A Tainted Election
Pakistan at the polls

Overview

The 8 February 2024 general elections have concluded relatively peacefully, with a reasonable voter turnout of 47 percent. An estimated 60 million people have exercised their right to vote for 265 National Assembly and 590 provincial assembly constituencies. In a positive sign, this election has brought to office 12 women—the highest ever number elected to general seats. However, the perception of having held a smooth, orderly election is as important as making it appear to be a credible exercise. Sadly, elections in this country have suffered from a consistent crisis of integrity. The 2024 election too was preceded by a long period of political turmoil and polarization, punctuated by violence perpetrated by militants, raising doubts as to the certainty and fairness of the polls, alongside hopes that they would usher in sorely needed political and economic stability.

Soon after polling began on 8 February, people realized that an internet and cellular services shutdown had occurred across the country; it remained in place until the following morning.[1] This affected not only the polling process, but also how it was reported by the media. With last-minute changes in voters' polling stations in many cases, people found it difficult to obtain the necessary information from the Election Commission of Pakistan (ECP)'s helpline. Some chose not to vote. The polling staff's work was hampered, especially when trying to upload poll results. Observers found it difficult to share their reports in time.

By the next day, there was widespread concern over the delay in announcement of election results by the returning officers (ROs)—far beyond the stipulated time in the Election Rules 2017.[2] This was followed by allegations of discrepancies between Form 45 (result of the count), copies of which were available with candidates, and Form 47, the provisional consolidated result released by the ROs. Some ROs were reported missing; candidates and

observers were stopped from entering, or were evicted from, the RO offices during the provisional result consolidation.[3] There have also been reports of unauthorized persons' presence inside polling stations and ROs' offices.

Militant attacks before the election and road closures led to an extremely low voter turnout in Balochistan. On 7 February, two powerful bomb blasts in the province—in Pishin and Qila Saifullah—led to 30 deaths and 50 injured. Apart from the PTI, whose candidates contested as independents, many other political parties have challenged the election results and lodged protests, particularly in Khyber Pakhtunkhwa, Sindh and Balochistan. In Balochistan, most road and communication networks stayed shut even after the election.

In keeping with its decades-long tradition of observing elections and monitoring the pre- and post-poll environment, the Human Rights Commission of Pakistan (HRCP) conducted this exercise once again to reflect its commitment to free, fair and credible elections. Given the political polarization, apprehensions of delays in the polls, the caretaker governments' extended tenures, the seeming partisanship of institutions such as the judiciary and ECP, violations of the right to information, freedom of expression, assembly and association, due process and fair trial and even the right to privacy—more virulent after the 9 May riots —HRCP felt that the fairness of the polls could not be judged on election day alone. Accordingly, it decided to conduct a formal pre-election monitoring exercise spread over five months (see Pre-Poll Monitoring Exercise).

For polling day itself, HRCP engaged a total of 133 trained observers across Punjab, Sindh, Balochistan, Khyber Pakhtunkhwa and Islamabad Capital Territory. Its teams observed polling in 219 polling stations across 51 constituencies. By no means a nationally representative sample, it was nonetheless an exhaustive exercise that reflects the way in which the polls were conducted. HRCP was particularly concerned about vulnerable and marginalized groups' right to vote, including women, transgender persons, the elderly, differently abled persons, and religious minorities, and encouraged its observers to closely monitor their movement (see Election Observation Exercise).

Pre-poll monitoring exercise

In light of the work that HRCP has done on electoral reforms, [4] its observation of the electoral process, as well as general observations received from its office bearers and election observers, this report presents a series of recommendations that aim to make this expansive exercise credible and transparent with a view to serving the ideals of constitutionalism and democratic governance.

HRCP decided to constitute a working group comprising seasoned journalists, lawyers and civil society activists, to monitor the pre-election period. Under its direction, HRCP published five issues of 'ElectionsWatch' covering the period 1 January 2023 to 7 February 2024.[5]

Relying on what was reported in the mainstream media, these bulletins took into account the hasty legislation passed by the outgoing government (which was perceived to affect electoral outcomes), the composition and conduct of the caretaker governments, and the roles of the ECP, judiciary, media, military and security agencies. Apprehensions concerning an election date and the likely fairness of the polls, allegations of the absence of a level playing field amid concerns that the 9 May riots and their aftermath were being used to affect electoral outcomes, selective accountability and crackdowns on political parties were all recorded. Curbs on freedom of expression, violations of due process and the right to fair trial were noted with reference to arbitrary arrests and rearrests of party leaders, police raids, violations of the right to privacy, and the superior courts' decisions against civilian trials in military courts.

The bulletins also recorded the Supreme Court's ruling that upheld the ECP's decision to deprive the PTI, a major political party, of its election symbol, followed by consecutive court decisions in the last ten days against its leader Imran Khan. The number of women candidates on general and reserved seats was commented on, as was the Ahmadiyya community's disenfranchisement as a result of faith-based discrimination in the electoral lists. The bulletins documented scores of incidents of militancy and deteriorating security in Balochistan and Khyber Pakhtunkhwa.

All these observations gave credence to the assumption that the 2024 elections would be decidedly controversial.

Election observation exercise

Prior to polling day, all observers attended local training workshops organized by HRCP. Trainers explained the observers' code of conduct issued by the ECP, familiarized participants with election-related laws (the Elections Act 2017 and subsequent amendments as well as the Election Rules 2017), and outlined the electoral process and responsibilities of polling staff. Observers were issued detailed logbooks in which to record their observations and were required to carry out spot checks in pre-determined polling stations in their assigned constituencies throughout polling day.

On average, each observer visited 1.7 polling stations, beginning with the observation of proceedings before the polling station was opened and ending with the counting of votes. The caretaker government's suspension of cellular data services, however, prevented observers from sharing their observations with HRCP until the following day.

Polls in the following constituencies were observed:

Province	Constituency no.	Area
Khyber Pakhtunkhwa	NA-22	Mardan-II
	NA-23	Mardan-III
	NA-27	Khyber
	NA-31	Peshawar-IV
	NA-44	Dera Ismail Khan-I
Islamabad Capital Territory	NA-46	ICT-I
	NA-47	ICT-II
	NA-48	ICT-III
Punjab	NA-56	Rawalpindi-V
	NA-57	Rawalpindi-VI
	NA-74	Sialkot-V
	NA-127	Lahore-XI
	NA-128	Lahore-XII
	NA-130	Lahore-XIV
	NA-145	Khanewal-II
	NA-149	Multan-II
	NA-151	Multan-IV
	NA-167	Bahawalpur-IV
	NA-168	Bahawalpur-V

Sindh	NA-200	Sukkur-I
	NA-201	Sukkur-II
	NA-229	Malir-I
	NA-236	Karachi East-II
	NA-239	Karachi South-I
	NA-241	Karachi South-III
	NA-242	Karachi Keemari-I
	NA-243	Karachi Keemari-II
	NA-247	Karachi Central-I
	NA-248	Karachi Central-II
	NA-249	Karachi Central-III
	PS-54	Tharparkar-III
	PS-59	Tando Allahyar-II
Balochistan	NA-252	Musa Khail-Barkhan-Loralai-Dukki
	NA-256	Khuzdar
	NA-259	Kech-Gwadar
	NA-263	Quetta-II
	NA-264	Quetta-III
	NA-265	Pishin
	PB-04	Musa Khail-Barkhan
	PB-05	Loralai
	PB-07	Ziarat-Harnai
	PB-15	Sohbatpur
	PB-26	Kech-II
	PB-27	Kech-III
	PB-34	Nushki
	PB-35	Surab
	PB-40	Quetta-III
	PB-42	Quetta-V
	PB-43	Quetta-VI
	PB-45	Quetta-VIII
	PB-46	Quetta-IX

Procedural observations and irregularities

Access to polling stations was compromised by the disruption in cellular services

Many voters reported that their polling stations had been arbitrarily changed overnight, causing ambiguity and even discouraging some from making a second visit to a different polling station to cast their votes. The disruption in cellular services compounded the confusion, when members of one household would find their votes listed across multiple polling stations. This was especially difficult for women with restricted mobility, persons living with disabilities (PLWDs), the elderly, and low-income voters for whom the additional travel represented an unforeseen expense.

Transgender voters were rarely listed separately

Transgender persons were listed in the electoral roll in only 17 percent of all cases. Observers noted that most transgender voters appeared on the male voters' list.

Not all polling stations had made satisfactory arrangements to facilitate PLWD voters or senior citizens

Some observers noted that polling stations lacked ramps or were, in some cases, not located on the ground floor or could only be reached through narrow unpaved streets. This hindered PLWD voters and senior citizens.

Generally, polling staff were well-prepared and well-equipped, but their access to transport, meals, water and toilet facilities was variable

About 90 percent of all polling staff said they had received training from the ECP. In 87 percent of all cases, presiding officers said they had sufficient polling material (such as tamper-free ballot boxes and ballot papers). In a small number of cases, some polling stations ran out of polling materials towards the end of the polling period. However, only 56 percent of polling staff said they were provided official transport to reach their polling station on polling day or the night before. Some observers noted that polling staff were evidently not provided meals and that polling stations lacked toilet facilities.

Polling agents on the premises generally represented the main political parties

In 32 percent of all cases, observers noted that not all candidates' polling agents were present at the polling stations. This was attributed largely to the high number of independent candidates standing for office. Generally, polling agents representing the main political parties remained on the premises until the result was announced.

Broadly, the voting process remained transparent

In almost all cases (95 percent), polling agents and candidates were shown the empty ballot boxes prior to polling. In just under a fifth of all polling stations in the sample (19 percent), observers noted that not every voter's name was called out clearly as entered in the electoral roll. However, in almost all cases, polling staff marked voters' thumbs with indelible ink after they had cast their votes (98 percent), while the presiding officer was observed stamping and signing the back of each ballot paper before giving it to the voter (98 percent) and making the necessary entry on the corresponding counterfoil (91 percent). The ballot box was in everyone's sight at all times and voters were allowed to stamp their ballot papers in secret in almost all cases (95 percent). In only 10 percent of all cases did polling staff respond to voters' complaints unsatisfactorily.

In most cases, polling remained peaceful and in compliance with electoral regulations

Generally, polling was carried out in a peaceful, orderly atmosphere (88 percent of all cases). Observers noted that the prohibition on campaigning on polling premises was not observed in 31 percent of all cases, however. In 65 percent of all cases, observers noted candidates bringing groups of voters to polling stations. Generally, unauthorized persons were not observed on the premises (78 percent of all cases). In almost all cases, polling ended at the appointed time (90 percent of all cases) and voters present at the polling station were allowed to cast their votes (95 percent of all cases). Polling was interrupted in only 10 percent of all cases, primarily when polling material fell short.

The conduct of law enforcement and security personnel was variable

Although most observers reported that uniformed law enforcement and security personnel remained outside the polling station in compliance with electoral regulations, this was perceived as a deterrent for some voters. Some observers, however, reported that law enforcement personnel harried polling staff towards the end of the vote count, insisting that they complete their task quickly.

The post-polling process was deemed unsatisfactory and lacking transparency

Generally, polling agents remained at the polling station throughout the day (82 percent of all cases) and the vote count began soon after polling had ended (87 percent of all cases). The votes cast were disaggregated by male and female votes (70 percent). In most cases, the counting was carried out in the presence of polling agents and observers (88 percent). The decision concerning doubtful ballots was deemed unfair by observers in only 9 percent of all cases. In only 11 percent of all cases did polling agents not attest to the statement of the count (Form 45).

However, in 20 percent of all cases, the presiding officer did not affix the statement of the count in a conspicuous place for public display or was not seen transmitting a photograph of the result to the returning officer and ECP—this was attributed largely to the disruption in cellular services. In 13 percent of all cases, the returning officer's announcement did not tally with the presiding officer's count. One observer also noted that the statements of the count were not serialized or digitally recorded to minimize the likelihood of fraud after voting.

Reports of candidates, polling agents and observers being denied permission—in some cases, by use of force—to witness the provisional consolidation of results, surfaced across the board, notably in NA-128 in Punjab, where the PTI-backed candidate Salman Akram Raja was forcibly prevented by polling staff and police from entering the polling station for the vote count.[6] In NA-40 in Khyber Pakhtunkhwa, political candidate Mohsin Dawar and his supporters were fired on, allegedly by security forces, as they attempted to reach the returning officer's office to

protest against the delay in announcement of results; two people were killed. Such incidents seriously compromised the integrity of the polling.

Conclusion

Both HRCP's observations as well as those recorded by other independent observers—and as borne out by HRCP's monitoring of the pre-election environment—indicate that the integrity of the 2024 elections was clearly compromised, not only by lack of competence on the part of the ECP, but also by constant pressure from extra-democratic quarters and questionable decisions by the caretaker government. The post-election shutdown across much of Balochistan and local protests against the violence targeting a political candidate in Miranshah show that people's discontent with the way this election was conducted is not limited to mainstream parties and their supporters alone.

For their part, it is now critical for political parties across the spectrum to collectively uphold and protect civilian supremacy through consistent, meaningful and inclusive political dialogue. Indeed, the biggest casualty of these elections has not been any one individual or political party per se, but democratic values, the rule of law and the aspirations of ordinary people.

Recommendations

HRCP makes the following recommendations:

- A thorough and independent audit of the 2024 elections must be carried out by independent experts under the supervision of a parliamentary body with representation of parties from across the political spectrum.
- The ECP should maintain all election records for at least five years for purposes of transparency and accountability.
- As HRCP has pointed out on numerous occasions, political parties must find common ground to deliberate on the role of extra-democratic forces in shaping and directing electoral outcomes.[7] Security and intelligence agencies should play no role in managing the electoral process or its outcomes.
- Parliament must debate the utility of the caretaker government scheme. Caretaker governments have proved to be as nonpartisan as any other government and, instead of restoring the credibility of elections as envisaged, have only served to make them more controversial.

- Seamless cellular and internet services must be available on polling day, including after polling has stopped. This is important not only because it facilitates voters and polling staff, but also because lack of connectivity in an emergency—should a security breakdown occur on the day—can put lives at risk.
- Accessible polling stations, especially for senior citizens and PLWDs, must be the norm rather than the exception.
- Digital results transmission systems should be tested in real time during by-elections before being rolled out for a general election.
- The ECP must publish on its website as soon as possible all Forms 45 (results of the count), Forms 46 (ballot paper accounts), Forms 48 (consolidated statement of count results provided by presiding officers) and Forms 49 (final consolidated result) in accordance with the Elections Act 2017 and no later than 14 days from the date of the election.
- On receiving petitions from aggrieved political parties or candidates, the ECP should order ballot recounts in close contests and especially in cases where the number of rejected ballots exceeds the margin of victory, where the RO's decision should be reviewed.
- Allegations of illegality and irregularity from political parties and candidates should be investigated as a matter of priority and the ECP should initiate proceedings against those responsible as empowered to do so under Section 55 of the Elections Act 2017.

Endnotes

[1] https://pulse.internetsociety.org/shutdowns/no-mobile-data-during-elections-in-pakistan
[2] The Human Rights Commission of Pakistan publicly expressed its concern on both matters.
[3] The Free and Fair Election Network states in its preliminary report that ROs did not allow about half its observers to witness the election tabulation proceedings. See: https://fafen.org/fafen-preliminary-election-observation-report-of-general-election-2024/
[4] https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-Making-Elections-Credible.pdf
[5] https://hrcp-web.org/hrcpweb/thematic-reports/
[6] The ECP's notification was eventually withdrawn. See: https://www.samaa.tv/208739777-ecp-withdraws-victory-notification-of-na-128-candidate
[7] https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-Making-Elections-Credible.pdf