizen observation on election day

a) *The legal framework for citizen and international observation*

The Elections Act 2017 gives the ECP powers to allow any citizen observer group or international observer organisation to observe the electoral process, giving them access to polling stations, the count of votes and the consolidation of results. This is the first time that the law has had any provision for election observation. However, it is at the discretion of the ECP whether it allows any group to observe the electoral process and the level of access it provides. The ECP's action plan specified some arrangements for citizen observer organisations and international observers.

In June, the ECP issued Codes of Conduct for Observers and International Observers defining their role and activities, as well as guidelines for international observers providing information on the scope of observation, logistical arrangements, the neutrality of observers, the observers' pledge and consequences for

¹⁹⁴ The Ahmadis are defined as non-Muslims in the Constitution, Article 260(3). The oath declaring the finality of Muhammad's Prophethood is essential for registration on the general electoral roll (Elections Act 2017, Article 48A), a discriminating process as Ahmadis would have to renounce their faith to be included on the general roll instead of a separate one. This is a clear violation of ICCPR, Article 2, that states that "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." The Ahmadis announced their non-participation in the elections via Twitter on 17 July.

¹⁹⁵ Since March 2018, there have been at least six reported incidents of harassment or violence against Ahmadis in Punjab, the latest on 25 August in Faisalabad.

¹⁹⁶ The Transgender Persons (Protection of Rights) Act 2018 provides transgender people the right to vote (Article 10) as well as the right to hold public office (Article 11).

¹⁹⁷ The Elections Act, section 48, provides for measures to expedite the issuance of CNICs for transgender persons.

¹⁹⁸ According to the 2017 census, 10,418 transgender persons were registered. However, it is thought the actual number may be several hundred thousand. The United Nations Programme on HIV/AIDS' [2016 Key Population Size Estimation](#) (conducted in 2017) estimates the transgender population of Pakistan is 53,000. Pakistani [civil society organisations](#) estimate the number is 300,000 across Pakistan.

¹⁹⁹ EU observers reported threats or physical harassment, including death threats, against two transgender candidates by rival parties' agents in Mansehra district (Khyber Pakhtunkhwa) and Okara district (Punjab).

code of conduct violations. However, none of the guidelines offered clear instructions for accreditation procedures or standard application forms.²⁰⁰ National citizen observers faced complicated accreditation procedures, even though there was some improvement compared to 2013. Requests for accreditation were filed with the ECP at central level and locally with the district returning officer and/or the provincial election commissioner. Accreditation cards were valid only on election day. Therefore, long-term citizen observers had only limited access to information.

Observers were also hindered by the Code of Conduct for Security Officials which empowered security personnel to allow accredited observers and media stay at a polling station for only a brief period of time. In practice, it was at the discretion of army personnel inside the polling station to determine for how long observers could remain.²⁰¹ Thus the ECP did not provide observers and journalists unimpeded access to critical stages of the pre and post-election day period, including recounts.

Establish in law the right to national and international observation, ensuring full access for observers, including media, to all stages of the electoral process. Develop and adopt simple and transparent requirements for accreditation to be published well in advance of elections. To ensure scrutiny of the process, the ECP should facilitate the participation of civil society organisations in election observation.

b) Citizen observation

The Trust for Democratic Education and Accountability-Free and Fair Election Network (TDEA/FAFEN), a network of more than 40 civil society organisations, organised long-term citizen observation of the elections. They deployed long-term observers in 130 districts and released five pre-election monitoring reports, one campaign report and two reports on the preliminary delimitations of constituencies. TDEA/FAFEN trained over 19,000 observers for election day observation. However its plan for reporting via an android-based application had to be modified due to the ban on mobile phones inside polling stations. TDEA/FAFEN's preliminary report on election day was based on the reports of 9,699 observers from 37,001 polling stations.²⁰² Although TDEA/FAFEN conducted a parallel vote tabulation exercise for the National Assembly election they decided not to publish their results. TDEA/FAFEN's preliminary report mainly highlighted positive aspects of the elections, but also identified procedural irregularities such as the lack of transparency in counting, slow tabulation and the delayed announcement of provisional results.²⁰³ Overall, TDEA/FAFEN observation in 2018 was less visible in the field than in 2013. Observers in the regions were reluctant to share information and their overall assessment of the election process was less critical.

The Human Rights Commission of Pakistan (HRCP) deployed on election day 290 domestic observers in 51 constituencies across the country. The HRCP expressed serious reservations about the powers given to the security forces; the uneven playing field; the extremist groups contesting elections; and the recent curbs to print and broadcast media. The HRCP's statement focused on the performance of the ECP, including ill-trained staff, a lack of neutrality among polling staff in some areas, and the inaccessibility of many polling stations for persons with disabilities.²⁰⁴

²⁰⁰ The ECP action plan states that district returning officers and returning officers will be authorised to issue accreditation cards to national media and national observers under their jurisdiction. The provincial election commissions will issue accreditation cards to media and CSOs. The public relations wing of the ECP Secretariat will issue accreditation cards to international observers and the CSOs functioning at a central level. However, different instructions were communicated to the EU EOM.

²⁰¹ ICCPR, Article. 25, HRC GC 25, para. 20 "The security of ballot boxes must be guaranteed, and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting process."

²⁰² TDEA/FAFEN observers were denied access to 945 polling stations, including 730 of 7,938 vote count observations. Election officials or security personnel did not allow TDEA/FAFEN observers to 47 result consolidations.

²⁰³ [FAFEN preliminary election observation report](#)

²⁰⁴ [Poor first impressions of polling day: HRCP](#)

The Aurat Foundation, the Potohar Organization for Development Advocacy and Bedari also observed the elections, looking specifically at women's rights. The NGOs, SPRING and the Special Talent Exchange Programme assessed the inclusion of persons with disabilities in the electoral process. For the first time, transgender groups also observed the process and reported on obstacles faced during election day.²⁰⁵ Although more CSOs observed the elections compared to 2013, the number of deployed observers on election day was around 20,000 compared to 43,000 in 2013.

c) International observation

The EU EOM was the largest international mission with 122 observers. The Commonwealth deployed a short-term 14-member delegation to Islamabad, Rawalpindi, Lahore, Multan, Faisalabad, Karachi and Hyderabad and observed at 107 polling stations on election day. Their preliminary statement commended the people of Pakistan and the ECP for their commitment to the democratic process and pointed out areas for improvement in the counting process.²⁰⁶ The government of Japan also deployed a group of observers to complement its electoral assistance in Pakistan through the UNDP.²⁰⁷

XVI.ELECTORAL DISPUTE RESOLUTION

Uncertainty in dispute resolution processes arose in the high number of petitions to the Supreme and High Courts. There was a lack of transparency regarding ECP decisions as well as late changes to the make-up of panels for ECP dispute hearings. While inadequacies in the law underpin some issues, the ECP was also insufficiently engaged in public dissemination of information about contentious stages of the electoral process.

a) Electoral dispute system

The system for resolving electoral disputes is largely a judicial model, with judges of various courts involved at various stages.²⁰⁸ ECP orders also have the same weight as High Court rulings. Disputes broadly fall into three categories. First, complaints adjudicated by the ECP. Secondly, disputes relating to candidacy and results, which are dealt with by judge-led tribunals appointed by the ECP in consultation with the High Court Chief Justices. Thirdly, electoral offences which, in most cases, are tried in the criminal courts.

ECP jurisdiction, excluding candidacy nomination appeals, applies to complaints against subordinate bodies of the ECP, breaches of Codes of Conduct, delimitation of constituencies, and the investigation of alleged violations materially affecting polling station results.²⁰⁹ A late adjustment to the make-up of ECP panels allowed more cases to be heard.²¹⁰ While the ECP published a daily case list on its website, the manner of

²⁰⁵ Transgender citizen observers included the Forum for Dignity Initiatives, the All Pakistan Transgender Electoral Network (APTEN), as well as transgender CSOs at provincial level. Transgender observers reported difficulties in accessing polling stations in Peshawar.

²⁰⁶ [Interim Statement by the Commonwealth Observer Group Pakistan General Election 2018](#)

²⁰⁷ [Japan Local Election Observer Group for the Elections in Pakistan](#)

²⁰⁸ Judges are drawn either from various layers of the judicial branch or they are High Court judges. For instance, Sessions or District Court judges typically hear matters related to electoral offences, while High Court judges are mainly involved with the Election Tribunals set up by the ECP.

²⁰⁹ As well as receiving complaints, the ECP can also initiate investigations before the Courts and other bodies. This is so with alleged violations of official duties by election officials, candidates failing to file accurate expenses, a voter being registered twice, and disclosure of information contrary to law.

²¹⁰ The 26 July amendment in the law was affected by presidential ordinance – a temporary constitutional mechanism to amend laws in the absence of a sitting parliament. It has not yet been published by the ECP.

filing complaints was not clearly communicated, and decisions or orders were not published as foreseen by law, limiting the transparency of the body's decisions.²¹¹

Review the legal framework for administrative electoral complaints. Ensure clear transparent procedures for submitting complaints and appeals, standardised complaint forms, precise timelines for all stages, and prompt publication of decisions, including online.

The Constitution and the Elections Act have overlapping provisions for the resolution of election disputes. First, the Constitution gives exclusive jurisdiction to Election Tribunals to handle results disputes.²¹² Appellate Tribunal decisions on candidacies are, by law, final.²¹³ Further, the Elections Act bars any court from calling into question ECP actions taken in good faith, or in relation to the validity of the electoral roll or constituency delimitation.²¹⁴ However, the Supreme and High Courts have broad powers to remedy issues of fundamental rights, and during the elections many cases came before them. There is a need to clarify the legal boundaries, as well as to provide clear timeframes and ensure legal certainty.²¹⁵

b) Pre-electoral dispute resolution

Rights of appeal beyond ECP mechanisms to the Courts were not specified for delimitation and candidacy issues.²¹⁶ However, numerous petitions resulted in court hearings. Some delimitation cases, indicating the ECP had not given due hearing to some representations, were returned to the ECP for reconsideration.²¹⁷ Other delimitation cases are to be concluded at the time of writing, thus leaving some uncertainty over the process. The Supreme and High Courts also actively addressed the conditions of candidacy, disqualifying several high-profile individuals.²¹⁸ A centralised database on ECP and court decisions is not a requirement by law. However, the absence of easily accessible information deprived stakeholders of important information and underpins a lack of clarity around dispute outcomes.²¹⁹

During the candidacy nomination process, returning officers received nomination papers and scrutinised candidates and their paperwork. Decisions at scrutiny stage could be appealed to Appellate Tribunals chaired by High or former High Court judges. Many petitions seeking to overturn decisions by Appellate Tribunals were filed with the High Courts. Such cases led to delays in printing ballot papers in some 100

²¹¹ The Elections Act, section 15, requires publication of Election Commission complaints orders. There is no timeframe and no orders had been published at the time of writing. There were no prescribed forms for the filing of complaints under the section.

²¹² The Constitution, Article 225. "No election shall be called into question except by an election petition" to such tribunals as determined by Parliament. The Constitution, Articles 184(3) and 199 provide for petitions and *suo moto* actions related to fundamental rights.

²¹³ The Elections Act, section 63(2).

²¹⁴ The Elections Act, section 236. This bar on jurisdiction is further bolstered by section 237 "No suit, prosecution or other legal proceeding shall lie against the Commission [...] in respect of anything which is done in good faith or intended to be done under or in pursuance of this Act or of any rule or order made or any direction given under the law."

²¹⁵ The need for clarity was also highlighted in Supreme Court [Civil Appeal 467/2015](#) at para.24.

²¹⁶ Appeals to the Supreme Court are only specified in relation to ECP orders voiding a poll, refusals to enlist a candidate, the dissolution of parties and results challenges.

²¹⁷ E.g., The [Peshawar High Court on 6 June](#) directed the ECP to reconsider representations by voters on the delimitation of various assembly constituencies, even though the delimitation deadline had passed.

²¹⁸ Prominent aspiring PML-N candidates disqualified within a month of the election included Daniyal Aziz, Maryam Nawaz and Hanif Abbasi. On 19 July, the Supreme Court confirmed the disqualification for life of PTI member, Rai Hassan Nawaz. The PML-N candidate, Talal Chaudhry, was found in contempt of court for criticising the judiciary, and disqualified from contesting elections for five years. In [Bhatti v Kiani \(Civil Appeal no. 1083 and no. 3148 of 2017\)](#) at para. 11, the Supreme Court found that the appellant had falsified his academic qualifications.

²¹⁹ ICCPR, Article 14, para. 1 "All persons [...] In the determination of any [...] of his rights and obligations in a suit at law [...] any judgement rendered [...] in a suit at law shall be made public [...]."

constituencies.²²⁰ They also undermined the finality of Appellate Tribunal decisions. Further delays impacting the schedule for candidate scrutiny followed a Lahore High Court direction on the content of the standard candidate affidavit. The Supreme Court reversed the order, which resulted in the ECP changing the schedule for a second time.²²¹

c) Results dispute resolution

Many petitions were also filed with the High Courts challenging decisions on the recounting of votes.²²² This was despite provisions in the law giving jurisdiction over recounts to returning officers and the ECP. Various cases revealed, however, that returning officers were not applying the rules on recounts in a consistent manner. Further, some High Courts issued orders for recounts, delaying the announcement of results in some constituencies.²²³ Other High Courts appeared to query the jurisdiction of such orders, indicating confusion about the correct application of the law.²²⁴

Election Tribunals are appointed in a similar manner to Appellate Tribunals for the purposes of hearing results challenges.²²⁵ Positively, the timelines for such cases have been shortened but they can still run to six months.²²⁶ Further, appeals to the Supreme Court are possible, unlike to Appellate Tribunals, but there are no provisions on the timeframe. Election Tribunals allow 45 days after the announcement of final results for the submission of petitions. The tribunals were not announced until 15 August, eight days after the results were declared. It was unclear, therefore, if the time for filing a petition would be extended accordingly.

Amend the legal framework for election-related disputes, including delimitation, party registration, candidacy nominations, recounting and results. Ensure a clear hierarchy of hearings and appeals, to avoid conflicting, overlapping and parallel jurisdiction between the ECP and the Supreme and High Courts.

XVII. POLLING, COUNTING, TABULATION AND ANNOUNCEMENT OF PROVISIONAL RESULTS

Well organised voting on election day, but the failed Results Transmission System caused significant delays in the announcement of provisional results. Lack of awareness and clarity about rules for recounts led to inconsistent implementation and numerous legal disputes.

a) EU EOM polling, counting and tabulation of results observations

Election day was orderly, despite two attacks on polling stations in Balochistan where over 30 people were killed and others injured. Elsewhere, there were also clashes between party supporters. Overall, broadcast

²²⁰ The ECP noted some 108 actions in the provincial High Courts were still pending on 10 July. Most were ultimately dismissed.

²²¹ [Revised Programme Notification](#), 8 June 2018.

²²² Consolidated and centralised data was not published by the ECP on various aspects of the disputes, including contentious recount issues and related court action. The EU EOM sought data from the ECP but had received no response at the time of writing.

²²³ Upon the announcement of results, some nine constituencies were not declared due to High Court orders.

²²⁴ On 3 August, the Islamabad High Court dismissed various petitions for recounts for lack of jurisdiction. On 8 August, the Supreme Court overturned a recount order in NA-131 issued by the Lahore High Court owing, *inter alia*, to a lack of jurisdiction.

²²⁵ Only candidates may file a petition to challenge to results.

²²⁶ The Elections Act, section 148(5), limits Election Tribunal hearings to 120 days with limited scope for extensions.

media reports on election-related incidents were subdued, as PEMRA requested all TV channels to “act prudently” and safeguard public order.

EU observers assessed positively opening procedures at polling stations observed, despite voting starting late with a delay of up to 30 minutes in more than half of the polling stations observed due to the unpreparedness of polling staff. Voting was assessed as well-conducted and transparent in most of the 446 polling stations observed. Polling procedures were generally followed; however, secrecy of voting was not respected in three per cent of observations. Long queues of voters and overcrowding were reported in one quarter of polling stations observed. EU observers noted campaign activities or campaign material near polling station in 18 per cent of observations.

Security personnel were present inside and outside all polling stations observed. In almost one third of polling stations observed, they checked voter ID cards or *perchees* and directed voters to the right queue.²²⁷ EU observers reported a few cases where security personnel interfered in polling proceedings or directed party agents to stay outside the polling stations. Sixty per cent of the observed polling stations were accessible for voters with reduced mobility, while ramps and additional measures to facilitate access for persons with disabilities were noted in only 12 per cent. Citizen observers were present in 15 per cent of the polling stations observed. Party agents were present at almost all polling stations observed, mainly from the PTI, then the PML-N and the PPP. However, party agents did not adequately understand election procedures and their role on election day. During voting, the agents were often passive, at best only crossing out voters’ names on their lists.

Enhance the integrity of election day procedures by ensuring an effective presence of well-trained party agents during voting, counting and the tabulation of results. Political parties should consider timely recruitment and comprehensive training of their agents.

Counting was sometimes problematic, with EU observers assessing as positive the counting process in only two thirds of the observations. Polling staff did not always follow procedures and had difficulties completing the result forms. During counting, security personnel recorded and transmitted the results, giving the impression of a parallel tabulation. Results were posted outside in only half of the observed polling stations, which did not enhance the transparency of the process.²²⁸ In many instances, party agents were not present at counting. At times this was due to lack of knowledge about procedures; in others, party agents were reportedly not allowed by security personnel to re-enter the polling station.

Introduce comprehensive training for polling staff to ensure correct and consistent implementation of election day procedures, including counting, completion of forms and the transmission of results.

A total of 560 complaints were filed with the ECP on election day.²²⁹ The PML-N and four other parties requested a voting extension of one hour, citing lengthy ID checking procedures that delayed voters from casting ballots.²³⁰ All requests were rejected.

EU observers assessed as positive the intake of election materials, tabulation and the consolidation of results process in 90 per cent of observations, while in eight cases they were denied access to observe the

²²⁷ A *perchee* is a paper slip containing a voter’s polling station, polling booth and serial number, issued to voters by political parties at party camps near polling stations.

²²⁸ ICCPR HRC G C no. 25, para. 20 “The security of ballot boxes must be guaranteed and votes should be counted in the presence of the candidates or their agents.”

²²⁹ The ECP did not publicise any data concerning complaints and decisions.

²³⁰ The PPP, the ANP, the AML and the MQM-P.

consolidation process.²³¹ Returning officers gave the required written notice to candidates and party agents of the date, time and place of the consolidation in only 75 per cent of observations. Overall, technical preparations and logistical arrangements were sufficient for an orderly voting process. However, the count, transmission and tabulation of results lacked transparency, leaving room for allegations of electoral malpractices.

b) Announcement of provisional results

The ECP did not meet the legal deadline for the announcement of provisional results by 02:00 on 26 July. The ECP had adopted two independent systems for the transmission of provisional results: the RTS and the RMS. The RTS application, developed by the NADRA, is a smartphone application to be used by presiding officers at polling stations. It captures a snapshot of the Result of the Count (Form 45) and candidate results at polling station level to be sent directly to the ECP server. The RMS is software used at the level of returning officers. Data from the original Result of the Count forms is entered into the RMS to generate provisional consolidated results (Form 47), a consolidated statement of results (Form 48) and the final consolidated results (Form 49).

One hour after the close of polls, the state-run PTV started to broadcast “progressive results,” as provided by the ECP. However, the mode of publication did not help transparency nor raise public confidence in the integrity of these results.²³²

The RTS encountered technical problems during the submission of results from polling stations on election night. Security personnel were instructed to ensure presiding officers stayed at polling stations and continued trying to transmit results via the RTS. At 02:30, the ECP secretary announced that only 25,000 result forms had been successfully transmitted and that the ECP had decided to stop using the system. Presiding officers were told to deliver original result forms to the returning officers. As a result of these delays, returning officers were unable to report progress of provisional results to the ECP on time.

On 26 July, the ECP started to post on its website provisional results generated by the RMS for national and provincial assembly constituencies. The provisional results of all constituencies were posted on the ECP website.

The ECP was strongly criticised for the RTS failure. The ECP claimed that the new RTS application developed by NADRA was not tested prior to elections. Some media reported NADRA’s claims that the RTS was functioning properly, but no official statement was given by NADRA. The ECP has not responded effectively to allegations of election rigging nor explained why the RTS failed. The ECP asked the Cabinet Division to establish an enquiry commission to analyse the RTS and reasons for its failure.

To establish credibility of and public confidence in the results, the ECP should only use technology which has been tested and proved reliable in the presence of observers and the media. Enable the prompt and simultaneous publication of both constituency and polling station results on ECP’s website.

²³¹ EU observers submitted 61 observations on intake, tabulation and the consolidation of results.

²³² UN GA Resolution A/RES/68/164 (2013) “The GA notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for those elections.”

c) Consolidation and recounts

The date and time of the consolidation of results is announced by returning officers to candidates and their agents. As part of the consolidation process, returning officers examine invalid ballots and count the postal ballots. EU observers noted that the secrecy of the vote was not respected during the counting of postal ballots. As is common practice, these ballots were counted one by one and each ballot was clipped together with the voter's declaration.

A candidate or his/her agent can submit a written request for a recount before the start of the consolidation of results. Recounts of ballot papers from one or more polling stations shall be granted if the margin of victory is less than five per cent of the total votes cast in the constituency and below 10,000 votes. Returning officers may also determine if a recount request is reasonable before reaching a decision. The ECP can order a recount, provided consolidation has not finished.

Provisional results showed that the margin of victory in around one third of all National and provincial assembly constituencies met the condition for recounts. The ECP stated that recounts took place in about 100 National and provincial assembly constituencies, of which 25 recounts were initiated directly by the ECP. EU observers were present at several recounts and observed that, in most cases, candidates and party agents were inside the room, while journalists were not allowed in. EU observers noted examples of inconsistent implementation of recounting procedures.²³³

Due to a lack of awareness and clarity about legal provisions for recounts, some candidates appealed to the ECP, while others filed petitions with the High Courts. This highlights the operation of a *de facto* parallel system of dispute resolution, in addition to the prescribed mechanisms. While some petitions were returned by the Courts for the ECP to address, pending hearings caused delays in the announcement of some results, entailing uncertainties for candidates and the ECP.²³⁴

After election day, the ECP failed to inform the public via its website where recounts were taking place. The ECP website did not show the changes made to updated provisional result forms as old forms were simply replaced by the updated ones. The ECP's communication after election day was mainly confined to responding to allegations and criticism from political parties. The Election Commission has not exercised its broad powers to enquire about allegations of fraud.

Ensure clarity and consistency by revising legal grounds and procedures for recounts. Measures could include numeric triggers for automatic recounts and well-defined criteria for other categories of recounts, limiting the scope for arbitrary decisions.

XVIII. RESULTS AND POST-ELECTION ENVIRONMENT

Widespread allegations of poll rigging and criticism of the ECP by opposition parties due to a lack of transparency in the transmission and display of results. In a positive development, the announcement

²³³ The returning officer in NA-131 rejected a valid recount request as he had already recounted invalid ballots and a second recount is not permitted. The returning officers in Rawalpindi for NA-57 and PP-6 refused to implement a recount approved by the ECP as, in their view, consolidation was completed. However, the final consolidated result forms (Form 49) for these two constituencies were either incomplete, missing signatures of the returning officer, or not available on the ECP website.

²³⁴ ICCPR, Article 2, para. 3a "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."

of final results was accompanied by the publication of all scanned result forms in order to address concerns of political parties.

a) Announcement of final results

The ECP announced the final results on 7 August, within the 14-day legal deadline. On 7 and 8 August consolidated result forms for all constituencies were posted on the ECP's website. For the first time, as a result of public pressure and criticism from political parties and civil society organisations, result forms from all polling stations were also published on the ECP's website.

The final turnout was reported at 52 per cent for the National Assembly elections, with the highest in Islamabad Capital Territory at 58 per cent and the lowest in Khyber Pakhtunkhwa at 45 per cent.²³⁵ The turnout for the provincial assembly elections was slightly higher at 53 per cent. The lowest female turnout was registered in constituencies of the tribal areas of Khyber Pakhtunkhwa. Compared to the 2013 elections, turnout for the National Assembly elections was lower by three per cent.²³⁶ The percentage of invalid votes was registered at 3.1 per cent for the National Assembly and 3.3 per cent for the provincial assembly elections. The highest percentage of invalid votes was registered in Balochistan with 5.6 per cent for the National Assembly and 5.7 per cent for the provincial assembly elections.

Eleven political parties, one coalition of parties and four independent candidates, shared the 342 National Assembly seats, including the 60 reserved seats for women and the 10 seats for non-Muslims. The PTI won 150 seats; the PML-N 81; the PPP 54; the MMA, a coalition of five religious parties, 15; the MQM-P seven seats; the BAP five; the BNP four; the PML-Q three; the GDA three; the ANP, the JWP and the AML gained one seat each.²³⁷ Nine general seats became vacant after the candidates that won multiple constituencies chose the seat they would retain; two other general seats were unfilled due to the postponement of elections in these constituencies.²³⁸

The 728 seats of the four provincial assemblies were shared among fifteen political parties, one coalition of parties and eleven independent candidates, while 28 seats remained vacant.²³⁹ The PTI won most of the seats in Punjab (175 of 371) and in Khyber Pakhtunkhwa (74 of 124), while the PPP won 97 of 168 seats in Sindh. In Balochistan, the BAP, the MMA and the BNP gained, respectively, 24, 10 and nine seats of 65.²⁴⁰

Following an announcement by the ECP, by-elections for the National Assembly vacant seats and the provincial assembly vacant seats were held on 14 October.

b) Post-election environment

The immediate post-election day environment was marred by allegations by the majority political parties of widespread rigging and electoral malpractices influencing the electoral process. On 27 July and 3 August,

²³⁵ The National Assembly constituencies with the highest turnout were NA-222 (Sindh) with 71 per cent, NA-221 (Sindh) with 69 per cent and NA-98 (Punjab) with 68 per cent. Those with the lowest were NA-49 (Khyber Pakhtunkhwa) with 21 per cent, NA-48 (Khyber Pakhtunkhwa) with 23 per cent and NA-44 (Khyber Pakhtunkhwa) with 25 per cent.

²³⁶ The turnout in 2013 National Assembly elections was 55.02 per cent, the highest ever in a general election in Pakistan.

²³⁷ For 2013 elections results see page 72, [EU EOM 2013 Final Report](#).

²³⁸ Seats for NA-35, NA-53, NA-56, NA-63, NA-65, NA-69, NA-124, NA-131 and NA-243 were vacated by multiple seat winners. The election in NA-60 was postponed due to the disqualification of a candidate and in NA-103 due to the death of a candidate.

²³⁹ Elections were postponed due to a death of a candidate in six constituencies: PB-35, PK-78, PK-99, PP-87, PP-103 and PS-87. By-elections were also held in PB-40, PK-3, PK-7, PK-44, PK-53, PK-61, PK-64, PK-97, PP-3, PP-27, PP-118, PP-164, PP-165, PP-201, PP-222, PP-261, PP-272, PP-292, PP-296 and PS-30. In PK-23, the election was repeated due to the low turnout of women voters.

²⁴⁰ See Annex 2: Overview of Results.

opposition parties met as the All Parties Conference (APC), comprising the PML-N, the PPP, the MMA, the ANP, the National Party (NP), the Qaumi Watan Party (QWP), the Pak Sarzameen Party (PSP) and the Pakhtunkhwa Milli Awami Party (PkMAP).²⁴¹ Initially, the MMA called for a boycott of the National Assembly, a stance not shared by all opposition parties. All opposition parties later agreed to take their seats and form a united front. In the National Assembly, the opposition parties have 151 seats. On 3 August, leaders of the APC announced the alliance would be called the Pakistan Alliance for Free and Fair Elections (PAFFE). On 8 August, the PAFFE held an estimated 2,000-strong peaceful protest outside the ECP. On the same day, some 15 opposition demonstrations took place across the country.

Between 26 and 30 July, the ANP held large-scale protests in 13 cities in Khyber Pakhtunkhwa; the Pakistan Rah-e-Haq Party (PRHP) blocked the Karakoram Highway for three days; the Tehreek-e-Labbaik Pakistan (TLP) demonstrated in Lahore; and police used force against a PML-N protest in Mansehra (Khyber Pakhtunkhwa), leaving one person dead and several injured. None of these events were reported on primetime TV news, as editors were advised against any coverage that might distort the image of an overall acceptance of the results.

Concerted efforts to label the elections as “free and fair” were evident in news stories.²⁴² State actors continued to exert pressure on news editors, who in turn resorted to self-censorship. A multitude of reports on electoral malpractices circulated on social media, but no investigation followed.²⁴³ The official post-election narrative had already been defined on election day, when all news channels muted the statement of the PML-N leader, Shehbaz Sharif, in contrast to the live coverage of Imran Khan marking his ballot and addressing the public.²⁴⁴ The most popular, liberal-leaning TV channels, GEO News and Aaj TV, were reportedly coerced to instruct anchors to divert election night debate away from irregularities and to not to challenge the military’s role.²⁴⁵

Members of the fifteenth National Assembly took their oath on 15 August and Imran Khan was elected prime minister on 17 August. The PPP, although declaring their backing for the PML-N, refused to support Shehbaz Sharif’s candidacy. The PPP, and the Jamaat-e-Islami (JI), thus abstained from voting. The split inside the PML-N was also evident in the Punjab assembly, when 15 PML-N legislators, instead of supporting their own candidate for speaker, voted for the PTI’s nominee, the PML-Q’s Chaudhry Pervaiz Elahi. In the National Assembly, PTI candidates were elected to the positions of National Assembly speaker and deputy speaker.

On 4 September, Dr Arif Alvi of the PTI was elected as the country’s thirteenth president.

²⁴¹ The PkMAP is represented only in provincial assemblies. The NP, QWP and PSP didn’t win any national seats, though the NP has five in the Senate.

²⁴² For example, several editors received phone calls from state actors asking them not to feature critical aspects of the EU EOM preliminary statement. Across the board, news coverage was in line with this advice.

²⁴³ Hashtags [#ElectionIrregularities](#) and [#RiggedElection2018](#) were used to showcase irregularities on Twitter. Cases included the discovery of stamped ballots in the rubbish in Karachi, the substitute “Form 45” given to party agents, and video clips showing party agents being chased from polling stations.

²⁴⁴ The EU EOM was informed that all journalists at the polling station were told to enter and to keep cameras switched on, despite the fact that doing so violated the ECP media code of conduct. The ECP issued a notice to the PTI leader for violating the secrecy of the vote and later accepted his apology without imposing any penalty.

²⁴⁵ Such advice was reportedly also conveyed to reporters in the field. While meeting EU observers, several journalists in Sukkur, Faisalabad and Larkana explicitly praised the army.

ANNEX-1: Table of 2018 EU EOM Recommendations

#	FR pg. #	Context	Recommendation	Suggested change in legal framework	Responsible Institution	Relevant International and Regional Principle/Commitment
LEGAL FRAMEWORK						
1.	13	Fundamental rights, such as freedom of expression and association, may be legally limited by subjective and moral criteria. Members of Parliament who are not Muslims cannot be elected to the offices of president and prime minister, and persons found by a court to be of unsound mind are excluded from the right to vote and to stand. The law leads to discrimination for some citizens based on religious identities. Equal citizenship rights are not fully assured.	Ensure that full enjoyment of fundamental rights, such as the right to assembly, freedom of expression, the right to vote and equality of citizens, is not unduly restricted by vague, subjective, discriminatory or arbitrary criteria, and aligns with international standards.	<p>The Constitution, Definition of “Non-Muslim” Chapter 1 (fundamental rights)</p> <p>Article 19</p> <p>Article 25(2)</p> <p>Article 44</p> <p>Article 91</p> <p>Pakistan Citizenship Law, Section 10</p>	<p>Parliament</p> <p>Law and Justice Commission</p> <p>Ministry of Law and Justice</p> <p>Ministry of Foreign Affairs</p>	<p>Equality of Citizens</p> <p>ICCPR, Article 2 “[...] ensure to all individuals within its territory [...] the rights recognized in the present Covenant, without distinction of any kind [...].”</p> <p>ICCPR, Article 3 “[...] equal right of men and women to the enjoyment of all civil and political rights [...].”</p> <p>ICCPR, Article 26 “[...] prohibit any discrimination and guarantee to all persons equal and effective protection [...].”</p> <p>CEDAW, Article 1 “[...] any distinction, exclusion or restriction made on the basis of sex [...] in the political...field.”</p> <p>ICERD, Article 5 (c) “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</p>

					<i>public service.</i> ”
		Numerous legal instruments, including Codes of Conduct and ECP regulations were issued very close to election day, most of them without stakeholder consultation. Some ECP notifications, such as on the deployment of military both outside and inside polling stations, caused controversy. Certainty and awareness of the legal framework were not fully assured. Good international practice indicates that electoral laws should be fully elaborated, and in force six months to a year in advance of elections.	Contribute to certainty of laws and stakeholder awareness by ensuring that no significant amendments to the electoral law (except for necessary improvements following stakeholder consultations) are made within a period of at least six months to a year before any election.		Agreed Legal Framework ICCPR, Article 25, HRC GC 25, para. 9 “ <i>The rights and obligations provided for in [ICCPR article 25] paragraph (b) should be guaranteed by law.</i> ” ICCPR, Article 25, HRC GC 25, para. 19 “[...] elections must be conducted [...] within a framework of laws guaranteeing the effective exercise of voting rights.”
2.	15			Elections Act 2017 Parliament ECP	ICCPR, Article 19, HRC GC 34, para. 25 “ <i>A norm, to be characterized as a ‘law’, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public [...].</i> ” Good Practice Principle of legal certainty and predictability: HRC Resolution 19/36 (A/HRC/RES/19/36, 2012) 16 (c) “...strengthen the rule of law and promote democracy by: ...c) Ensuring that a sufficient degree of legal certainty and predictability is provided.” The Venice Commission Code of Good Practice (Guidelines and

					<p>Explanatory Report (2002) Chapter 2, p.11, Article 2(b) “[...] 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 [...]”</p>	
3.	16	<p>Vague and uncertain criteria on the right to stand include a candidate being of good moral character and being honest. These standards were applied inconsistently during the registration process. They also attracted criticism from the Supreme Court, highlighting the need for changes in law.</p>	<p>Priority Recommendation</p> <p>Establish legal certainty for the right to stand. Review the Constitution and Elections Act so that any restrictions imposed are not subject to vague, moral and arbitrary criteria and, in practice, align with international standards. The ECP should establish guidelines for consistent implementation of candidacy requirements.</p>	<p>The Constitution, Articles 62 and 63</p> <p>Elections Act 2017, Sections 62 (9) and 112(6)</p>	<p>Parliament</p> <p>ECP</p>	<p>Right to Stand</p> <p>ICCPR, Article 25, HRC GC 25, para. 4 “Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria.”</p> <p>ICCPR, Article 25, HRC GC 25, para. 15 “Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements [...]”</p>
4.	17	<p>Numerous provisions of the Elections Act require the publication of information by the ECP. However, the manner or timeframe is often not stated. In some cases, there was no publication at all and, where information was made public, it was not user-friendly.</p>	<p>Priority Recommendation</p> <p>Revise the Elections Act, Election Rules and Codes of Conduct to ensure robust mechanisms for transparency. These would include specific timeframes for, and the manner of, dissemination of information of public interest, including online. Enforceable sanctions for non-compliance should also be adopted.</p>	<p>Elections Act 2017, Sections 13(6), 14(3), 15(5), 16, 2 (1), 28, 47, 49 (2), 57(3), 59(4)(c), 68(1)(a), 75(3), 95 (10), 98(2), 104(1), 114(3), 115(5), 118(3), 124, 138, 160, 197(2), 208(4), 213(2), 227, 230(3), 233(4), and 240.</p>	<p>Parliament</p> <p>ECP</p>	<p>Transparency and Access to Information</p> <p>ICCPR, Article 19, HRC GC 34, para. 19 “[...] proactively put in the public domain Government information of public interest.”</p> <p>UNCAC, Article 7.4 “[...] endeavour to adopt, maintain and strengthen systems that promote transparency.”</p> <p>Article 10 “[...] to enhance transparency in [...] public administration.”</p>

ELECTORAL SYSTEM

5.	18	Reserved seats in assemblies are allotted to political parties based on party performance in contests for general seats. There is no electoral formula prescribed by law. However, all the seats of individual candidates who win multiple constituencies form part of the calculation and contribute to some distortion in outcomes.	Ensure certainty of outcomes by providing in law a well-defined electoral formula for the allocation of reserved seats and avoid distortions of representation. Ensure that the distribution of reserved seats takes place after the final allocation of general seats.	The Constitution	Parliament	<p>Certainty of Law</p> <p>ICCPR, Article 2 "...adopt such laws and other measures as may be necessary to give effects to the rights recognized in the present covenant."</p> <p>HRC Resolution 19/36 (A/HRC/RES/19/36, 2012) at p. 16: "...strengthen the rule of law and promote democracy by: (c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness."</p> <p>ICCPR, Article 25, HRC GC 25, para. 5 "...the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25 should be established by the constitution and other laws."</p> <p>UN General Assembly Resolution 66/130, para. 6 "[...] review the differential impact of their electoral systems on the political participation [...]]"</p>
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ELECTION ADMINISTRATION

6.	21	The ECP held <i>ad hoc</i> meetings with civil society organisations and political parties, but interlocutors were usually not informed beforehand about the topics of discussion. Voters were not sufficiently informed, as some	Priority Recommendation To contribute to public confidence in the ECP, the Commission should introduce a range of measures to increase			<p>Right to Information</p> <p>ICCPR, Article 19(2) "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information."</p>
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		<p>important ECP decisions were not properly communicated to the media. After election day, the ECP mainly responded to criticism from political parties instead of informing the public of important decisions and explaining the reasons for the failure of the Results Transmission System. The EU EOM had difficulty meeting with the ECP and obtaining required information and decisions.</p>	<p>transparency and inclusiveness. These would include the timely publication of procedures, decisions and other information of public interest, and regular meetings and consultations on electoral issues with key stakeholders, including civil society.</p>	<p>Elections Act 2017</p>	<p>ICCPR, Article 19, HRC GC 34, para. 18 “Article 19, paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.” Para. 19 “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.”</p>
<p>7.</p>	<p>47</p>	<p>Public confidence in the election results was compromised by the ECP’s failure to explain delays in the publication of results. The failure of the untested Results Transmission System was not well explained. This led to allegations of rigging by political parties and other stakeholders. To minimise the damage caused by the RTS failure, two weeks after the elections, the ECP published all result forms on its website, including those from polling stations.</p>	<p>To establish credibility of and public confidence in the results, the ECP should only use technology which has been tested and proved reliable in the presence of observers and the media. Enable the prompt and simultaneous publication of both constituency and polling station results on ECP’s website.</p>	<p>Elections Act 2017 Election Rules</p>	<p>Genuine Elections ICCPR, Article 25, HRC GC 25, para. 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.” ICCPR, Article 19, HRC GC 34, para. 19 “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.” UNCAC, Article 10 “[...] transparency in its public administration, including with regard to its organization, functioning and decision-making processes [...] allowing members of the general public to obtain, where appropriate,</p>

					<p><i>information on the organization, functioning and decision-making processes of its public administration[...] on decisions and legal acts that concern members of the public."</i></p>	
8.	46	<p>The ECP undertook a series of training sessions for polling staff and presiding officers. On election day, polling staff effectively managed polling procedures, but counting was at times problematic, with polling staff having difficulties completing the result forms. The integrity of the vote count was impacted by errors in result forms, by an insufficient number of copies of result forms at polling stations and by posting only some result forms outside the polling stations.</p>	<p>Introduce comprehensive training for polling staff to ensure correct and consistent implementation of election day procedures, including counting, completion of forms and the transmission of results.</p>	<p>No changes in the legal framework required.</p>	<p>ECP</p>	<p>Genuine Elections UN, GA Resolution A/RES/68/164 (2013) "The GA notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for those elections."</p>
9.	48	<p>Conducting a vote recount depends on a request in writing by a candidate. The margin of difference between the first and second-placed candidates must be less than 10,000 votes or five per cent of the overall votes cast. Returning officers have some discretion to grant a recount based on the reasonableness of the request. However, there was a lack of consistency in addressing recount requests. Further, there is no specific provision for recounts where anomalies arise, such as</p>	<p>Ensure clarity and consistency by revising legal grounds and procedures for recounts. Measures could include numeric triggers for automatic recounts and well-defined criteria for other categories of recounts, limiting the scope for arbitrary decisions.</p>	<p>Elections Act 2017</p>	<p>Parliament ECP</p>	<p>Right to Effective Remedy ICCPR, Article 2 (3)(a) "[...]To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy[...]." ICCPR, Article 25, HRC GC 25, para. 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</p>

		very high rates of invalid votes.				of the votes.”
10.	20	The ECP’s code of conduct for security personnel allowed their deployment inside and outside polling stations and afforded them magisterial powers (powers to immediately try certain offences) and a parallel structure to report irregularities. Of 800,000 security personnel deployed on election day, 371,000 were from the army (70,000 in 2013). The army’s presence inside polling stations created an atmosphere of military control, which was aggravated by the military taking decisions during the vote count and conducting a parallel results transmission.	Priority Recommendation Guarantee civilian ownership of the conduct of elections. The presence of security forces, including the army, should be limited to outside polling stations and should not interfere in the election process.	The Constitution Elections Act 2017 Code of Conduct for Security Officials	Parliament ECP District Commissioner Police Security Agencies	Genuine Elections ICCPR, Article 25, HRC GC 25, para. 11 “Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced.” Para. 20 “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”
11.	22	The ECP did not duly inform all those entitled to postal voting, including persons with disabilities, prisoners, detainees, and polling and security staff on election duty about the application process and deadlines. The compressed timeframe, in combination with cumbersome procedures, reduced the number of voters able to deliver their postal ballots on time. Procedures for the count of postal ballots violated the secrecy of the vote, as the voter’s choice on a postal ballot and the voter’s identity can be easily traced and linked.	Consider an overhaul of postal voting to ensure the integrity of the process. Effective measures include increasing public awareness among eligible voters, a reasonable timeframe for applications, and guaranteeing the secrecy of the vote at all stages.	Elections Act 2017	Parliament ECP	Secret Ballot Right and Opportunity to Vote ICCPR, Articles 2.2 and 25 “Every citizen shall have the right and the opportunity; (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.” ICCPR, Article 25(b) “Every citizen shall have the right and the opportunity, without unreasonable restrictions: (b) To vote and to be elected.” ICCPR, Article 25, HRC GC 25, para. 11 “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters

					is required, it should be facilitated and obstacles to such registration should not be imposed.”	
					CRPD, Article 29 “[...] Protecting the right of persons with disabilities to vote by secret ballot in elections [...]].”	
12.	21	The ECP was not able to provide all necessary information about voters’ polling stations via its SMS-based service, as late changes were made to the list of polling stations, even one week before election day. On election day, the ECP’s SMS service did not work due to heavy load. In contrast, the PTI had developed a database and mobile application that linked voters with their polling stations. It was used effectively by the party’s polling camps across the country on election day.	The ECP should establish polling locations well ahead of election day and reliably inform voters of their voting location in time. On election day, the ECP should assume sole responsibility for directing voters to their assigned polling station.	No changes in the legal framework required.	ECP	Right and Opportunity to Vote ICCPR, Article 25, HRC GC 25, para. 11 “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.”
VOTER EDUCATION						
13.	22	The ECP launched a voter information campaign in the media only a week before election day, focussing on encouraging voter turnout. Important information on voting procedures was not well communicated. Civil society organisations and media tried to fill in this gap, but voters’ lack of education on	Amend the Elections Act to include voter education covering all stages of the electoral process. Voter education programmes could be implemented through field activities, online, print and broadcast media. The ECP in close cooperation with civil society	Elections Act 2017		Right to Information ICCPR, Article 25, HRC GC 25, para. 11 “States must [...] ensure that all persons entitled to vote are able to exercise that right. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.”

		<p>voting procedures was evident on election day. Voter information was not tailored for any vulnerable group, such as women in rural areas, the elderly, persons with disabilities and transgender citizens.</p>	<p>organisations should design and implement programmes, including for vulnerable groups.</p>		<p>Parliament ECP</p>	<p>ICCPR, Article 25, HRC GC 25, para. 12 “Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty or impediments to freedom of movements which prevent persons entitled to vote from exercising their rights effectively.”</p> <p>ICCPR, Article 19, HRC GC 34, para. 18 “[...] proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information [...].”</p> <p>UNCAC, Article 13(1) “Each State Party shall [...] promote the active participation of individuals and groups outside the public sector, [...] (b) Ensuring that the public has effective access to information.”</p> <p>CEDAW, GR 3 (1987) “[The Committee] urges all States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.”</p>
CONSTITUENCY DELIMITATION						
14.	23	<p>A late constitutional amendment enabled the ECP to conduct constituency delimitation only a few months before elections. The</p>	<p>Amend the Elections Act to include clear and specific principles for constituency delimitation and periodic</p>			<p>Equal Suffrage</p> <p>ICCPR Article 25, HRC GC 25, para. 21 “The principle of one person,</p>

		use of provisional census data did not assure equality of the vote. Submissions could be made to the ECP during the process, but how decisions were made was unclear. ECP decisions, other than final demarcations, were not published. Many challenges were taken to the High Courts, with most either rejected or sent back to the ECP for further consideration. Some court cases are still pending, leaving uncertainty over the process.	review in line with international best practices to ensure equality of the vote. The process should take place after broad public consultation, including with the local population, civil society organisations and political parties. Allow enough time for effective access to judicial remedy.	Elections Act 2017 Election Rules	Parliament ECP	<i>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 and the method of allocating votes 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."</i>
VOTER REGISTRATION						
15.	25	The ECP conducted a limited door-to-door verification campaign to update the voter list and remove entries of deceased persons. The final electoral roll included the names of some deceased persons, as their death certificates were not registered with the union councils. Despite concerted efforts by the ECP to increase women's voter registration, the gap between male and female voters remained almost the same, with women comprising only 44 per cent of electorate. Among the reasons for this disparity is the limited access to information on how women can obtain the computerised national identity cards (CNICs), a prerequisite for voter registration. Procedures for persons with disabilities to obtain special	Ensure the accuracy and inclusiveness of the electoral roll by effectively removing the names of the deceased and citizens legally excluded from voting (such as persons declared by a court to be of unsound mind), and by eliminating legal and procedural barriers to obtain national identity cards.	Elections Act 2017	ECP NADRA	Right and Opportunity to Vote ICCPR, Article 25(b) "Every citizen shall have the right and the opportunity, without unreasonable restrictions: (b) To vote and to be elected." ICCPR, Article 25, HRC GC 25, para. 11 "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed." 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

					<p>men, the right: (a) To vote in all elections [...].”</p> <p>ICCPR, Article 25, HRC GC 25, para. 11</p> <p>“Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.”</p> <p>UNCAC, Article 13(1) “[...] promote the active participation of individuals [...] (b) Ensuring that the public has effective access to information.”</p> <p>ICCPR Article19, HRC GC 34, para. 18 “[...] Every individual should have the right to ascertain in an intelligible form, whether and, if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control his or her files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to have his or her records rectified.”</p> <p>CEDAW/C/PAK/CO/4 Pakistan, (2013), para. 26 “The Committee calls upon the State party to establish a procedure for filing complaints in cases of forced disenfranchisement of women [...].”</p>
16.	25	Ahmadis are excluded from	Priority Recommendation		Equal Citizenship and Non-

		political life. They are not recognised by law as Muslims. Therefore, they have to be registered on a supplementary list of voters. In autumn 2017, attempts to change the electoral law in their favour triggered serious protests from religious groups. As a result, the Law and Justice Minister had to resign, and the former provision for a supplementary list of voters for Ahmadis was reinstated in the Elections Act. Consequently, the Ahmadi community announced on 17 July via Twitter that they would not participate in the elections.	Adopt a unified electoral roll by removing the requirement for any supplementary list of voters, so that all citizens can be registered to vote on an equal basis in accordance with international standards.	Remove Section 48A(2) of the Elections Act 2017	ECP NADRA	discrimination ICCPR, Article 25 “every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Art.2 and without any reasonable restrictions [...] to vote and to be elected at genuine periodic elections.” ICERD, Article 5(c) “[...]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.” United Nations Human Rights Committee (UN HRC), concluding observations on the initial report of Pakistan, CCPR/C/PAK/CO/1, 23 August 2017, para. 9 The HRC “is also concerned by the removal of Ahmadis from the general electoral list and their registration on a separate voting list.”
CANDIDATE REGISTRATION						
17.	27	Political parties often selected candidates in a non-transparent manner, despite legal requirements for transparent and democratic selection. There was no efficient supervision of the processes. The distribution of tickets to “electables” (holders of	Enhance democracy by promoting intra-party genuine candidacies through implementation of the law requiring transparent and democratic procedures for candidate selection. Consideration could be		Parliament	Genuine Elections ICCPR, Article 25, HRC GC 25, para. 26 “Political parties and membership in parties play a significant role in the conduct of public affairs and the election process. States should ensure

		<p>a significant vote bank who have previously been elected to office, or who belong to an influential family) led to intra-party conflicts. Many who did not receive tickets stood as independents. It also limited the range of genuine political alternatives for voters.</p>	<p>given to requiring party primaries coupled with ECP oversight and certification of the process.</p>	<p>Elections Act 2017, Section 206</p>	<p>Political parties ECP</p>	<p><i>that, in their internal management, political parties respect the applicable provisions of article 25 in order to enable citizens to exercise their rights thereunder.</i></p> <p>CEDAW, GR No. 23, 1997 The right to vote and to be elected, para. 18</p> <p><i>“The Convention obliges State parties in constitutions or legislation to take appropriate steps to ensure that women, [...] enjoy the right to vote in all elections [...] and to be elected. These rights must be enjoyed both de jure and de facto.” and para. 22</i></p> <p><i>“Political parties [...] to balance the number of male and female candidates.”</i></p> <p>CEDAW, GR 23, para. 28 <i>“Political parties have a responsibility to ensure that women are... nominated in areas where they have a likelihood of electoral success.”</i></p> <p>Venice Commission, Guidelines on Political Party Regulation, para. 113</p> <p><i>“[...] clear and transparent criteria for candidate selection is needed, in order for new members (including women, and minorities) to get access to decision-making positions. Gender-balanced composition of selecting bodies should also be commended.”</i></p>
18.	27	<p>The certainty of representation for voters was undermined, as on many occasions the same candidate contested in several constituencies and for both</p>	<p>Enhance genuine elections, and reduce the number of costly by-elections by authorising</p>			<p>Genuine Elections</p> <p>ICCPR, Article 25, HRC GC 25, para. 21 <i>“[...] any system operating in a State party must [...] guarantee and</i></p>

	national and provincial assembly elections A number of costly by-elections followed. Individual candidates could bypass campaign finance rules by artificially raising spending limits, as there are no clear rules on transfers of expenditures between constituencies. As all seats won by the same candidate are counted in the distribution of reserved seats, further distortion of representation is possible.	candidates to stand for election in only one constituency in any given election.	The Constitution, Elections Act 2017	Parliament	<i>give effect to the free expression of the will of the electors. The principle of one person, one vote, must apply, and [...] the vote of one elector should be equal to the vote of another. ”</i>
POLITICAL PARTIES AND CAMPAIGN ENVIRONMENT					
19. 26	Extremist parties fielded 925 candidates (eight per cent of the total number of candidates). This raised concerns among stakeholders about the possible radicalisation of society. Safeguards for preventing the candidacy of parties or candidates with extremist views are not adequate. Some parties were refused a symbol by the ECP but managed to nominate their candidates under other registered parties. Individual candidates, both on party tickets and independents, were not adequately scrutinised for extremist affiliation.	Enhance political parties and candidates' commitment to democratic principles by establishing standard scrutiny procedures against extremist affiliation, sectarianism, hate speech and the promotion of violence.	Elections Act 2017, Sections 62 and 200 (d)	ECP Ministry of Interior	Freedom from Discrimination and Equality under the Law UN Security Council Resolution No 1267 ICCPR, Article 20(2) “ <i>Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. ”</i> ICERD, Article 4 “ <i>States Parties [...] undertake to adopt immediate and positive measures [...] declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities,</i>

					including the financing thereof [...] and shall recognize participation in such organizations or activities as an offence punishable by law. ”
20.	29	Despite a campaign silence period coming into effect 32 hours before the opening of polls, campaigning continued online. On election day, party camps and activists near polling stations directed voters to their polling stations. They issued paper slips depicting party symbols, polling station numbers and voters’ names.	Ensure equal campaign opportunities by clarifying and consolidating campaign silence provisions, including on election day. Extend the campaign silence to polling camps established by political parties.		Certainty of Law Genuine Elections ICCPR, Article 25, HRC GC 25, para. 19 “Persons entitled to vote must be free to vote [...] without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind. ”
21.	45	Political party agents deployed at polling stations did not adequately understand election procedures and their role on election day. During voting, the agents were often passive, at best only crossing out voters’ names on their lists. In many instances, they were not present at counting and tabulation – at times due to lack of knowledge about procedures; in others, they were reportedly not allowed by security personnel to re-enter the polling station.	Enhance the integrity of election day procedures by ensuring an effective presence of well-trained party agents during voting, counting and the tabulation of results. Political parties should consider timely recruitment and comprehensive training of their agents.	Elections Act 2017 Election Rules Code of Conduct for Political Parties, Contesting Candidates, Election agents and Polling agents	Genuine Elections ICCPR, Article 19(2) “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. ” ICCPR, Article 25, HRC GC 25, para. 20 “The security of ballot boxes must be guaranteed, and votes should be counted in the presence of the candidates or their agents [...]. “There should be independent scrutiny of the voting and counting process

					<i>[...] so that electors have confidence in the security of the ballot and the counting of the votes. "</i>	
CAMPAIGN FINANCE						
22.	31	<p>An uneven playing field was underlined in the media by high levels of party and candidate spending, but with no limits applying to parties and no reporting obligations on media houses. Reporting rules on campaign expenses were not enforced by the ECP. Returns of expenses due on 4 August from elected candidates were not published. Reporting standards, where available, are hugely inconsistent. A 90-day period for ECP scrutiny is too short and ends in effective amnesty for concerned candidates if scrutiny is not completed in time.</p>	<p>Ensure a level playing field and effective campaign finance oversight. Set political party spending limits and standardised reporting and disclosure requirements, with proportional financial penalties for non-compliance. Strengthen the ECP's verification capacity with timely and consistent reporting from service providers such as media, publishers and advertising agencies.</p>	<p>Elections Act 2017</p> <p>Election Rules</p>	<p>Parliament</p> <p>ECP</p>	<p>Level playing field Transparency</p> <p>UNCAC, Article 7 (3) "<i>[...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties. "</i></p> <p>UNCAC, Article 7 (4) "<i>[...] maintain and strengthen systems that promote transparency and prevent conflicts of interest. "</i></p> <p>UNCAC, Article 12(2)(f)</p> <p><i>"[...]Ensuring that private enterprises... have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures. "</i></p> <p>Venice Commission, Guidelines on the Financing of Political Parties (2001) para. 7 "<i>The transparency of private financing of each party should be guaranteed. In achieving this aim, each party should make public each year the annual accounts of the previous year, which should</i></p>

					incorporate a list of all donations other than membership fees. All donations exceeding an amount fixed by the legislator must be recorded and made public." and para. 8, "In order to ensure equality of opportunities for the different political forces, electoral campaign expenses shall be limited to a ceiling [...]"	
MEDIA						
23.	33	Excessive content restrictions citing security, religious and moral concerns are scattered throughout the legal framework. PEMRA's directives further shrink the space for free speech and were implemented in an arbitrary manner. Decisions on blocking online content, particularly if it is considered critical of judiciary and/or military establishment, are taken in an opaque manner. Defamation is a criminal offence, and blasphemy, which is vaguely defined, is punishable by death.	Priority Recommendation Review the legal framework for media, including for online content, to ensure compliance with international standards for freedom of expression and repeal undue restrictions on media's output. Consider decriminalisation of defamation, clarify the definition of blasphemy and set out unambiguous criteria for blocking online content.	Revise and substantially amend Prevention of Electronic Crimes Act Penal Code PEMRA Regulations 2008 PEMRA Code of Conduct for Electronic Media 2015 Pakistan Telecommunication Authority Act 1996	Parliament Ministry of Law and Justice Ministry of Information and Broadcasting (MoIB) Ministry of IT and Telecommunication	Freedom of Expression ICCPR, Article 19 "Everyone shall have the right to hold opinions without interference." ICCPR, Article 19, HRC GC 34, para. 13 "The free communication of information and ideas implies a free [...] media able to comment on public issues without censorship or restraint." Para. 15 "States parties should take all necessary steps to foster the independence of these new (online) media and to ensure access of individuals thereto." Para. 47 "States parties should consider the decriminalization of defamation." UN, OSCE, OAS, ACHPR Joint Statement on the Media and Elections, 15 May 2009 "Laws that unduly restrict freedom of expression contrary to international and constitutional guarantees should be repealed."
		As none of the laws or regulations provides an unambiguous definition of unlawful media content, provisions prohibiting speech that could "undermine the sanctity" of judiciary, armed forces, political parties or electoral process were used to exert institutional pressure on media houses. All restrictions are extended to online publications				

		and social media through the Prevention of Electronic Crime Act.					
24.	34	PEMRA members are appointed by the president; its yearly budget depends on the government; dispute resolution is not open to the public, including on election-related matters. Its regional and sub-offices lack basic transparency.	Establish a genuinely independent regulator, with clearly defined powers and a decision-making capability that provides for transparency, accountability and efficiency.	Draft a new Act governing PEMRA Repeal PEMRA Ordinance 2002 and revise and amend PEMRA Rules 2009	Parliament MoIB Ministry of Law and Justice	Independent and transparent regulatory authority ICCPR, Article 19, HRC GC 34, para. 39 stipulates a regulatory framework that respects freedom of expression, “a necessary condition for [...] transparency and accountability.” Para. 19 “States parties should proactively put in the public domain Government information of public interest.”	
25.	35	PTV and Radio Pakistan are under the jurisdiction of the Ministry of Information, Broadcasting & National Heritage (MoIB); both chairmen are principal-level civil servants at the MoIB; both financial standings depend on the government.	Establish legal and regulatory safeguards for the public service broadcaster’s editorial independence and financial autonomy. Clear separation between government institutions and the public broadcaster should be granted by law.	Draft a new Act governing PTV and Radio Pakistan Repeal Pakistan Broadcasting Corporation Act 1973	Parliament MoIB PTV and Radio Pakistan	Independent Public Broadcasting ICCPR, Article 19, HRC GC 34, para. 16 “States parties should ensure that public broadcasting services operate in an independent manner, [...] guarantee their independence and editorial freedom. [...] provide funding in a manner that does not undermine their independence.”	
26.	38	172 women stood for elections	Priority recommendation			Non-discrimination and Equality of	
PARTICIPATION OF WOMEN							

	<p>on general seats, an increase of nine per cent in comparison with 2013. Only eight were elected. Seven parties failed to meet the legal requirement of nominating five per cent of female candidates. The Elections Act does not foresee concrete sanctions and clear accountability mechanisms in case of non-compliance. The ECP did not address the parties' failure to fulfil this requirement. The Elections Act foresees the cancellation of elections in constituencies where female turnout is less than ten per cent. The ECP did not implement this provision consistently.</p>	<p>Adopt affirmative measures to foster the representation of women contesting general seats. Double the current five per cent mandatory registration of women candidates in political parties. Consistently implement sanctions for non-compliance. Ensure strict adherence to the legal threshold for female voter turnout.</p>	<p>Revision of Elections Act 2017, Sections 206 and 9(1)</p>	<p>Parliament Ministry of Human Rights National Commission on the Status of Women ECP Political parties</p>	<p>Franchise 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: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies[...].” CPRW, Article 1 “Women shall be entitled to vote in all elections on equal terms with men, without any discrimination”, and Article 2 “Women shall be eligible for election to all publicly elected bodies [...], on equal terms with men, without any discrimination.” CEDAW, GR No. 23, 1997 The right to vote and to be elected, para. 18, “The Convention obliges State parties in constitutions or legislation to take appropriate steps to ensure that women, [...] enjoy the right to vote in all elections [...] and to be elected. These rights must be enjoyed both de jure and de facto.” and para. 22 “Political parties [...] to balance the number of male and female candidates.” CEDAW, GR 23, para. 28 “Political parties have a responsibility to ensure that women are... nominated in areas</p>
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PARTICIPATION OF PERSONS WITH DISABILITIES						
					where they have a likelihood of electoral success.”	
27.	39	<p>Pakistan ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2011. However, the political rights of persons with disabilities are yet to be enshrined in law, pending the enactment of the Disability Bill.</p> <p>During the electoral process, persons with disabilities were quite invisible as voters and as candidates. There is a lack of tailor-made voter education.</p> <p>On election day, voters with disabilities faced difficulties accessing polling stations. Civil society organisations reported that only 10,500 of 85,000 polling stations were accessible to disabled voters.</p>	<p>Enact and effectively implement the Pakistan Disability Bill to ensure full employment of civil and political rights for persons with disabilities and ensure tailor-made voter education.</p>	<p>Enactment of the Disability Bill with the establishment of the National Council for Persons with Disabilities</p>	<p>Parliament</p> <p>Ministry of Human Rights</p> <p>Ministry of Law and Justice</p> <p>NADRA</p> <p>ECP</p> <p>Political parties</p> <p>State media</p> <p>Civil society organisations</p>	<p>Non-Discrimination Participation in Political and Public Life</p> <p>ICCPR, Article 2 “...ensure [...] the rights recognized in the present Covenant, without distinction of any kind [...]”</p> <p>CRPD, Article 5(3) “In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided. (4) [...]”</p> <p>CRPD, Article 29 “States Parties shall guarantee to persons with disabilities political rights [...] on an equal basis with others [...] including the right and opportunity for persons with disabilities to vote and be elected.”</p> <p>CRPD, GC 6 (2018) on equality and non-discrimination “States parties should aim to: (a) Reform laws, policies and regulations that systematically exclude persons with disabilities from voting and/or standing as candidates in elections; [...] (b) Ensure that the electoral process is accessible to all persons with disabilities, including before, during and after elections.”</p>

					<p>CRPD, GC 2 (2014), Article 29, Participation in political and public life “Article 29 of the Convention guarantees persons with disabilities the right to participate in political and public life [...]. Persons with disabilities would be unable to exercise those rights [...] voting procedures, facilities and materials were appropriate, accessible and easy to understand and use. [...] materials used and produced by political parties or individual candidates participating in public elections are accessible [...]”</p>	
CITIZEN OBSERVATION						
28.	41	<p>The Elections Act gave the ECP discretion to allow national and international observer organisations to observe the conduct of the elections, giving them access to polling stations, the counting of votes and the consolidation of results. The ECP failed to provide observers and journalists access to critical stages of the pre and post-election day period, including recounts. There were no standard procedures for accreditation, and accreditation cards were issued only for election day. The ECP delayed issuing accreditation for international observers and decided at a very late stage to cancel accreditation cards already provided to EU EOM national</p>	<p>Establish in law the right to national and international observation, ensuring full access for observers, including media, to all stages of the electoral process. Develop and adopt simple and transparent requirements for accreditation to be published well in advance of elections. To ensure scrutiny of the process, the ECP should facilitate the participation of civil society organisations in election observation.</p>	<p>Elections Act 2017</p>	<p>Parliament ECP</p>	<p>Genuine Elections Transparency</p> <p>ICCPR, Article 22(1) “Everyone shall have the right to freedom of association ... (2) No restrictions may be placed on the exercise of this right other than those [...] which are necessary in a democratic society [...]”</p> <p>ICCPR, Article 25, HRC GC 25, para. 20 “There should be independent scrutiny of the voting and counting process.”</p> <p>UNCAC, Article 5(1) “Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-</p>

	staff.			<p>corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. ”</p> <p>UNCAC, Article 13(1) “[...] promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations [...].”</p> <p>ICCPR, Article 12, HRC GC 27, para. 16 “The application of restrictions in any individual case must be based on clear legal grounds and meet the test of necessity and the requirements of proportionality.”</p> <p>Venice Commission, Code of Good Practices in Electoral Matters, section II 3.2. “Observation of elections a. Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise. b. Observation must not be confined to the election day itself, but must include the registration period of candidates and, if necessary, of electors, as well as the electoral campaign. It must make it possible to determine whether irregularities occurred before, during</p>
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					<p><i>or after the elections. It must always be possible during vote counting. c. The places where observers are not entitled to be present should be clearly specified by law. d. Observation should cover respect by the authorities of their duty of neutrality.”</i></p>
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ELECTION DISPUTE RESOLUTION

29.	43	<p>The ECP was originally empowered to constitute benches of three commissioners, which limited its capacity to hear cases. This was revised by presidential ordinance on 26 July, in another late amendment to the Elections Act. Administrative complaint procedures, such as those relating to ECP actions, do not have clear mechanisms or guidelines for filing complaints. However, timeliness for deciding some matters are unclear, such as those on the publication of decisions by the ECP.</p>	<p>Review the legal framework for administrative electoral complaints. Ensure clear transparent procedures for submitting complaints and appeals, standardised complaint forms, precise timeliness for all stages, and prompt publication of decisions, including online.</p>	<p>Elections Act 2017, Sections 6, 15, 136, and 234</p> <p>Election Rules Rule 4</p> <p>Codes of Conduct</p>	<p>Parliament</p> <p>ECP</p>	<p>Fair and Public Hearing Effective Remedy</p> <p>ICCPR, Article 2(3) (a) “[...] an effective remedy [...]”</p> <p>ICCPR, Article 14 “[...] full equality to a fair and public hearing by an independent and impartial tribunal [...]”</p> <p>ICCPR, Article 25, HRC GC 25, para. 20 “[...] access to judicial review or other equivalent process [...]”</p> <p>ICCPR, Article 2, HRC GC 31, para. 15 “Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights, States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights.”</p> <p>UDHR, Article 8 “Everyone has the right to an effective remedy.”</p> <p>UNCAC, Article 10 “[...] transparency in its public</p>
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					<p><i>administration, including with regard to its organization, functioning and decision-making processes [...] allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration [...] on decisions and legal acts that concern members of the public."</i></p>	
30.	45	<p>Citizens may submit a petition directly to the Supreme and High Courts on fundamental rights. At the same time, the Constitution places jurisdiction over election matters in the hands of the ECP. At various stages, complainants bypassed ECP processes and went straight to the courts, with an apparent overlap of jurisdiction in some instances. Some courts sent complainants back to the ECP. Other cases exposed diverging approaches and interpretations on similar matters between courts. Several cases led to delays and uncertainty in the election schedule.</p>	<p>Amend the legal framework for election-related disputes, including delimitation, party registration, candidacy nominations, recounting and results. Ensure a clear hierarchy of hearings and appeals, to avoid conflicting, overlapping and parallel jurisdiction between the ECP and the Supreme and High Courts.</p>	<p>The Constitution, Article 184(3) Article 199 Article 225</p>	<p>Parliament Law and Justice Commission The Judiciary</p>	<p>Certainty of Law. Effective Remedy ICCPR, Article 2(3)(a) "[...] an effective remedy [...]." UDHR, Article 8 "Everyone has the right to an effective remedy."</p>

ANNEX-2: Election Results

	National Assembly					Provincial Assemblies				
	Overall	Islamabad	Punjab	Sindh	Non-Muslim	Overall	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan
Registered voters * ^	104,981,940	765,445	59,694,798	22,393,002	10,554,017	101,479,017	60,197,876	22,098,524	14,988,374	4,194,423
Total number of votes ^	54,476,652	445,827	33,821,465	10,554,017	7,799,554	53,078,190	33,976,487	10,440,765	6,761,377	1,899,561
Valid votes @	51,958,906	441,593	32,178,923	9,990,923	7,590,996	50,618,025	32,416,123	10,024,265	6,359,228	1,818,409
Invalid votes @	1,676,936	4,980	902,241	405,664	259,607	1,706,809	924,688	430,109	243,309	108,703
% of invalid votes @	3.1%	1.1%	2.7%	3.8%	3.3%	3.2%	2.7%	4.1%	3.6%	5.7%
Postal ballots ** @	122,356	745	63,175	10,910	40,648	113,530	56,973	8,611	34,708	13,238
% of postal ballots @	0.2%	0.2%	0.2%	0.1%	0.5%	0.2%	0.2%	0.1%	0.5%	0.7%
Turnout ^	51.9%	58.2%	56.7%	47.1%	43.7%	52.3%	56.4%	47.2%	45.1%	45.3%
Parties	National Assembly (no. of seats)				Provincial Assemblies (no. of seats)					
	Overall	General elections	Women	Non-Muslim	Overall	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan	
Overall	342	272	60	10	728	371	168	124	65	
PTI	150	118	27	5	285	175	29	74	7	
PML-N	81	63	16	2	166	159	0	6	1	
PPP	54	43	9	2	109	7	97	5	0	
MMA	15	12	2	1	24	0	1	13	10	
MQM-P	7	6	1	0	21	0	21	0	0	
BAP	5	4	1	0	24	0	0	0	24	
BNP	4	3	1	0	9	0	0	0	9	
PML-Q	3	2	1	0	10	10	0	0	0	
GDA	3	2	1	0	14	0	14	0	0	
ANP	1	1	0	0	12	0	0	8	4	
JWP	1	1	0	0	1	0	0	0	1	
AML	1	1	0	0	0	0	0	0	0	
TLP	0	0	0	0	4	0	3	1	0	
BNP-A	0	0	0	0	2	0	0	0	2	
HDP	0	0	0	0	1	0	0	0	1	
PKMAP	0	0	0	0	1	0	0	0	1	
PRHP	0	0	0	0	1	1	0	0	0	
Independent	4	4	0	0	7	2	0	5	0	
Awaited	13	12	1	0	37	17	3	12	5	

* Registered voters in the constituencies where the election took place

** Postal ballots: ballots for people who are unable to cast their ballot during election day in their constituency. Those eligible for postal ballots are: government employees, members of the Armed Forces on duty, people with disabilities and prisoners.

^ data from ECP website: <https://www.ecp.gov.pk/FrmGenericPage.aspx?PageID=3168>

@ data from ECP website: <https://www.ecp.gov.pk/FrmGenericPage.aspx?PageID=3170>

Sources used for number of seats:

ECP website (<https://www.ecp.gov.pk/>)

National Assembly website (http://www.na.gov.pk/en/all_members.php)

Punjab Assembly website (<https://www.pap.gov.pk/members/listing/en?limit=all>)

Sindh Assembly website (<http://www.pas.gov.pk/index.php/home/en>)

Khyber Pakhtunkhwa Assembly website (<http://www.pakp.gov.pk/2018/members-directory/by-party/>)

Balochistan Assembly website (<http://www.pabalochistan.gov.pk/index.php/home/en>)

ANNEX-3: Media Monitoring Results

1. Television

The EU EOM monitored a sample of television stations with close-to-nationwide reach. Each of the TV channels belongs to a different media group and all are leaders in terms of overall audience share.

The sample includes state-run/public television channel PTV and commercial television channels ARY News, ATV, Dawn News, Dunya News, Express and Geo TV.

Monitoring period – from 27 June to 23 July 2018 from 18:00 to 24:00 daily.

Total time coded – 1,134 hours.

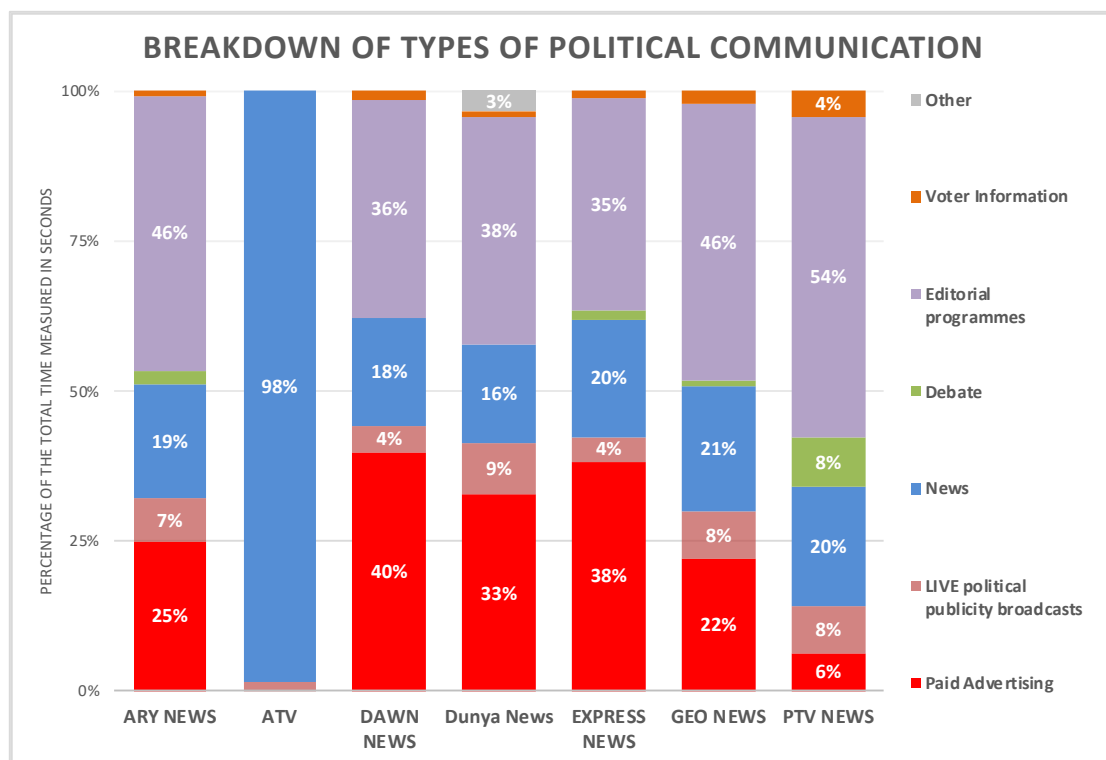
Total time allocated to political communication – 516 hours and 38 minutes, or 46 per cent on average.

Total time allocated to political communication in the television channels' primetime programming

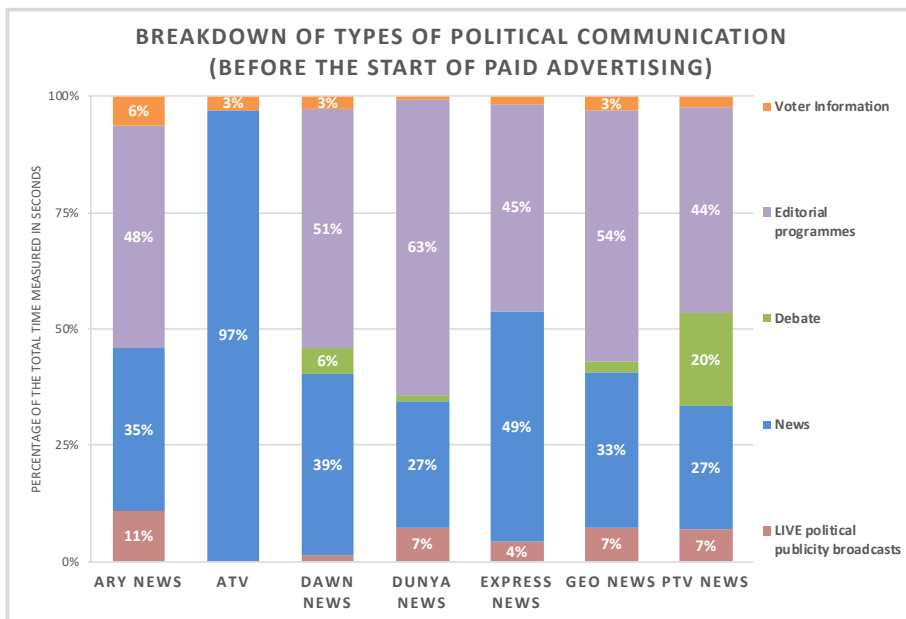
	Percentage of total time coded	Time allocated to political communication
ARY News	48 per cent	77 hours 44 min
ATV	4 per cent	6 hours 47 min
Dawn News	49 per cent	79 hours 50 min
Dunya News	50 per cent	80 hours 53 min
Express News	56 per cent	90 hours 18 min
GEO News	55 per cent	89 hours 41 min
PTV News	56 per cent	91 hours 25 min

1.1 Breakdown of types of political communication in the television channels' primetime programming

1.1.1 From 7 July 2018 when the paid advertising campaign started in broadcast media



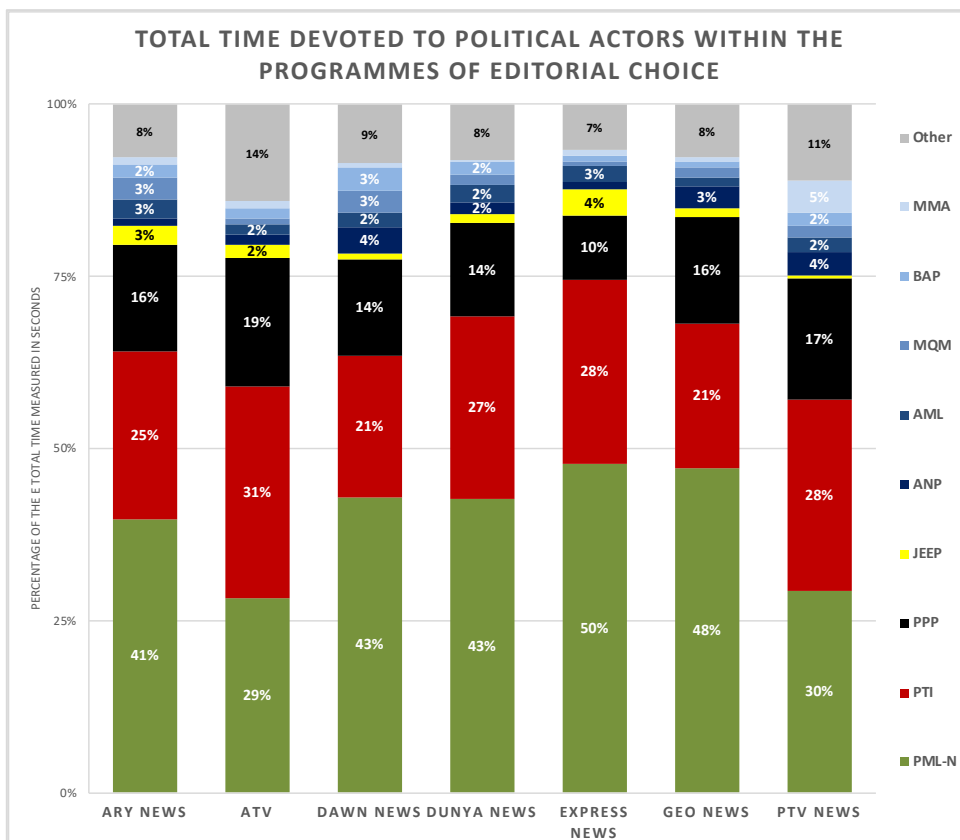
Before the paid advertising campaign started in broadcast media



1.2. Total time allocated to political actors during election-related primetime programming (not including political advertisements)

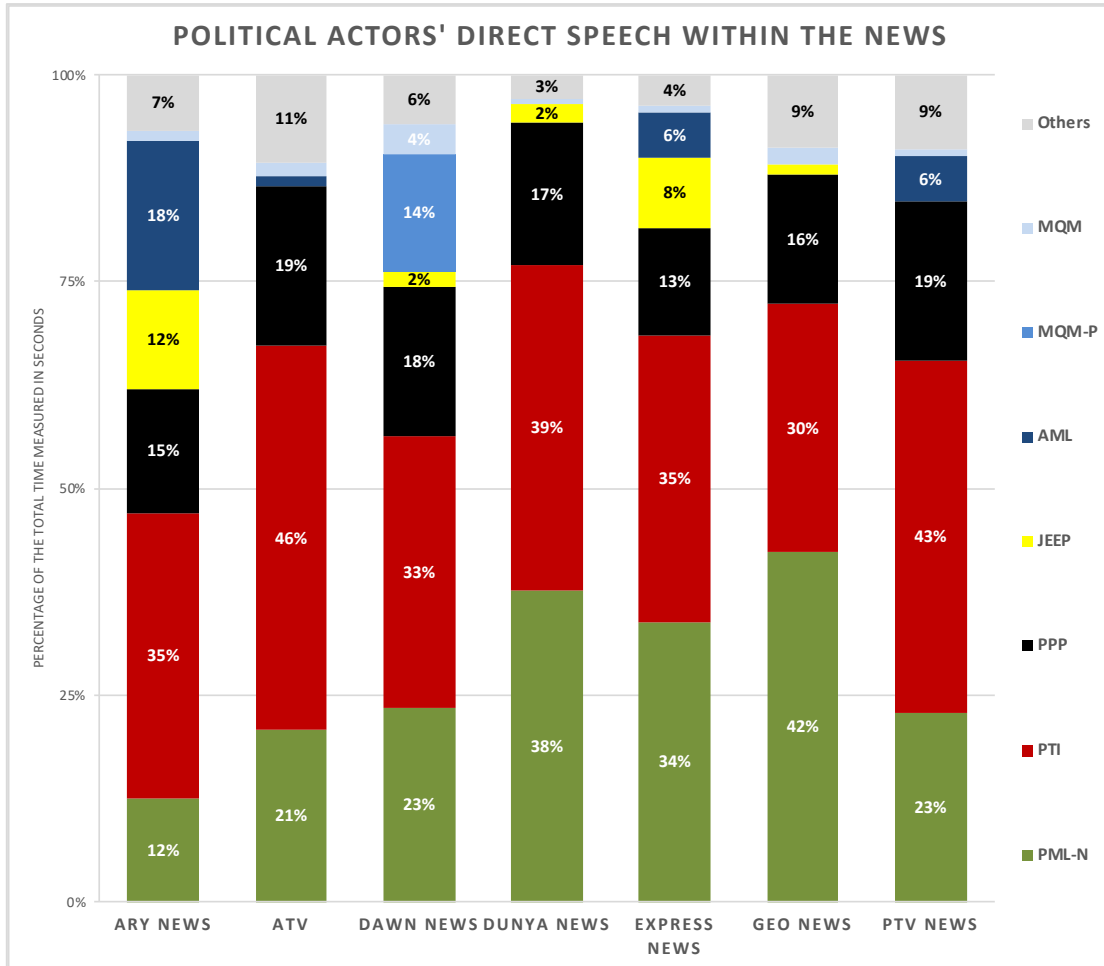
	<i>ARY NEWS</i>	<i>ATV</i>	<i>DAWN NEWS</i>	<i>Dunya News</i>	<i>EXPRESS NEWS</i>	<i>GEO NEWS</i>	<i>PTV NEWS</i>
<i>Total time devoted to political actors</i>	<i>61h 4 min</i>	<i>6h 41 min</i>	<i>55h 41 min</i>	<i>61h 11 min</i>	<i>63h 30 min</i>	<i>74h 23 min</i>	<i>84h 11 min</i>

1.2.1 Total time devoted to political actors within the election-related programmes of editorial choice

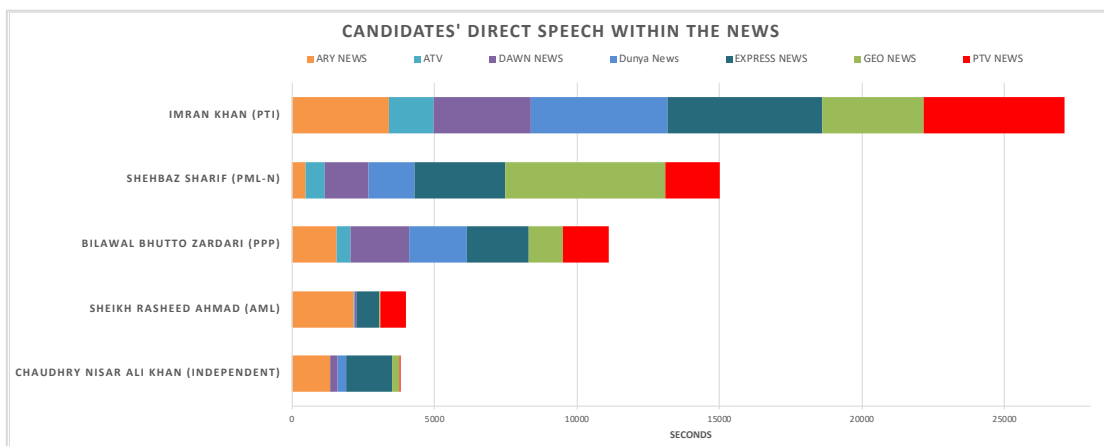


1.2.2 Total time allotted to direct quotes by political actors within the news segments on electoral matters

	<i>ARY NEWS</i>	<i>ATV</i>	<i>DAWN NEWS</i>	<i>Dunya News</i>	<i>EXPRESS NEWS</i>	<i>GEO NEWS</i>	<i>PTV NEWS</i>
Total time devoted to political actors	3h 19 min	1h 9 min	3h 49 min	3h 32 min	5h 19 min	5h 35 min	4h 18 min

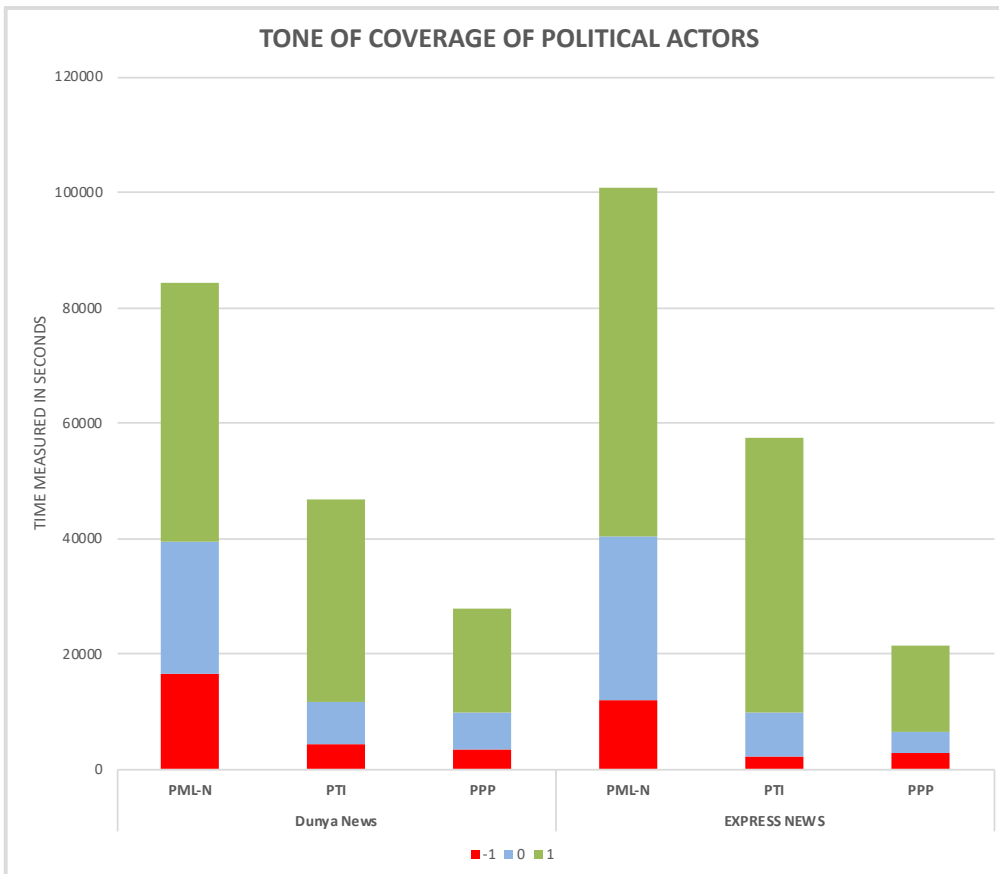
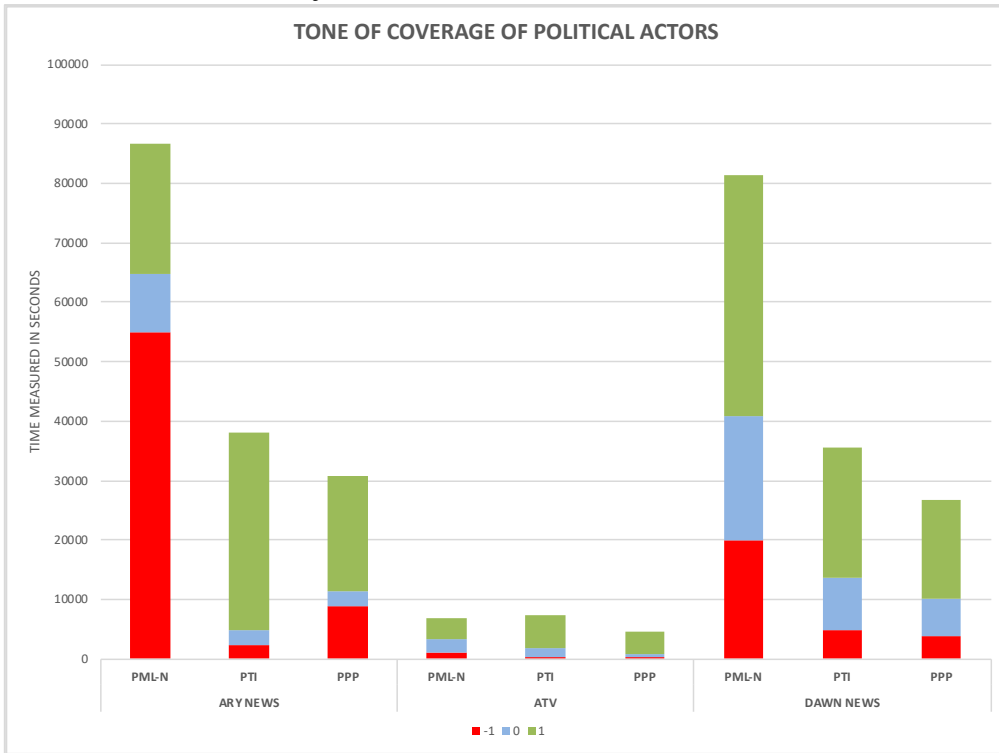


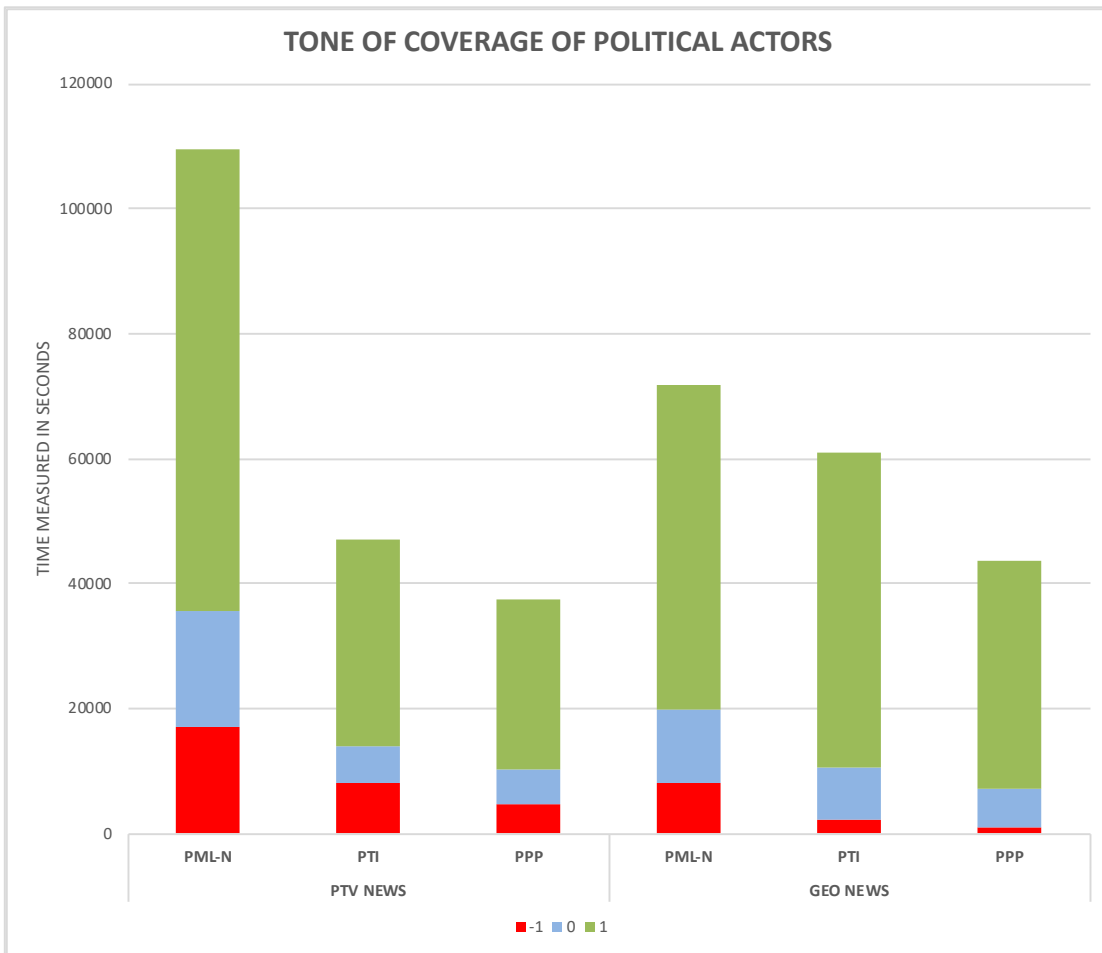
1.2.3. Time allotted to direct quotes by candidates within the news segments on electoral matters (five most quoted candidates)



1.2 Tone of coverage across the television channels (programmes of editorial choice, without paid advertising and live political publicity events)

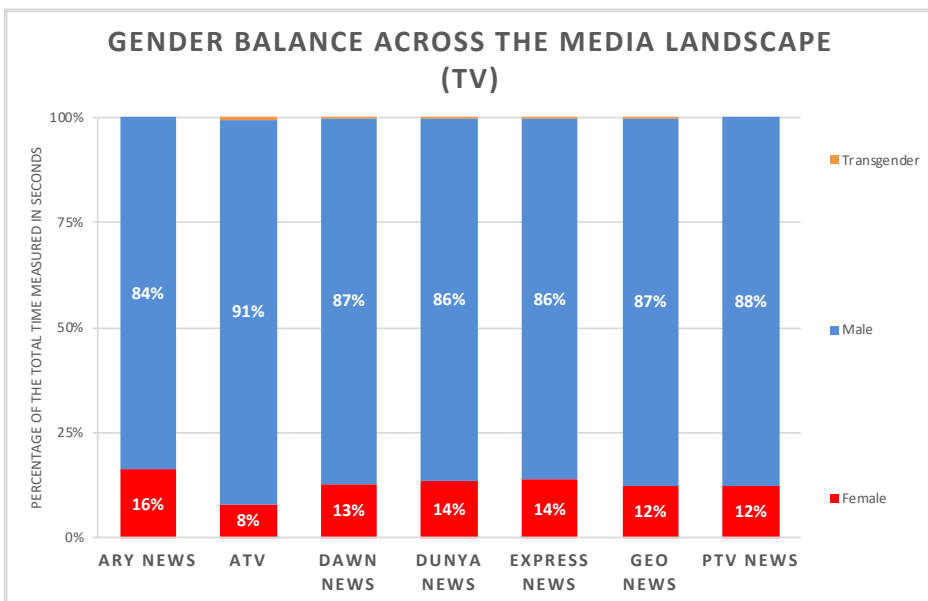
- 1 = the tone is positive towards the subject; 0 = the tone is neutral towards the subject; -1 = the tone is negative towards the subject.



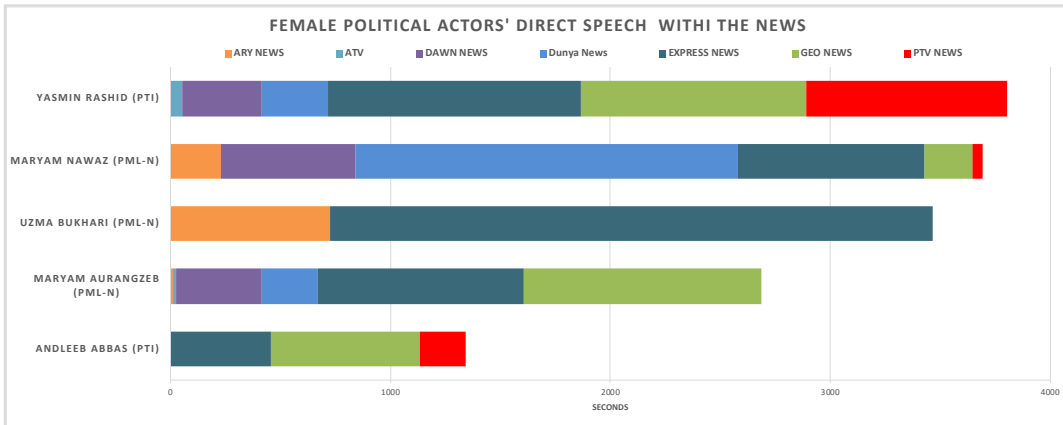


1.4. Gender balance across the television channels

1.4.1 Time allotted to the candidates on the basis of gender

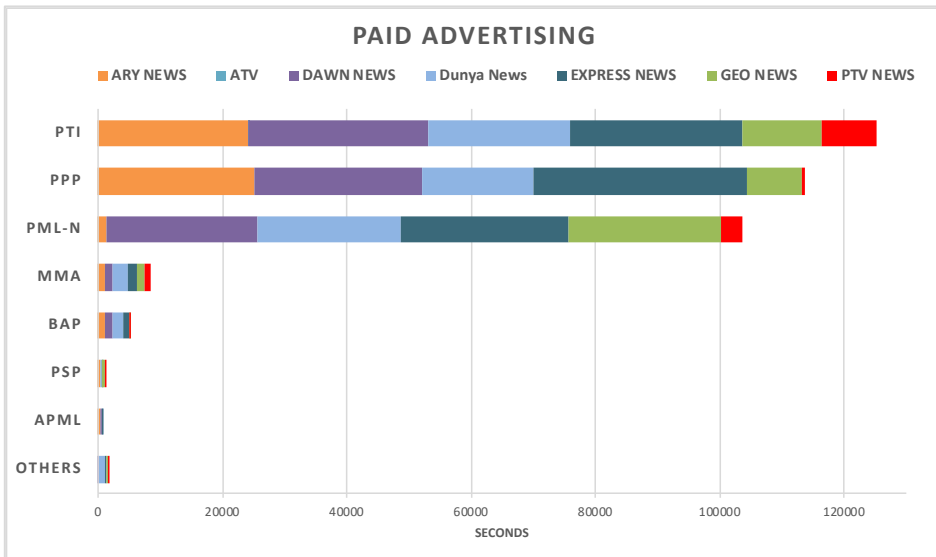


1.4.2 Time allotted to direct quotes by female candidates within the news segments on electoral matters (five most quoted female political actors)

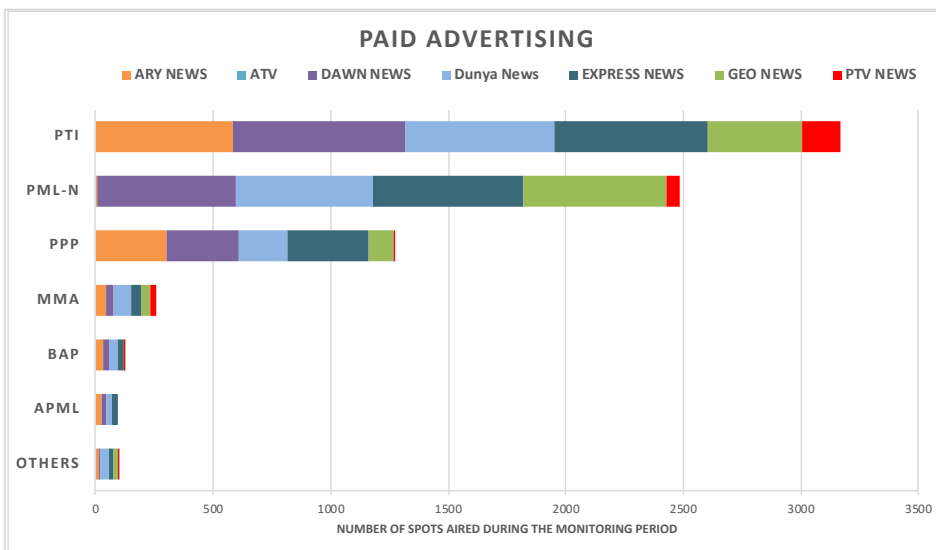


1.5 Paid advertising within the TV channels' primetime programming

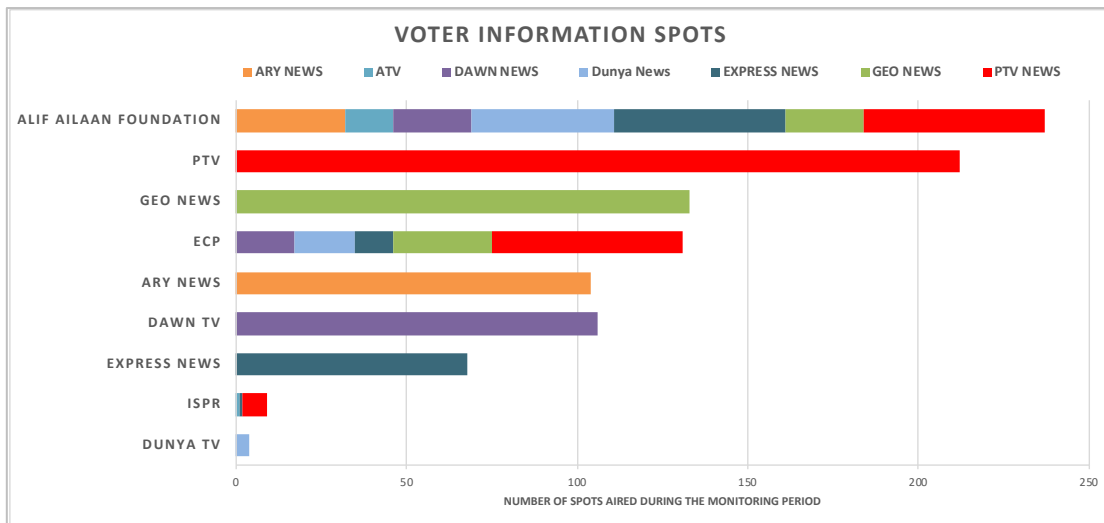
1.5.1 Total time devoted to paid advertisement per political party



1.5.1 Number of paid advertising spots per political party



1.6 Voter Information and Civic Education



2. Newspapers

The EU EOM monitored a sample of newspapers distributed in all major parts of the country and claiming to have a close-to-nationwide reach. The mission selected English and Urdu newspapers that reach out to different audiences and all are leaders in terms of number of copies sold per day.

The sample includes Urdu language newspapers Daily Jang and Nawa-i-Waqt and English language newspapers The Dawn and The Nation.

Monitoring periods – from 27 June to 23 July 2018 daily.

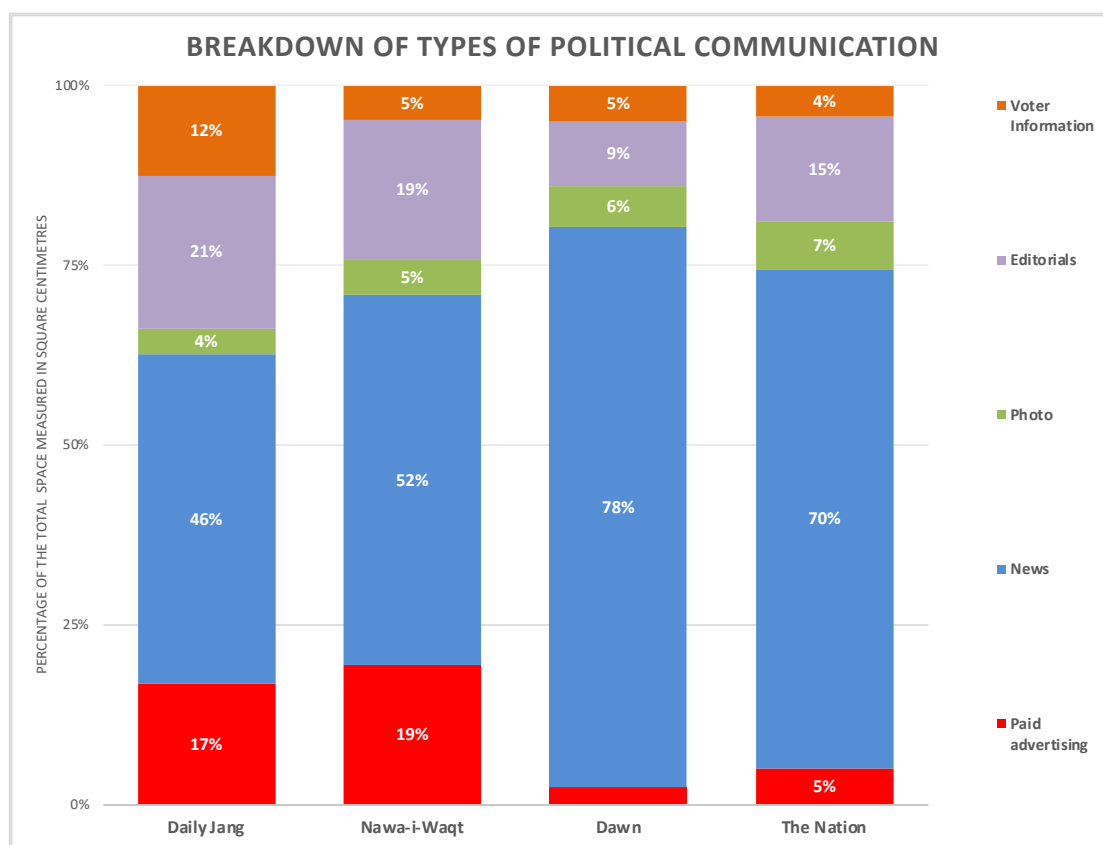
Total space coded – 428.73 square metres.

Total space allocated to political communication – 62.41 square metres, or 15 per cent on average.

Total space allocated to political communication in newspapers

	Percentage of total space coded	Space allocated to political communication
Daily Jang	13 per cent	15.59 square metres
Nawa-i-Waqt	21 per cent	17.85 square metres
Dawn	13 per cent	14.76 square metres
The Nation	14 per cent	14.21 square metres

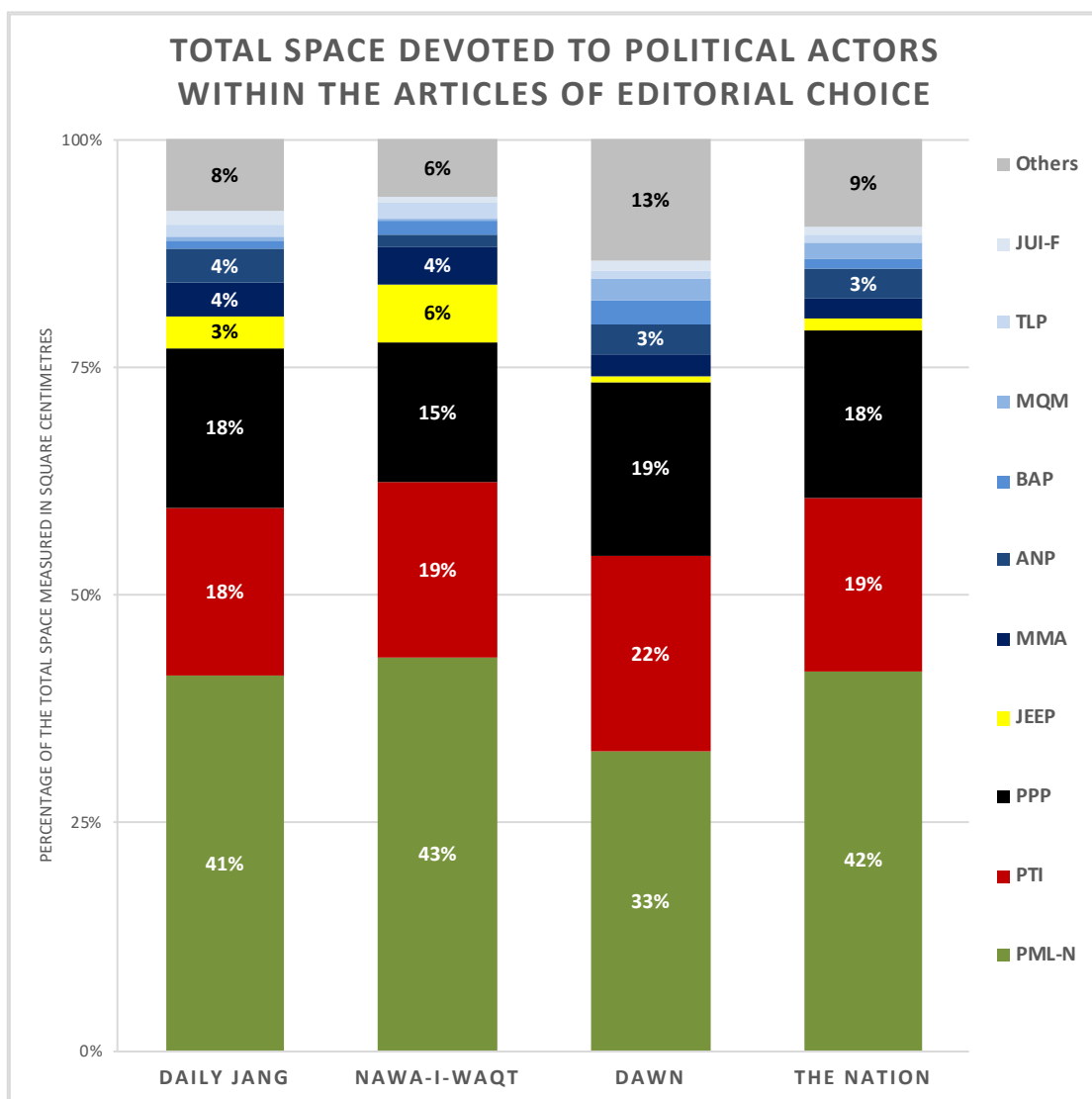
2.1 Breakdown of types of political communication in newspapers



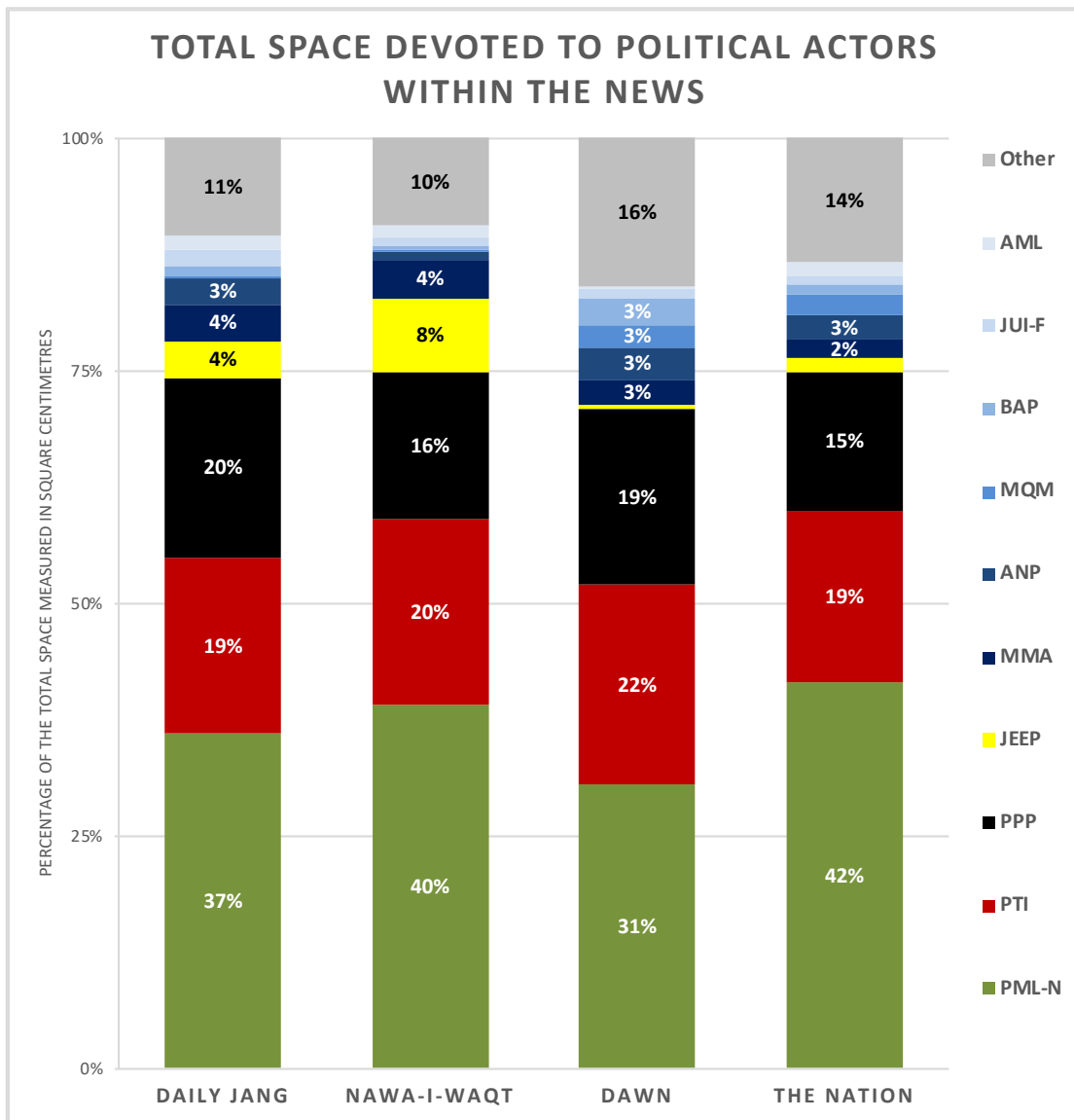
2.2. Total space allocated to political actors the newspapers’ election-related coverage and the photos illustrating those articles (not including political advertisements)

	<i>Daily Jang</i>	<i>Nawa-i-Waqt</i>	<i>DAWN</i>	<i>The Nation</i>
Total space devoted to political actors	10.9 square metres	13.5 square metres	13.6 square metres	12.8 square metres

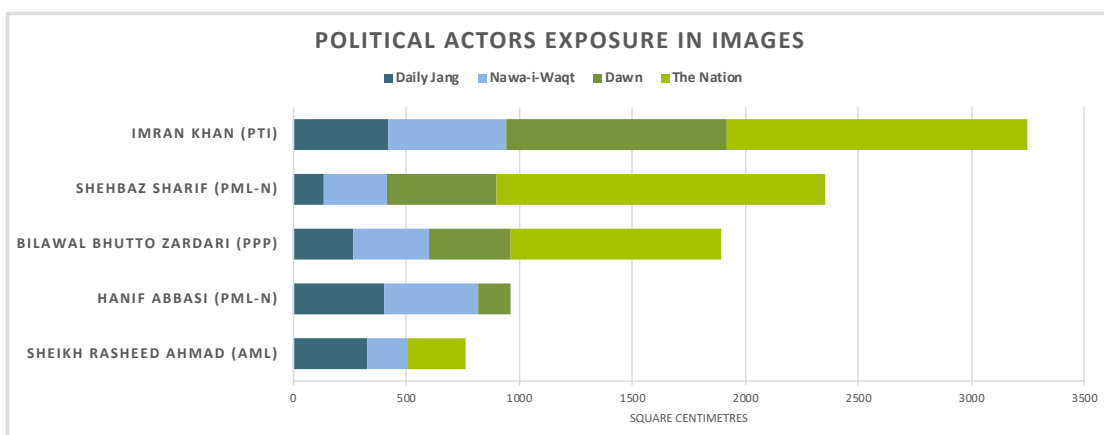
2.2.1 Total space allotted to political actors within the newspapers’ election-related coverage and the photos illustrating those articles (not including political advertisements)



2.2.2 Total space allotted to political actors in the news concerning electoral matters

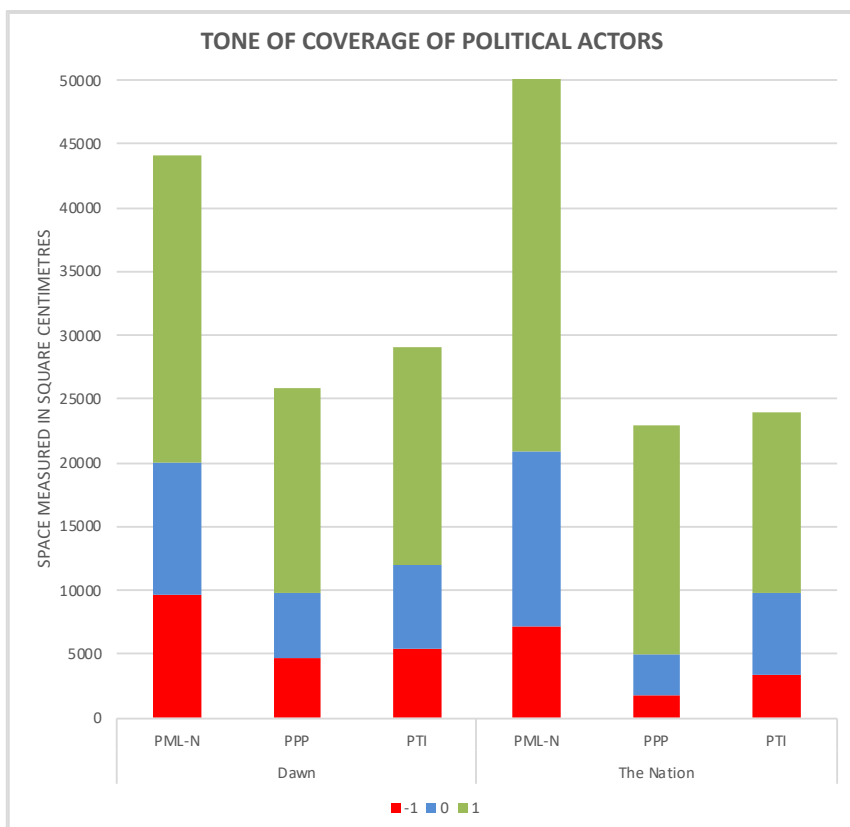
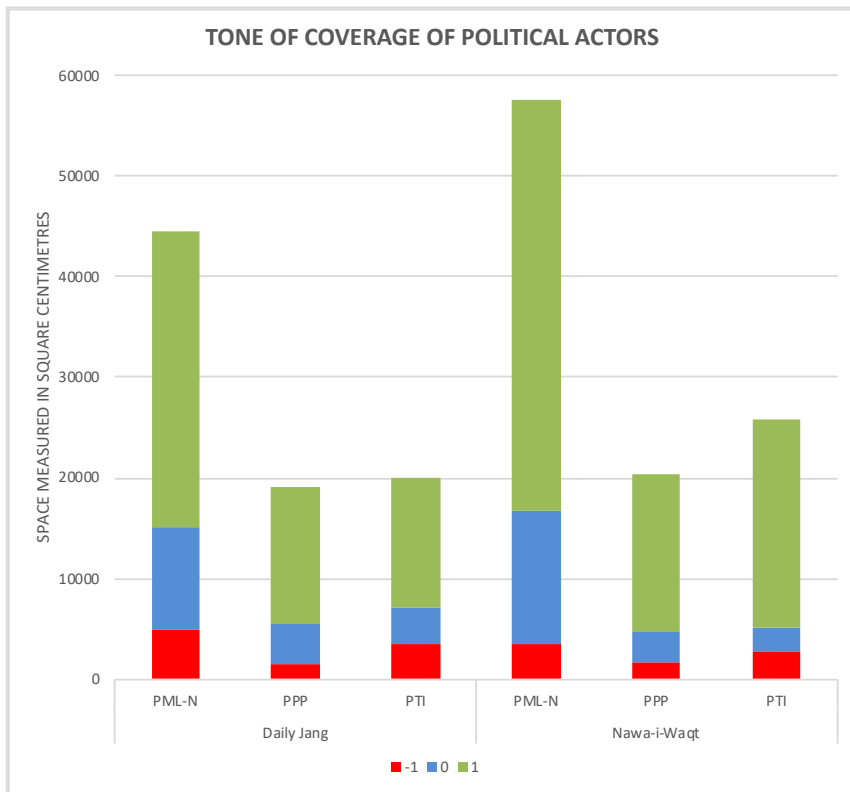


2.2.3. Total space allocated to images of candidates illustrating the news concerning electoral matters (five most featured candidates)



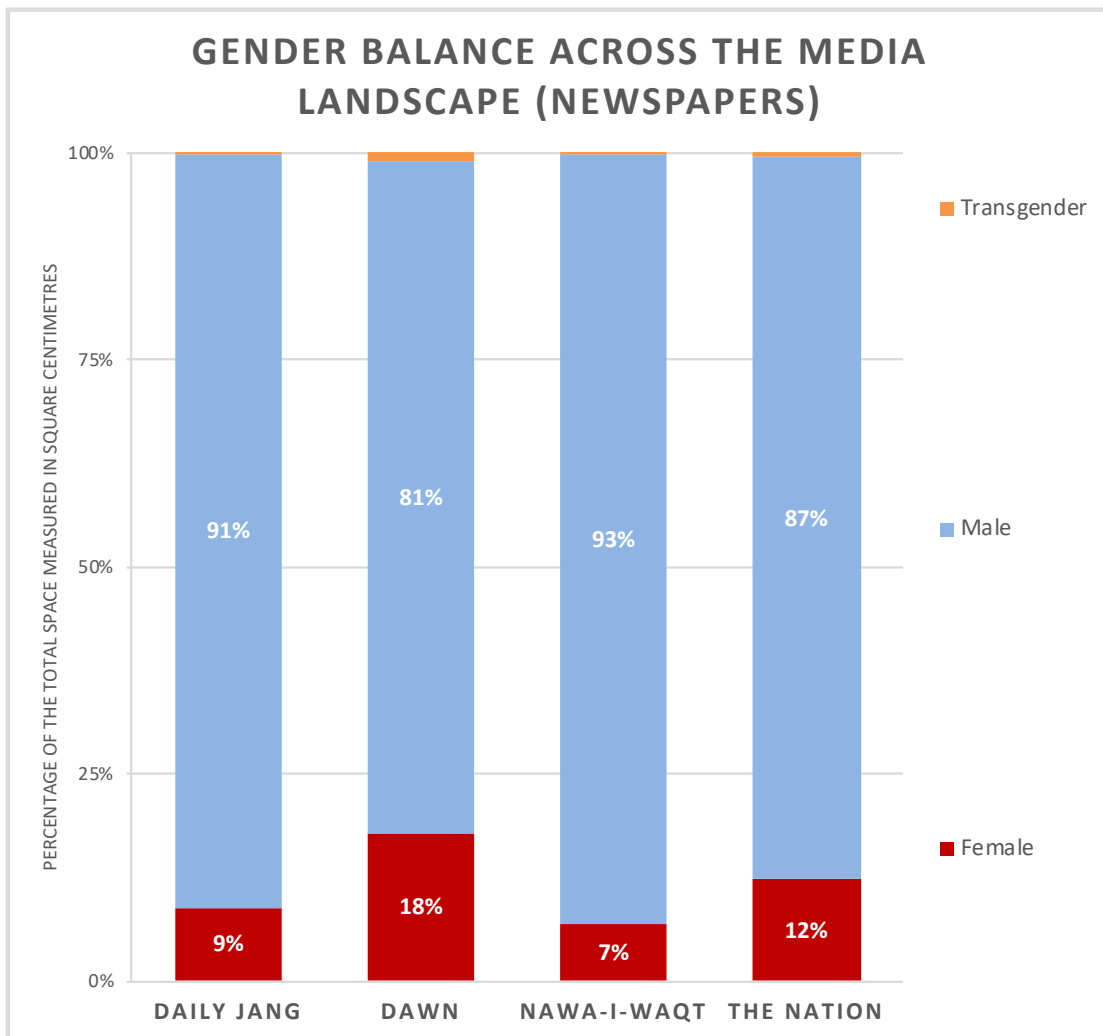
2.2 Tone of coverage of political actors in articles of editorial choice (without paid advertising)

- 1 = the tone is positive towards the subject; 0 = the tone is neutral towards the subject; -1 = the tone is negative towards the subject.

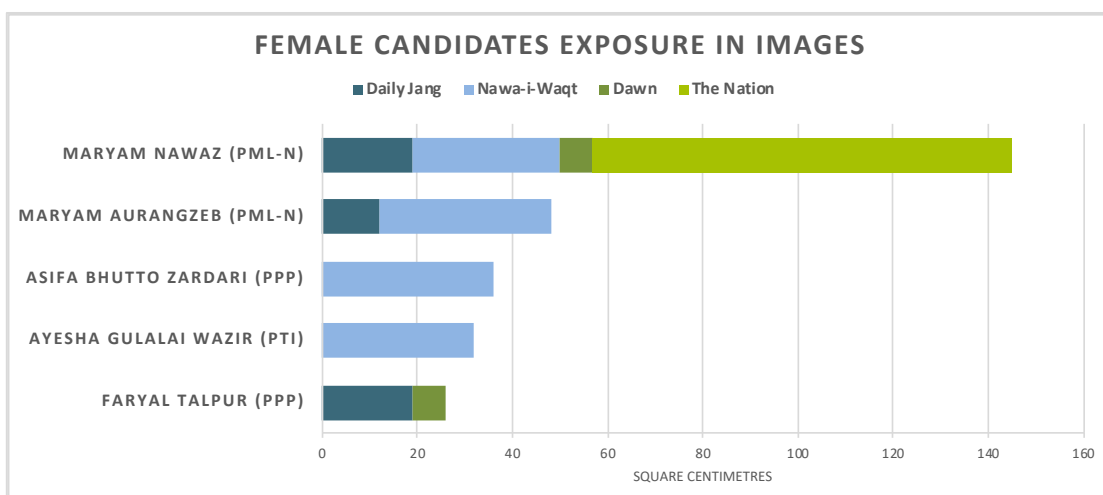


2.4. Gender balance across the print media

2.4.1 Space allotted to the candidates on the basis of gender

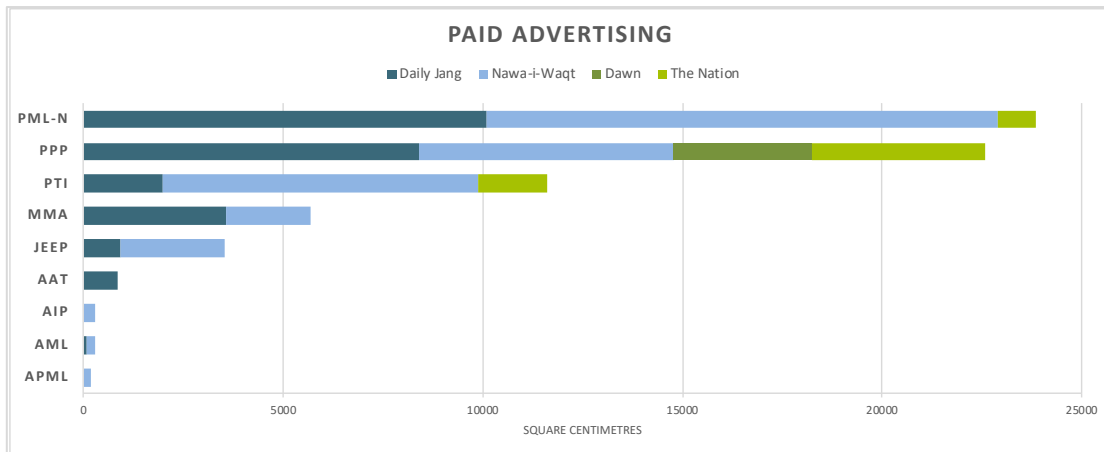


2.4.2 Space allotted to images of female candidates illustrating the news on electoral matters (five most featured female political actors)

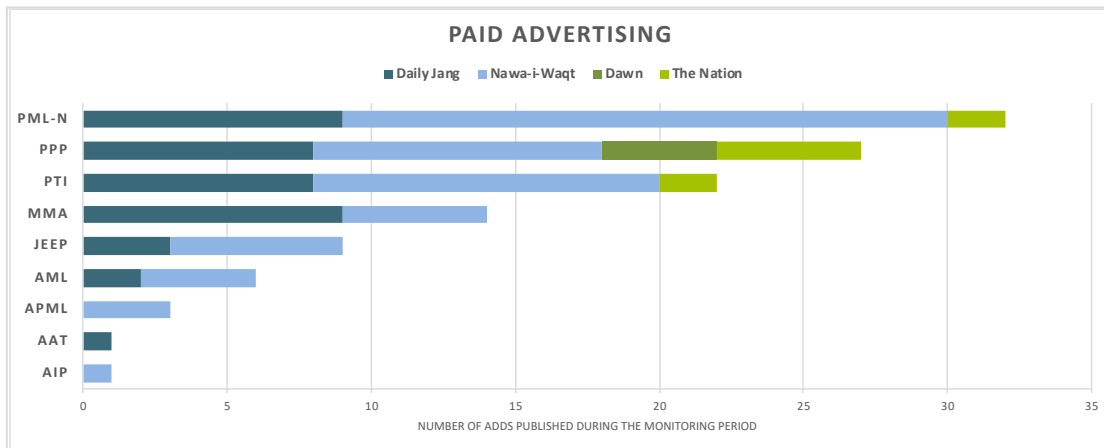


2.5 Paid advertising in newspapers

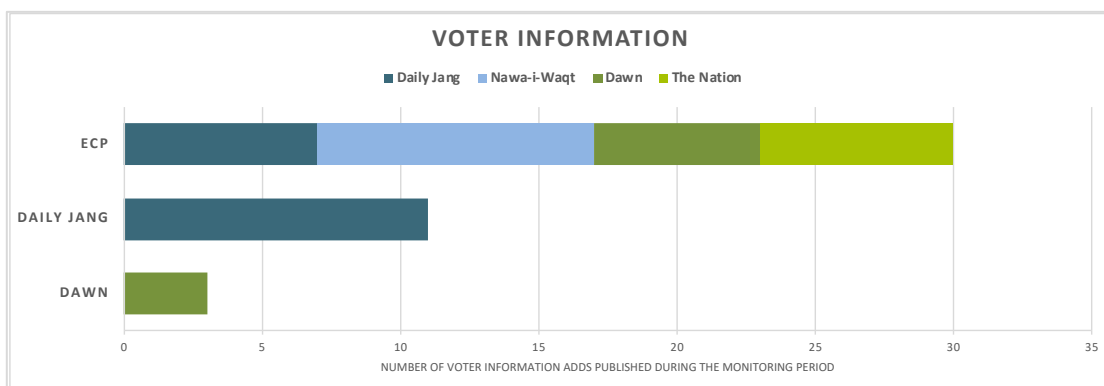
2.5.1 Total space allotted to paid advertisement per political party



2.5.1 Number of paid advertising items per political party



2.6 Voter Information and Civic Education



ANNEX-4: List of Abbreviations

CEC	Chief Election Commissioner
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CMT	Campaign Monitoring Team
CNIC	Computerised National Identity Card
CRPD	Convention on the Rights of Persons with Disabilities
CPRW	Convention on the Political Rights of Women
CSOs	Civil Society Organisations
ECP	Election Commission of Pakistan
EU EOM	European Union Election Observation Mission
FAFEN	Free and Fair Election Network
FATA	Federally Administered Tribal Areas
GA	(UN) General Assembly
GC	General Comment
GDA	Grand Democratic Alliance
HRC	(UN) Human Rights Committee
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
LTO	long-term observer
MoIB	Ministry of Information, Broadcasting, National History and Literary Heritage
NA	National Assembly
NAB	National Accountability Bureau
NACTA	National Counter Terrorism Authority
NADRA	National Database and Registration Authority
PCER	Parliamentary Committee on Electoral Reforms
PEMRA	Pakistan Electronic Media Regulatory Authority
PKR	Pakistani Rupee
PB	Province of Balochistan
PK	Province of Khyber Pakhtunkhwa
PP	Province of Punjab
PS	Province of Sindh
PTV	Pakistan Television Corporation
RMS	Results Management System
RTS	Results Transmission System

UNCAC	United Nations Convention against Corruption
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme

Political party abbreviations

AAT	Allah-o-Akbar Tehreek
AML	Awami Muslim League
ANP	Awami National Party
AWP	Awami Workers Party
BNP	Balochistan National Party
GDA	Grand Democratic Alliance
IT	Islami Tehreek
JI	Jamaat-e-Islami
JWP	Jamhoori Watan Party
JUI-F	Jamiat Ulema-e-Islam-Fazl
JUI-S	Jamiat Ulema-e-Islam-Sami
JUP	Jamiat Ulema-e-Pakistan
MJAH	Markazi Jamiat Ahle Hadith
MMA	Muttahida Majlis-e-Amal
MQM	Muttahida Qaumi Movement
MQM-P	Muttahida Qaumi Movement-Pakistan
NP	National Party
PB	Pasban Pakistan
PJDP	Pakistan Justice and Democratic Party
PkMAP	Pakhtunkhwa Milli Awami Party
PMA	Pakistan Muslim Alliance
PML-N	Pakistan Muslim League-Nawaz
PML-Q	Pakistan Muslim League-Quaid
PPP	Pakistan Peoples Party
PPPP	Pakistan Peoples Party Parliamentarians
PRHP	Pakistan Rah-e-Haq Party
PSP	Pak Sarzameen Party
PTI	Pakistan Tehreek-e-Insaf
PTI-N	Pakistan Tehreek-e-Insaf-Nazriati
TLP	Tehreek-e-Labbaik Pakistan



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