

## **Elections since General Pervez Musharraf took power in 1999**

Long before Pervez Musharraf took power in a military coup in 1999, elections in Pakistan did not meet international standards for being “free and fair.” Periods of military rule have meant that elections were not held regularly and their genuineness was often challenged. The secrecy of the ballot has not always been maintained and practices by local feudal and tribal leaders have frequently compromised the free expression of voters’ will. Authorities have often placed severe constraints on the rights to freedom of expression, association, assembly and movement.

Below is a summary of the issues raised in elections held since Musharraf came to power.

### **Local bodies elections, August 2001**

Pakistan has only ever held local bodies elections under military rule. These are technically held on a non-party basis, although political parties support and campaign for candidates, openly violating election rules.

The Musharraf government revamped the local government system that General Muhammad Zia-ul-Haq had established through a Presidential Ordinance in 1979.<sup>1</sup> Local bodies elections were held in phases from December 2000 to August 2001 under the new Local Government Ordinance that devolved power to elected local governments in a three-tiered system at the district, tehsil (county) and union council (town) levels.

International observers did not monitor these elections. The non-governmental Human Rights Commission of Pakistan (HRCP), whose monitors around the country sent in their observations, noted that “confusion surrounded the local bodies process from the start. The multiple ballot system handicapped voters as did the

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<sup>1</sup> Gen. Zia held party-less local bodies elections in 1985.

delayed allocation of [party] symbols.”<sup>2</sup> The HRCP also reported problems with voter lists and delays in the start of polling. There were widespread reports of violations of restrictions on the use of transportation and state machinery. Powerful candidates seized public transport in Gujrat, Punjab province in March 2001. Candidates complained of being hindered during campaigning by the large constituencies and changes to constituency boundaries. At least five candidates were shot dead in violence around the country.<sup>3</sup> Impartial observers placed the voter turnout at far lower than the official estimates of 50 to 60 percent.

### **Presidential Referendum, April 30, 2002**

The Supreme Court of Pakistan invoked the “doctrine of necessity” to validate Musharraf’s military coup in 1999, but on condition that Musharraf hold elections by October 2002 and not tamper with the constitution. Musharraf deviated from his “roadmap to democracy” by getting himself appointed as president of Pakistan on June 20, 2001 while retaining his military office, in explicit violation of the constitution, which prohibited the army chief from simultaneously serving as president.<sup>4</sup> The previous president, Rafiq Tarrar, was reportedly forced to step down to make way for Musharraf.<sup>5</sup>

In early April 2002, Musharraf announced a national referendum to extend his presidency by five years and legitimize his rule. There were widespread allegations of rigging and misuse of the postal ballot. The referendum’s credibility was damaged by the official results of a whopping 97.5 percent vote in favor of Musharraf. Human Rights Watch reported on the referendum:

Independent observers ... found evidence of widespread fraud and coerced voting. Electoral rolls and national identification cards were dispensed with, ballots were routinely cast in the presence of, or even by, polling officials, and

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<sup>2</sup> HRCP, Annual Report 2001, p. 196. Because of high levels of illiteracy in Pakistan, political parties are represented on ballots by their symbols.

<sup>3</sup> Ibid. p. 197.

<sup>4</sup> Constitution of Pakistan, article ??

<sup>5</sup> “Musharraf 'forced out' president,” BBC, June 21, 2001, [http://news.bbc.co.uk/2/hi/south\\_asia/1400383.stm](http://news.bbc.co.uk/2/hi/south_asia/1400383.stm) (accessed Jan 17, 2008).

observers reported numerous cases of multiple voting. Police and local government officials in all four provinces transported busloads of voters to polling stations. Most disturbing were claims by both public and private sector employees, cited in the Pakistani press, that they had cast “yes” votes on the orders of their supervisors; polling stations had been established in many places of employment, including factories.<sup>6</sup>

### **General elections, October 10, 2002**

Renewed interest in Pakistan after the September 11, 2001 attacks on the United States brought international monitors to observe the general elections of October 10, 2002. The pre-electoral process was plagued by credibility issues. Human Rights Watch said at the time:

Steps were taken by the administration to ensure that the military could control the current electoral process and its outcome, principally by restricting the activities of opposition political parties while providing increasingly transparent support for pro-Musharraf parties.<sup>7</sup>

European Union (EU) election monitors criticized the Election Commission and its chief’s lack of independence, noting their “failure to curb the authorities’ misuse of state resources” in favor of political parties, in particular, but not exclusively, for the Musharraf-backed Pakistan Muslim League-Q party (a splinter group from Nawaz Sharif’s Pakistan Muslim League).<sup>8</sup> Interference by public authorities and misuse of state resources accounted for over half the irregularities recorded by the EU (52.9 percent). EU election observers found that the involvement of public authorities and the misuse of state resources took various forms, many of them involving the local government system. These included:

- Misuse of public infrastructure, such as buildings, vehicles, etc. The common pattern included the use of offices of nazims (local elected officials) and publicly owned vehicles for the campaigning activities of certain candidates.

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<sup>6</sup> Human Rights Watch Background Briefing, “Pakistan: Entire Election Process “Deeply Flawed”, New York, October 9, 2002.

<sup>7</sup> Ibid.

<sup>8</sup> European Union Election Observation Mission, Final Report, “Pakistan National and Provincial Assembly Election, 10 October 2002,” p. 28.

- Announcement of development projects within the framework of campaigning activities, despite the ban imposed by the Election Commission. This was practiced by a large number of nazims as well as by provincial ministers and governors.
- Public statements made by government officials in support of certain candidates or against other candidates and parties in violation of election rules.
- Serious shortcomings in the training of polling staff, with the training manual not provided and unsatisfactory attendance.
- Bulk transfers of public servants, leaving ample room for suspicion as to the timing of this activity and despite the ban announced by the Election Commission.<sup>9</sup>

On polling day, “in a significant number of polling stations visited some voters were turned away because their names could not be found on the register.”<sup>10</sup> Voters were also hampered by the requirement to present a National Identity Card (NIC) in order to cast their ballot. Initially the government restricted voters to those with the new computerized NICs cards. However, the issuing authority ran short of material for the computerized cards and the government backtracked, allowing voters to use their old “manual, less secure, ID cards.”<sup>11</sup> Monitors noted that some polling stations were relocated just a few hours before the opening of the polls, which contributed to confusion and lower turnout.

The government did not permit the two main opposition leaders, Benazir Bhutto and Nawaz Sharif, to participate in the elections. The EU monitoring team termed as “questionable” the legal grounds on which both were kept out of the elections. Bhutto’s case contravened the fundamental principle of innocent until proven guilty and involved pre-empting the judicial verdict. Sharif withdrew his nomination papers at the last minute in a political move of solidarity with Bhutto, although it was assumed that his nomination papers would be rejected, too. The EU monitors questioned the Pakistan government’s refusal to allow Sharif back into the country and the “spurious legal grounds” on the basis of which his brother Shahbaz Sharif and his wife Kulsoom Nawaz were disqualified.<sup>12</sup> The EU monitors concluded that

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<sup>9</sup> Ibid. p. 53.

<sup>10</sup> Ibid. p. 32.

<sup>11</sup> Ibid. p. 32.

<sup>12</sup> Ibid. p. 36.

Bhutto and the Sharif family “were kept out of the election race on political grounds in what can be seen as a government strategy of disqualifying prominent politicians.” Observers also noted with concern the introduction of new qualification criteria for candidates, particularly the university graduation requirement which discriminates against some 96 percent of the population, and which particularly penalizes women, who have even less access to education.<sup>13</sup>

Among its recommendations, the EU monitors called for the transportation of ballot boxes in a manner that prevents tampering and reducing the time between announcement of the preliminary and official results. Decisions on whether to count contested ballots should be decided at the time of the count in the polling stations, in the presence of the polling agents, as is the norm in most countries.

#### Local Bodies Elections, August 2005

Between August 2004 and March 2005 the Election Commission updated the electoral roll and registered about 1.6 million new voters. The new electoral roll contained a total of 63.7 million voters. Direct elections of union council (towns) members were held in two phases, on August 18 and 25, 2005.

Concerns with pre-election processes included pressure or intimidation of candidates, resulting in a high level of nomination withdrawals.<sup>14</sup> The Commonwealth Expert Team stated that “[s]uch pressures clearly undermine a democratic environment.”<sup>15</sup> The Expert Team noted that the Election Commission was impaired by the fact that the president directly appoints the chief election commissioner. It recommended that steps be taken to strengthen the independence of the Election Commission, which “should use its executive powers to enforce its decisions and the code of conduct.” The Expert Team also recommended that the Election Commission take measures to “facilitate wide and regular consultation with the Government, political parties, the media and civil society,” and, finally, that the

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<sup>13</sup> Ibid. pp 33-34.

<sup>14</sup> Commonwealth Expert Team, “Report on Pakistan Local Bodies Elections, August 18 & 25,” August 30, 2005, available at <http://www.dfid.gov.uk/pubs/files/commonwealth-lb-elections.pdf>, p. 8.

<sup>15</sup> Ibid. p. 19.

commission should be independently responsible for the delimitation of boundaries.<sup>16</sup>

There were also problems with the electoral rolls, as many voters claimed to have been registered but did not appear on the final list, or had their details incorrectly entered. Minority community voters' names were grouped at the end of the list instead of being fully integrated into the electoral roll.<sup>17</sup>

The Commonwealth Expert Team noted that the majority of polling stations did not have secure voting booths, making the secrecy of the ballot "highly questionable."<sup>18</sup> Although some polling staff were competent and knew what they were doing, most of the polling staff lacked training, which affected the smooth running of the voting process. Polling staff did not wear identification, making it difficult to see whether those present in the polling station were staff, voters, agents or observers.<sup>19</sup> Observers noted the general chaos and confusion, lack of proper materials (dried up inkpads in some cases, no serial numbers on ballot papers in other cases), and the presence of unauthorized persons, including candidates, in the polling stations.<sup>20</sup>

The media promptly reported unofficial results but the delays in the official announcement of results "generated critical comment and suspicion as to the reasons

The local bodies elections were again technically held on a non-party basis but, as in the 2001 local bodies elections, the political parties were openly involved in supporting candidates. The Commonwealth Expert Team noted these technical violations and recommended that the law be amended to allow the political parties to participate, but with measures taken to protect the rights of independent candidates.<sup>21</sup>

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<sup>16</sup> Ibid. p. 21.

<sup>17</sup> Ibid. p. 20.

<sup>18</sup> Ibid. pp. 14, 17.

<sup>19</sup> Ibid. p. 14.

<sup>20</sup> Ibid. pp. 15-16.

<sup>21</sup> Ibid. p. 21.