



## **Preliminary Statement of the Democracy International U.S. Election Observation Mission to the 2008 General Elections in Pakistan**

### **OVERVIEW**

Despite a seriously flawed and difficult pre-election environment, the February 18, 2008, general elections in Pakistan have provided a genuine opportunity for Pakistani voters to express their will. A relatively peaceful Election Day defied widespread expectations of violence, and fears of systematic manipulation appear to have been blunted. To date, there appears to be broad acceptance of the results.

Overall, these elections represent a potentially historic step forward in the democratic process. However, the serious assault on Pakistan's constitutional order and fundamental flaws in the pre-election environment prevented the election from meeting international standards and must be addressed if progress toward a democratic Pakistan is to continue.

Democracy International fielded a 38-person U.S. election observation mission to the February 18 elections that included noted experts in election administration, election monitoring and Pakistani politics. In addition to its own short-term observation, the delegation drew upon the work of Democracy International in Pakistan over the past year as well as on the findings of domestic observers. The mission complemented ongoing international and domestic efforts to strengthen democratic electoral systems and processes in Pakistan to help build a more participatory, representative and accountable democracy.

The delegation commends those candidates, voters, election officials and domestic observers who participated in the elections in spite of the real potential for violence. We urge the Election Commission of Pakistan (ECP), the new government and the international community to address the serious problems in the election process.

### **I. PRE-ELECTION CONTEXT**

The political environment in which the run up to any election takes place, including the extent of freedoms of speech, movement and association, the fairness of the media, the opportunities for the opposition to compete, the independence of the judiciary and the nature of the pre-election period are critically important.

#### **Political Environment**

Based on Democracy International's engagement with the political process in Pakistan over the past year and the findings of other international and domestic observers, the delegation concluded that the political environment leading up to the election presented serious obstacles to a fully democratic election. The political environment in the year pre-

ceding the election, including restrictions on lawyers and judges and on fundamental rights, has not been conducive to an open and robust democratic election. The declaration of emergency rule by President Musharraf on November 3—only two months before the scheduled vote—severely constrained political activities, banned political rallies, shut down media outlets, removed and detained judges, and jailed thousands of lawyers and civil society activists and effectively suspended some of Pakistan’s constitution. The state of emergency hindered the freedom of movement and assembly necessary for an open, competitive campaign. The government cracked down harshly on protesters and arrested activists. The two leading opposition figures, Benazir Bhutto and Nawaz Sharif, were only recently allowed to return to the country, Sharif only on the second attempt.

Within the electoral context, Emergency Rule combined with a trend of increasing government pressure on the legal community and the judiciary compromised the impartiality of the institutions tasked to resolve electoral complaints. Emergency Rule also severely restricted media activities. The government compelled media outlets to agree to a new and restrictive Code of Conduct before they could resume broadcasting, and media restrictions were promulgated even in the days leading up to the election. At the same time, after the lifting of emergency rule, the vibrant media that have emerged over the last few years were able to report on party platforms, candidates, and broader political and economic issues important to voters.

Violence also strongly tainted the pre-election environment. The assassination of opposition leader Benazir Bhutto was only the most visible and dramatic example of this. Suicide bombings at political rallies and deadly inter-party clashes marred the weeks and months leading up to Election Day. Only two days before Election Day, a bomb at a political gathering in NWFP killed dozens of innocent people. Such violence almost certainly deterred some voters from participating and constrained candidate activities.

Local government officials reportedly misused government resources for partisan purposes. Ostensibly elected on a nonpartisan basis, many such officials actively campaigned for candidates in their areas, appearing in campaign advertisements and using their control over local government resources in campaign activities.

Opposition parties and the media criticized the ECP for a lack of independence from the president and the government. Because the judiciary plays such an important role in the administration of the elections and the adjudication of election-related complaints, the wholesale replacement of judges raised questions about the independence of the ECP. Insulating all facets of election administration from potential political influence should be a priority for future reform of the Pakistani electoral system.

### **Voter Registration**

An ambitious effort to completely rebuild Pakistan’s electoral rolls before these elections met with mixed results. Statistically valid audits of the 2007 Final Electoral Roll performed by the Free and Fair Election Network (FAFEN) showed that as many as 15 to 20 million eligible voters had been omitted during the enumeration process. To address this

problem the ECP added names from the deeply flawed 2002 lists, but this change reportedly still failed to account for many eligible voters and served to add duplicates and other inaccurate entries into the lists. In addition, the voter registration process, including the administrative and financial burden of obtaining a National Identity Card, made it harder for women and economically disadvantaged groups to exercise their right to vote.

## **II. ELECTION DAY**

The balloting and counting processes on Election Day were largely conducted in accordance with established procedures. The Election Day process was executed smoothly in observed polling stations relative to previous Pakistani elections. Despite the relative success of Election Day, the delegation noted some significant systemic problems, including inaccurate voter lists, limited voter turnout and low participation of women. In addition, observers noted procedural irregularities that should be resolved to improve the overall process.

### **Turnout**

Despite reports of high voter participation, the pre-election environment described above almost certainly dampened voter turnout. In addition, although impossible to quantify, the flawed voter registration process disenfranchised some voters. Participation would have been higher had the new Computerized National Identity Card (CNIC) been more widely available and the lists been more accurate and inclusive.

### **Participation of Women**

Problems with voting lists seemed to affect women disproportionately, an observation backed up by FAFEN's registration audit. The delegation noted that participation of women in many locations was significantly lower than that of men. In some locations our observers found particular obstacles to women's access to the voting process, including delayed openings and insufficient provision of materials. Media sources in advance of the elections reported serious efforts to prevent women from voting in certain locations. In other cases, listings by both married name and father's name raised questions about eligibility. In other instances, the interference of family or community members kept women from the polls.

### **Security and Absence of Election Day Violence**

The threat of widespread Election Day violence, extensively anticipated in the domestic and international media in the lead up to the polls, fortunately did not materialize. Voters in most locations we observed were able to cast their ballots without any serious incident. We observed a significant security presence, which seemed to reassure many voters. Although some deaths were reported, election-related violence was less than what many expected and there were no reported terrorist attacks on polling stations or voters.

## **Election Day Procedures**

In most polling places visited by our observers, the administration of the process went smoothly. New, translucent ballot boxes provided confidence that boxes were empty at the beginning of the balloting, and new cardboard voting screens improved voter confidentiality.

However, in some locations we observed, polling officials failed to follow prescribed administrative procedures, which could have compromised the secrecy of the ballot and permitted unauthorized involvement of party agents in the administration of the balloting process. Nevertheless, these irregularities seemed to be the result of a lack of training rather than intentional malfeasance.

## **Domestic Election Observers and Political Party Agents**

Past experience in Pakistan and elsewhere has demonstrated the significant contribution that effective political party agents and nonpartisan domestic election observers can make to the credibility and integrity of the election process. Despite initial delays, the ECP eventually accredited more than 25,000 domestic observers, which permitted them to directly observe the process and contributed to transparency of the election. Our observers noted the presence of party agents from multiple parties in every polling station they visited, and many saw FAFEN observers in polling stations.

## **Election Day Counting**

Counting procedures in polling stations we observed were generally professional and thorough. In some districts, however, observers witnessed casual application of procedures, including party agent participation in the process, the use of cell phones by both party agents and polling officials during the count, the presence of unauthorized persons, direct engagement by security forces, and passage of party agents into and out of the polling station during all stages of the count. Although these irregularities did not appear to be deliberate or systematic efforts to manipulate the count, they contain a potential for abuses and should be addressed in the future.

## **CONCLUSION**

Ten of millions of Pakistani voters defied security threats and a seriously flawed pre-election environment to elect their national and provincial representatives on February 18, 2008. The final outcome of these elections remains unclear. Before the election, substantial obstacles threatened to derail the democratic process. Emergency rule, curbs on fundamental freedoms and political violence created a hostile and dangerous environment not conducive to an open, accountable political process. Lack of independence and impartiality of some officials at the national and local level created a perception that government officials could improperly influence the process.

On Election Day, our observers witnessed disenfranchisement of some of the population due to deeply problematic voter roles, apparent fear of violence and gender exclusion. In some locations, poorly trained poll workers failed to scrupulously follow election procedures, potentially compromising confidence in the outcome. Overall, however, we witnessed a balloting process that allowed most voters to cast a secret ballot, unmolested by political or procedural problems. In addition to our efforts, hundreds of other international observers and, most important, tens of thousands of Pakistani observers were present to witness the integrity of these elections.

Ultimately, it is for the people of Pakistan and their political representatives to determine whether these elections are sufficiently credible to satisfy the aspirations of the nation. We believe that there are serious problems to be addressed in the electoral system in order to create a robust democratic order and the rule of law in Pakistan. However, given dire predictions of violence and manipulation in advance of the elections, we concur with most Pakistani political leaders and media outlets that the relatively peaceful process is a potentially dramatic step forward for democracy in Pakistan.

## **ABOUT THE DELEGATION**

The purpose of this observation mission was to show support for the Pakistani electorate by providing an expanded international presence to observe and report on the conduct of the elections. The mission complemented ongoing efforts supported by the U.S. government and others to strengthen democratic electoral systems and processes in Pakistan to help build a more participatory, representative and accountable democracy. The delegation benefited from the work of the Free and Fair Election Network, a nonpartisan coalition of Pakistani civil society organizations established to observe the election process, educate voters, and advocate for electoral and democratic reform. We have coordinated our efforts with the European Union Election Observation Mission and other international observers.

The Democracy International delegation met with representatives of political parties and candidates, the Election Commission of Pakistan, leaders of nonpartisan domestic election monitoring organizations, political observers, journalists, and others.

The delegation convened in Islamabad the week before the election to meet with electoral authorities, representatives of Pakistani political parties and civil society, and other international and domestic election observers. Before Election Day, delegation members deployed to Karachi, Lahore, Multan and Peshawar in addition to Islamabad to meet with local political actors. On Election Day, February 18, delegates divided into teams of two and observed the opening and closing of polling stations, the conduct of balloting throughout Election Day, and the counting and reporting of votes. Collectively, Democracy International's observer teams visited more than 200 polling stations around the country. Delegates reconvened in Islamabad on February 19 to share their findings and prepare this preliminary statement.

The observer mission has conducted its activities in a nonpartisan, professional manner, in accordance with the law of Pakistan and the Declaration of Principles for International Election Observation.

Because the tabulation and verification of final results are ongoing, it is too early to conclusively evaluate the election process as a whole. Democracy International will monitor the processing of election complaints and challenges, the investigation of problems identified by election-day observers, the integrity of the consolidation of results, the extent of any post-election intimidation and retribution, and the process leading to the seating of the new parliament in accordance with the election results. We will organize a post-election mission and conduct post-election analysis that will offer lessons learned and recommendations. Democracy International will issue a comprehensive report on the entire election process in the coming weeks.

## **DEMOCRACY INTERNATIONAL**

*Democracy International (DI), based in Bethesda, Maryland, designs, evaluates, implements, and provides technical assistance for democracy and governance programs worldwide. Founded by leading experts in international democracy assistance, DI offers expertise in election processes and election monitoring, political party development, legislative strengthening, local government and decentralization, civil society development, and strategic communications programming. Over the past 20 years, DI and its principals have worked with civil society and election monitoring organizations, election commissions, government agencies and others in more than 50 countries and in every region of the world. DI principal Eric Bjornlund is author of Beyond Free and Fair: Monitoring Elections and Building Democracy (Wilson Center Press and Johns Hopkins University Press, 2004).*

*Working with The Asia Foundation, Democracy International has provided technical assistance for election observation efforts in Pakistan over the last year. DI principal Glenn Cowan visited Pakistan five times in 2007. In addition, for three weeks in December 2007, Mr. Cowan led a DI team, which also included delegation member Brian Katulis and DI Program Officer Bill Gallery, that conducted interviews with political parties, civil society organizations, election authorities, and the international community in Islamabad, Lahore and Karachi.*