Election Commission of Pakistan in 2015

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Preface

Election Commission of Pakistan in 2015 is a PILDAT Analysis that looks into the performance of the ECP in view of its Second Five-year Strategic Plan (2014-2018), and other major developments during 2015.

The General Election 2013 brought the Commission's role in conducting a free and fair election under great scrutiny. This report looks at the ECP's work in view of the report of the General Election 2013 Inquiry Commission, the conduct of the Local Government Elections during 2015 as well as the ECP's performance in achieving targets set under Second Five-Year Strategic Plan for 2014-2018. Based on the analysis, the report also suggests certain reforms that may assist the ECP in improving its performance.

The analysis contained in this report has been prepared by PILDAT as part of the Democracy and Governance programme to assess the performance of key State Institutions under PILDAT's initiative of Citizens' Periodic Report on the Performance of State Institutes. We are grateful to the Election Commission of Pakistan for providing data during various inter-actions in 2015 which has been used in this analysis along with other publically available information. PILDAT plans to hold a roundtable discussion on the basis of this report and an updated version of the report may be produced if substantially new information comes to light during the discussion.

Acknowledgements

Disclaimer

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Abbreviations and Acronyms

CEC   Chief Election Commissioner
DCs   District Councils
ECI   Election Commission of India
ECP   Election Commission of Pakistan
ERC   Electoral Reforms Commission
EVM   Electronic Voting Machines
GE-2013   General Election 2013
GEIC   General Election 2013 Inquiry Commission
ICT   Islamabad Capital Territory
NADRA   National Database and Registration Authority
PEC   Provincial Election Commission
PO   Presiding Officers
PTA   Pakistan Telecommunication Authority
RMS   Result Management System
RO   Returning Officers
TRE   Training, Research and Evaluation
DRO   District Returning Officers
UCs   Union Councils
UNDP   United Nations Development Programme

Executive Summary

The Performance of the Election Commission of Pakistan during 2015 is worth analysing for a number of reasons. Some of the major highlights of this year include the General Election 2013 Inquiry Commission Report and its criticism of the ECP, the ECP's conduct of a number of landmark bye-elections, conduct of Local Government Elections in Cantonment Boards, three provinces, and Islamabad Capital Territory, and the ECP's efforts to reform, including its quest to meet the targets it set for itself under the Second Five-Year Strategic Plan for 2014-2018.

Year 2015, therefore, should have, logically, been the year that the ECP indulged in organisational soul-searching and constituting effective reforms within itself to turn around both its shortcomings as well as enhance its public image and build public trust. While the ECP reports a few administrative measures to address the issues raised through the General Election 2013 Inquiry Commission report, no ruthless internal accountability and concrete reforms have come about. The report of the Inquiry Commission is so profound, direct and comprehensive in its criticism of almost all departments of the ECP that the ECP leadership should have taken much more drastic and speedy corrective actions than it actually has. In view of the fact that public trust in the ECP also suffered due to this severe criticism of the election management, the ECP should have designed and adopted a much more robust communication strategy to engage public, political parties and media. Unfortunately this also does not seem to have happened. Year 2015 also saw the ECP conduct one of the largest electoral exercises across major parts of Pakistan through the Local Government system. Sadly, though, at the beginning, much the same election-day mismanagement was reflected in the KP Local Government elections, the ECP improved its performance of management of Local Government elections in Punjab and Sindh.

The most sticking issue of the ECP has been its inability to exercise its constitutional and legal powers effectively and assert its constitutional authority. While the ECP has put in place ample amount of rules and codes, most backed by legal provisions such as the ceiling on election expenses, the ECP has never been able to ensure strict compliance to these rules and laws. The bye-election in NA 122 (Lahore-V) offered the most unfortunate example of the ECP's lack of control and ability to ensure compliance of basic electoral laws and rules such as naked display of money power that failed to provoke the ECP into action, among others.

True that the ECP has had to bear the brunt of judicial inquest and constant interference by the Judiciary in its work, it failed to institutionalise an effective system of legal response. The issue has found further credence in the words by the Honourable Chief Election Commissioner who was quoted as saying that the "*High Courts should avoid interfering in the matters of the Election Commission of Pakistan and lawyers should come to the ECP, instead of relying on verdicts from the High Courts.*"[1] However, the ECP had the option to deal with this differently. In the case of the NA-122 bye-election and Lahore High Court's relief to the PTI's petition allowing elected representatives to campaign, and the subsequent loud and clear violations of codes and laws by the sitting Government and other parties, the dignified route available to the ECP should have been to call-off the bye-election. The ECP caused irreparable damage to its credibility by not cancelling the bye-election. One of the ECP's greatest weaknesses has been its inability to have an effective strategy to deal with the Courts.

PILDAT believes that once an election cycle commences, the ECP should be given a free hand to conduct the election and discharge its constitutional obligations. The honourable courts should also restrain their interference during the election cycle and all such grievances which may arise during an election cycle should be addressed at the end of the cycle in the form of election petitions as provided in the law. It should be recognised that courts activism during the election cycle has undermined the effectiveness of the ECP. Irresponsible criticism and wild allegations by certain political leaders using highly objectionable language against the officials of the ECP also compromised the position of this important state institution. Due criticism within the parameters of law and decency is a part of the democratic culture but on many occasions these boundaries were crossed and it must have demoralised the ECP staff.

1. Remarks made by the CEC on November 17, 2015 during the hearing of various election petitions. For details, please see:
   http://www.pakistantoday.com.pk/2015/11/17/national/cec-doesnt-approve-of-judges-meddling-in-ecp-affairs/
2. For details, please see PILDAT Public Opinion on Quality of Democracy in Pakistan, At the End of the Second Year of the Federal and Provincial Governments, June 2014-May 2015:
   http://www.pildat.org/publications/publication/Democracy&LegStr/PublicOpinionOnQualityofDemocracyinPakistan_October2015.pdf and PILDAT Public Opinion on Quality of Democracy in Pakistan, At the End of the Second Year of the Federal and Provincial Governments, June 2013-May 2014:
   http://www.pildat.org/Publications/publication/Democracy&LegStr/PublicOpinionOnQualityofDemocracyInPakistan_June2013ToMay2013.pdf

The ECP enjoys low level of public trust, which further plummeted from 43% in 2014 to 37% in 2015.[2] The ECP has failed to develop any effective mechanism of regular and effective media and public interaction in 2015.

On achieving its strategic objectives set under the ECP Second Five-Year Strategic Plan 2014-2018, the ECP reports to have achieved only 40% progress against 62% targeted progress on 102 goals which were to be achieved by December 2015. The ECP is at least partly justified in attributing this low progress to its heavy engagement in local Government elections throughout the year.

The report concludes with following recommendations for reform and improvements in the role of the ECP:
1. Free hand to the ECP during election cycle. The ECP must be treated by all pillars of the State with the level of respect this independent statutory body deserves and that is accorded to electoral authorities in other democracies such as India. Following the Indian example, the Superior Judiciary should not intervene in the electoral process until after its completion.
2. Review of ECP Capacity in the face of new responsibilities and challenges. Since after the 18th Amendment to the Constitution in 2010, the responsibilities of the ECP have enhanced many folds. The ECP should undertake a comprehensive study of its human resource needs to meet the enhanced responsibilities.
3. Political Parties cannot be absolved of the obligation to contribute to orderly elections. They must educate their workers and voters on the polling procedures, train their polling agents and teach tolerance to their workers.
4. Weak Public Relation by the ECP, which enjoys nearly total constitutional autonomy, has resulted from its inability to seek media and public support, two strongest allies of electoral bodies in any country. The ECP must appoint a senior person as the ECP spokesperson.
5. Greater Accessibility of the CEC and EC Members to political parties and Public is required to build greater trust and engagement with stakeholders
6. The ECP must urgently make public the General Election 2013 Report by the ECP, which, even after the lapse of 31 months, is not made available.
7. The ECP should adopt the practice of compiling and releasing an Annual Report that all Federal Government ministries and divisions are bound by the rules of business to issue.
8. The ECP must urgently address its biggest weakness of Enforceability of Election Laws, Rules and regulations.
9. Election Tribunals be made to complete their work within the mandated period of four months
10. The ECP Website – which offers a great improvement, requires further enhancements such as posting of Forms 13, 14 and 15, details of voter turnout figures and detailed statistics of local Government elections, political parties' annual statements of accounts, progress on the Strategic Plan, etc.
11. Regular Feedback to Public on the ECP Initiatives must be given by the ECP and the ECP must conform to openness, accessibility and transparency standards.
12. The ECP should develop its Federal Election Academy into an effective training facility which remains functional throughout the year and not just when an election is around the corner.

Introduction

Year 2015 is an important year to analyse the performance of the ECP for a number of reasons. The General Election 2013 Inquiry Commission Report and its criticism of the ECP, the ECP's conduct of a number of landmark bye-elections, conduct of Local Government Elections in Cantonment Boards, three provinces, Islamabad Capital Territory as well as the ECP's efforts at reform, including its quest to meet the targets it set for itself under the Second Five-Year Strategic Plan for 2014-2018 are some of the key highlights of the year in review.

In 2015, 59% respondents of a nationwide survey in Pakistan termed Pakistan's 10th General Election held in 2013, to be free and fair. At the same time, 70% respondents believed reform is critical in the way the ECP works.[3]

This need for reform was critically highlighted in the report of the General Election 2013 Inquiry Commission. Formed on April 4, 2015 through an ordinance to investigate if the GE-2013 were conducted freely and fairly.[4] The Inquiry Commission presented its findings on July 22, 2015, affirming in many ways the earlier PILDAT analysis[5] that while the quality of pre-election phase was significantly better as compared to previous Elections, it was the polling day mismanagement by the ECP that resulted in dissatisfaction with the conduct of General Election 2013. The ECP, charged with the Constitutional responsibility to conduct free and fair elections, was advised to dispassionately analyse the weaknesses and shortcomings experienced during the polling-day and post-poll phases and initiate actions to address the flaws.

General Election 2013 Inquiry Commission

The General Election 2013 Inquiry Commission consisted of three Supreme Court judges: Chief Justice Nasir-ul-Mulk as Chairman, Justice Amir Hani Muslim, and Justice Ejaz Afzal Khan. After its first sitting on April 9, 2015,[6] a total of 9 sittings were held while the commission presented its findings on July 22, 2015.[7]

The Report indicated that the onus of any irregularities during GE-2013 was on the inefficiencies of the ECP. It highlighted three major shortcomings of the ECP:

i. Lack of planning on part of the ECP:
a. The formula for printing excess ballot papers (i.e., rounding up on the basis of polling stations), especially in Punjab, was not adequately communicated to the Returning Officers (ROs).
b. Number of ballots were not uniformly rounded even where Provincial Election Commission (PEC) determined the number of ballots;
c. Decision to rely on only four printing presses was fraught given the capacity issues of these printing press;
d. An ink ought to have been developed and the necessary equipment purchased to ensure an accurate forensic analysis of disputed votes could be made;
e. Failure to use Result Management System (RMS) on Election Day;
f. Provision of polling material in various constituencies faced a delay;
g. ECP had still not acquired its own storage space;
ii. Lack of training, overload of Returning Officers and Presiding Officers (POs) and failure to comply with the electoral laws
iii. Lack of Co-ordination between ECP, PEC's and activities on the ground.

An in-depth analysis of the Inquiry Commission report portrays the unmistakable impression that the conduct of the Election, that merited a careful, serious approach, has in general been taken lightly. The report puts forward a sad reflection of the casual approach that dominated the entire process and system of election handled by the Election Commission of Pakistan, the caretaker governments, the district returning officers, the returning officers, the polling staff, election contestants and their respective political parties. The Inquiry Commission sums it up when it states in its report that it was the ECP's responsibility to prepare for the 2013 General Election and that it had ample time to do so. But the evidence before the Commission has suggested poor planning on the part of the ECP.

A number of reports emanating from election tribunals hearing poll petitions on the NA-122, Lahore-V and NA-154, Lodhran-I constituencies, for example, also

3. For details, please see PILDAT Public Opinion Poll on Quality of Democracy in Pakistan, October 2015:
   http://www.pildat.org/Publications/publication/Democracy&LegStr/PublicOpinionOnQualityofDemocracyinPakistan_October2015.pdf
4. Details of the Ordinance can be accessed at: http://www.na.gov.pk/uploads/documents/1429632373_316.pdf
5. For details, please see PILDAT Assessment of the Quality of General Election 2013, May 2013 at:
   http://www.pildat.org/Publications/publication/elections/AssessmentoftheQualityofGeneralElection2013.pdf
6. Details of the first meeting can be accessed at: http://www.supremecourt.gov.pk/web/page.asp?id=1937
7. Final Report of the General Election 2013 Inquiry Commission. Supreme Court of Pakistan. 2015. Printed.

reflected similar flaws in election management by the ECP. The election tribunal in Lahore in its order on the NA-122 polls while criticising the conduct of the NADRA accusing it of misguiding the tribunal by offering 'novel theories' and attempting to explain the mistakes of the polling staff, largely blamed the ECP for lack of required planning.

This report is an attempt to analyse the stocktaking and initiatives by the ECP during the year and any strategies it has put in place to address serious flaws in election management.

An analysis of the measures undertaken by the ECP to address the concerns highlighted in the Inquiry Commission Report reveals that the response of the ECP has largely been in setting up various committees only. The ECP created three committees to rectify the shortcomings:

i.   Planning Committee
ii. National Coordination Committee
iii. Monitoring Wing

The Planning Committee is a five-member committee chaired by Secretary ECP, while other members consist of Additional Secretary (TRE), Additional Secretary (Administration/Elections), Provincial Election Commissioners and Additional Director General (PR).

The responsibilities of the Planning Committees, as identified by the ECP, have been to:

i.   Prepare strategy for the next General Elections in terms of human and financial resources;
ii. Work out timelines for every activity necessary for holding General Elections;

The report puts forward a sad reflection of the casual approach that dominated the entire process and system of election handled by the Election Commission of Pakistan, the caretaker governments, the district returning officers, the returning officers, the polling staff, election contestants and their respective political parties

iii. Work out implementation mechanism for Electoral Reforms, which is already in process in the Parliament;
iv. Work out a logistic plan including the requirement of Printing Presses, Storage Spaces, office accommodation and Transport, etc.;
v.   Regularly review the training plan for the Polling Staff; and
vi. Keep all other factors in view with reference to General Elections.

The Commission also constituted the National Coordination Committee with a view to deliberate on the policy issues. According to the rules of business, the committee is to meet every month. The Chairman of this committee is a Member of the ECP by rotation and the other committee members include Secretary ECP, Additional Secretary (Administration/Elections) and Provincial Election Commissioners. The committee is responsible for ensuring that there are no ambiguities in electoral laws/policies; and the ECP is well-acquainted with ground realities and requirements in respect of Electoral reforms/matters.

Lastly, a Monitoring Wing was established on the administration side, headed by Director General (Administration). The four Provincial Election Commissioners have also established similar wings in their respective PECs. This wing is mainly responsible for monitoring of pre-poll day activities, poll day activities, post-poll activities, and training activities. The Monitoring Wing constituted 150 teams that were assigned the job during the course of recent Local Government Elections in Punjab, Sindh & ICT. What tasks these teams have been assigned and what they have accomplished is not clear from the information available.

Traditionally, a Secretary and one Additional Secretary have been serving in the Commission. However, since issuance of report by the Commission of Enquiry, the

Table 1: Role of New Additional Secretaries

No.	Additional Secretary (T/R/E)	Additional Secretary (Admn/Elec)
1.	Training	Administration
2.	Research & Evaluation	Budget
3.	Political Finance	Elections

Source: Election Commission of Pakistan

Election Commission created another slot in BPS-21 and now two Additional Secretaries are serving exclusively in the areas shown in Table 1.

However, no tangible improvement in management of election day has been witnessed in elections held after the report of the Inquiry Commission since July 2015. Key outputs and outcomes of the three entities created and associated changes in the staffing are not known. There is a need to define the time-bound targets of these new and many other old entities within the ECP and closely monitor the progress periodically and share the results publically.

Conduct of Local-Government Elections in 2015

In 2015, the ECP conducted one of the largest electoral exercises in the country in the form of Local Government Elections held in Cantonment Boards, Khyber-Pakhtunkhwa, Punjab, Sindh and Islamabad Capital Territory (ICT).

Table 2 shows the total number of seats contested and the number of polling stations where these elections were held. The Commission conducted Punjab and Sindh LG Elections in three phases.

The Election Commission of Pakistan (ECP) set up a control room in Islamabad to handle voters' complaints where complaints were being lodged over the phone.[8] In order to ensure proper monitoring of the activities of the local government elections in Punjab, Sindh & ICT, the Monitoring Wing planned and implemented ownership of two districts by one officer of BPS-20 & above. Moreover, 200 officers/officials carried out this monitoring exercise in addition to extensive

Table 2: Local Government Elections 2015

No.	Province	Total Seats	Direct Slots	Reserved Slots	Total Contesting Candidates (Direct)	Total UCs/DCs	Total Polling Stations
1.	Punjab	51,767	31,692	20,075	104,744	4,015	42,160
2.	Sindh	20,570	11,922	8,648	30,696	1,317	15,220
3.	ICT	666	650	16	2,396	50	640
4.	KP	42,858	41,762	1,096	84,420	978	11,328
	Total	115,861	86,026	29,835	222,256	6,360	69,348

Source: Election Commission of Pakistan

Table 3: Number of Teams Deployed to Monitor Local Government Elections in Punjab, Sindh and ICT

No.	No. of Teams	Operation
1.	30	Monitoring of Trainings for the Master Trainers in all districts of Punjab & Sindh.
2.	66	Monitoring of following pre-poll-day activities: i. Polling scheme ii. Bulk breaking iii. Material supply iv. Punctuality of polling staff v. Security arrangements
3.	66	Monitoring of poll-day activities.
4.	66	Monitoring of post-poll-day activities.

*Bulk breaking refers to the distribution of the material supplies that are received by the ECP in bulk form.
Source: Election Commission of Pakistan

8.   For details, please see *'Polling ends for second phase of LG elections in Sindh, Punjab,'* which can be accessed at DAWN:
      http://www.dawn.com/news/1220769

coordination with media & independent observers who assisted in conducting this assignment successfully. Table 3 shows the number of teams deployed in monitoring local government elections in Punjab, Sindh and ICT. This Monitoring Wing was established after the Local Government Elections were held in Khyber Pakhtunkhwa.

Total number of District Returning Officers (DRO) and Returning Officers (RO) appointed during the LG elections from Punjab were 710, while 337 were trained from Sindh and 11 from ICT. The ECP informed that these DRO and RO were trained by the ECP with assistance from external bodies such as the UNDP. It is not clear how extensive and effective was the training and how different was this training from previous similar exercises with unsatisfactory results.

While the ECP must be commended for carrying out the largest electoral exercise, in terms of the total number of candidates contesting and the number of polling stations, major issues, similar mostly to mismanagement experienced and documented in General Election 2013, were evident in the electoral exercise across the country.

Earlier in 2015, major issues were encountered in the conduct of Local Government elections in Khyber Pakhtunkhwa. The polling staff generally lacked election training. Some provincial ministers and other influential politicians were reported to have flexed their muscles and tried to influence the polling staff. Isolated cases of staff partisanship were reported. It was the responsibility of the ECP to accurately estimate the number of expected voters. The ECP should have run some simple mock exercises to ascertain the time taken by each voter to cast seven ballots. Based on that it could have easily worked out the required number of polling booths for a nine-hour-long polling day. This exercise was either not carried out or assumptions were gravely flawed as booths in most polling stations proved far less than required. Most of the violent incidents had their roots in crowded polling stations, a long wait to cast votes and the inability of the polling staff to properly guide and manage the exercise. After the conduct of the Local Government election, the ECP disclosed that it wanted to hold the KP Local Government election in phases but it relented in the face of the Provincial Government's opposition. This was certainly a serious case of abdication of responsibility on the part of the ECP. A process of soul-searching and introspection should ensue at the ECP and lead to specific actions and systemic reforms.

Perhaps learning from the flaws of the KP Local

Government elections, LG polls conducted in Islamabad, Punjab and Sindh were relatively better planned and, in the case of Punjab and Sindh, held in phases. This helped the ECP regain some lost ground in election day management. However, serious electoral reforms need to be put into place to conduct better-managed future elections.

A Culture of Lack of Consultation

The ECP, despite its critical role in democracy, continues to portray a culture of exclusiveness that shies away from consultation and public outreach. This tendency has manifested itself during 2015 as well.

In May 2015, the ECP quietly changed its code of conduct for by-elections in three National and Provincial Assembly constituencies by amending its earlier notifications and barring MNAs and MPAs from visiting these constituencies and taking part in the election campaign. The poll schedule for bye-election in the Punjab Assembly constituency PP-196 Multan-IV was announced by the ECP on April 14 according to which polling was set to take place on May 21. The ECP announced the election schedules for the National Assembly constituency NA-108 Mandi Bahauddin-I and the Khyber Pakhtunkhwa Assembly constituency PK-56 Mansehra-IV on April 27, fixing June 8 as polling day. At least for the Punjab Assembly bye-election, the change in the rules of the game occurred barely two weeks before polling day whereas it happened four weeks ahead of the polling day in the other two constituencies.

In each general election, the ECP announces a code of conduct for political parties and candidates. Article 18 of the Political Parties Order 2002 requires that the code of conduct be prepared by the ECP in consultation with the political parties. The ECP had notified a code of conduct on Jan 28, 2013 for the subsequent general election after circulating the draft among the parties and incorporating their feedback. Section 30 of this code bars various public office-holders from participation in election campaigns in any manner whatsoever. These public office-holders included the president, prime minister, chairman/deputy chairman Senate, speaker/deputy speaker National Assembly, federal ministers, ministers of state, governors, chief ministers, provincial ministers and advisors to the prime minister and the chief ministers. A similar section has been a part of the previous codes of conduct as well but members of the National and Provincial Assemblies were never included in the list of public office-holders barred from participating in an election campaign. Although it was not clear whether the code

issued at the time of a general election is applicable to subsequent bye-polls, apparently it is not the case and the ECP normally issues separate notifications for making the code or a part of it applicable to a specific set of bye-elections.

On May 7, the ECP practically amended Section 30 of the code of conduct for political parties and candidates. The change was seen to have taken place quietly because unlike previous changes in the election code of conduct, no process of consultation took place and the change was abruptly announced to the surprise of many political leaders and political parties as reported in the media.

Since the law explicitly required that such a code be prepared in consultation with the political parties, it is in the fitness of things to undertake a process of consultation with the political parties even when an amendment in the code is made, irrespective of the fact whether such a modified direction is issued as a code of conduct or by any other name.

These changes were appealed against by the PTI and a Judge of the Lahore High Court gave them a Stay order resulting in suspension of at least part of the code relating to campaign by MNAs and MPAs. However, neither the ECP promptly challenge this in the Supreme Court nor managed to implement the sections of the Code of Conduct which were not hit by the Stay Order, such as the bar on campaign by Prime Minister and Ministers, etc.

A similar fate was met to another ECP notification barring media from broadcasting or publishing other than authentic election results of Local Government elections. The change in code was once again made without any prior consultation with the stakeholders. Eventually, once again, the Lahore High Court allowed media to quote unofficial results.

This brings us to two general points about the code of conduct. The general ownership of the political parties of the code of conduct has been weak in Pakistan and the primary reason for that is the minimal participation of political parties in preparing the code. The ECP prepares the code and circulates it among political parties. Very few political parties or political leaders give any meaningful feedback and the ECP finalises the code on that basis.

A meeting convened by the ECP for consultation on the code of conduct prior to the 2008 General Election attracted representatives of only five political parties; none of the mainstream parties such as the PML-N or

> *The general ownership of the political parties of the code of conduct has been weak in Pakistan and the primary reason for that is the minimal participation of political parties in preparing the code. The ECP prepares the code and circulates it among political parties*

PPP attended the meeting.

There is a need to take a fresh look at the process and find a way of involving not only political parties but also independent candidates, civil society and media in the consultative process to make the effort more meaningful. An arbitrary amendment in the code of conduct such as the one introduced on May 7 did not help strengthen the ownership of the parties of the code.

A similar code of conduct in India was prepared through the voluntary effort of the political parties without any external prompting. However, once the code was formally adopted by the political parties, the Election Commission of India took it upon itself to monitor and ensure its compliance. The Indian code of conduct over a period of time has evolved into a very strong instrument to keep the electoral process neat and clean. It is very likely that the code of conduct will strengthen its appeal in Pakistan once the participation of stakeholders is made more meaningful.

At present, the code does not have a very strong legal basis. Many sections of it simply reiterate some of the constitutional and legal provisions, and therefore are repetitious. Additional provisions lack any strong legal moorings. The ECP had proposed in 2012-2013 a set of amendments in the Representation of People Act, 1976 but the Parliament at that time failed to pass those amendments. One of the proposed amendments sought to add new provisions to Section 86 of the Representation of People Act to make the violation of the code of conduct punishable under the law. Parliament may take a fresh look at the issue and either convert the provisions of the code into laws or make violation of the code punishable.

Political parties should also consider undertaking an initiative to make the code of conduct a more meaningful document that is fully owned by them. A number of multiparty conferences have taken place in the recent past. It may not be a bad idea to hold one on the subject.

The Parliamentary Committee on Electoral Reforms

Political commitment to reforming the electoral process, which should have been among the top priorities of the elected Government after assuming office in June 2013, remains lukewarm despite nearly 3 years after the General Election 2013.

Even though a number of reforms proposed by the Election Commission remained outstanding since the previous National Assembly and the PPP-led Government chose to ignore them, it was only after the PTI-led street agitation gained momentum and a call for the 'azadi march' was given by Imran Khan that the Prime Minister sprang into action on June 10, 2014 and asked the National Assembly speaker to constitute yet another parliamentary committee on electoral reforms. The speaker of the National Assembly constituted a 33-member Parliamentary Committee on electoral reforms on July 25, 2014. The committee was mandated to complete its recommendations within a period of three months — a time frame which once again did not reflect urgency on the part of the Government. Usually Parliamentary committees are given a month to present a report on a piece of legislation and given the fact that so much well-researched material was already available with the new parliamentary committee, it could have completed its task within that period.

The new Parliamentary Committee which chose the super-efficient, powerful but extremely overworked Senator Ishaq Dar as its chairman, started its business *ab initio* by inviting proposals from the public through newspaper advertisements and, to give the committee due credit, convened 10 meetings till October 2014.

However, a year and a half later, the Committee has yet to conclude its reform proposals.

An important proposed electoral reform has already become infructuous due to the slow pace of the parliamentary committee. As some reports suggest, a number of electoral reforms proposals received by the committee in response to its public invitation through newspapers asked for a constitutional amendment to not restrict the qualification of the CEC and the members of the Election Commission to judicial background. Or plainly put, a CEC does not necessarily have to be a sitting or former judge of the Supreme Court or a person who is qualified to become a judge of the Supreme Court.

Similarly a member of the Election Commission does not necessarily have to be a former judge of the high court or a person who is qualified to become one. The proposal is based on the premise that the honourable judges, with all respect to their legal acumen and wisdom, do not always have the administrative or management experience required to undertake what is essentially an administrative — and not a judicial — task, i.e., the holding of an election.

Had the committee completed its work and the Parliament passed the necessary amendment, its application could have started with the appointment of the new CEC. But since the committee could not complete its work, the appointment had to be based on the current constitutional provisions.

A number of other important proposed reforms are awaiting consideration by the Parliamentary committee and eventually the Parliament as a whole. Introduction of new technology in the voting process to pre-empt or thwart voter impersonation is just one of those vital electoral reforms without which the next election will have a weak credibility.

The ECP's Second Five-Year Strategic Plan (2014-2018)

The ECP announced on June 05, 2014 its Second Five-Year Strategic Plan (SFYSP) for 2014-2018. This has 13 Strategic Goals sub-divided into 162 Objectives. Out of these 162 objectives, the ECP targeted 102 goals to be achieved by December 2015 (Nearly 62% of the Strategic Plan).[9] However, according to the ECP, it has only achieved 40% goals so far.

Strategic Goal 1: Reforming Electoral Legal Framework
This strategic goal focuses mainly on Reforming Electoral Legal Framework in the light of the lessons learnt from General Election 2013. This goal has a total of 16 objectives out of which 15 were to be accomplished by end of December 2015. According to

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9.   Detailed list of SFYSP goals can be accessed at: http://ecp.gov.pk/sp/goals-objectives.html

Table 4: Postal Ballot Summary

No	Station	Postal Ballots Received	Difference in Days *(Registration to Received)*
1.	New York	15	6
2.	London	18	9
3.	Glasgow	6	13
4.	Bradford	13	14
5.	Dubai	6	6
6.	Riyadh	9	8
	Total Ballots	67	

Source: Election Commission of Pakistan

this goal, the ECP was to undertake various measures to reform its Legal Framework.

One of the objectives listed has been to examine the system of postal ballot and bring about its improvements. In this regard, the ECP conducted a mock poll during 2015 to test postal ballot for Overseas Pakistanis. In this pilot project an online web application was placed, which the voters could use to register themselves to cast votes through postal ballots. Table 4 shows the response time from selected stations were this exercise was executed. Due to the difference in days for the postal ballot there still remain certain inefficiencies in this system.

The ECP also tried to use telephone voting to facilitate overseas Pakistanis, however, that was largely unsuccessful due to difficulty in verifying voters and at times due to connectivity issues. At the end of December 2015, therefore, no satisfactory system has yet been put in place to facilitate voting of overseas Pakistanis.

Strategic Goal 2: Election Operations
Strategic Goal 2 focuses on improving election operations. 21 out of a total of 29 objectives were to be achieved by December 2015. These objectives include use of Electronic Voting Machines (EVM), Biometric Voter Identification, and Geographical Information System (GIS) technology for better electoral operations on the day of polling. According to this strategic goal, the ECP aims to rollout EVMs and Biometric Voters Identification system by June 2017. However, nearly 69% of the objectives of this goal

Table 5: Haripur (NA-19) Biometric Availability

No.		Male	Female	Total
1.	Biometrics	277,544	199,658	477,202
2.	Biometrics Not Available	18,606	36,159	54,765
3.	Total Number of Voters	296,150	235,817	531,967

Source: ECP's Report on Pilot Project Haripur

were to be met by December 2015 and even though there is progress on technological front, progress on operational plan for voting for Overseas Pakistanis and Internally Displaced Persons (IDP) remains unachieved.

In compliance with the SFYSP (2014-2018)'s goal 2, the ECP has reported to have taken the following measures:

i. Biometric Pilot Project
ii. GIS Polling Scheme Pilot Project
iii. EVM (R&D)

Biometric Pilot Project
The ECP conducted its pilot project regarding use of Biometrics in bye-election of NA-19 (Haripur) as recommended by the Sub-Committee of Electoral Reforms Committee of the Parliament on August 16, 2015. This pilot project was run with the assistance of National Database and Registration Authority (NADRA) and Pakistan Telecommunication Authority (PTA). The details of the total number of voters[10] in NA-19 are shown in table 7.

Training session for the polling staff was conducted on August 13, 2015, that included briefing session on Use of Biometrics for all POs and Polling Staff and a full-scale demonstration of the step-by-step method of using biometric machines. At the end of the poll, the Presiding Office of the polling station would count the Non Biometrically Verified (NBV) and Biometrically Verified (BV) voters and submit these statistics to the RO.

However, there were several limitations that hindered the success rate of the pilot study. These machines were set-up in 30 polling stations and resulted in only 46% success rate and 54% miss rate. This is due to weak signals at a few locations, mismatching of thumb

10. ECP's Report on '*Pilot Project Regarding Use of Biometrics in Bye-Election in NA-19, Haripur*.' Presented on PILDAT's CGEP meeting Sunday, December 20, 2015. Lahore. Printed.

impression, battery issues. In addition, some of the polling staff did not cooperate in using the biometric machines properly. According to the assessment made by the ECP, some serious issues had surfaced regarding the capacity of PTCL infrastructure, connectivity and the load of simultaneous accessing of NADRA database at Islamabad. Unless the ECP agrees on a new paradigm like providing NADRA database in a secure server at each polling station, the chances of introducing a system of advance biometric verification of a voter before he or she is allowed to vote before the next General Election appears to be difficult.

GIS Based Polling Pilot

The ECP implemented a GIS Polling Scheme for the first time in the Islamabad Local Government elections held on November 30, 2015. This GIS technology maps all polling stations online for voters' access. The pilot was highly successful and appreciated by electoral observers and media. The only limitations were the provision of transport for the data entry into the software and the reaction time to change in polling stations following final polling scheme. However, this pilot has been successfully implemented in the local government elections and is expected to be gradually scaled-up in 2016 in preparation of GE-2018.

Electronic Voting Machines (EVM)

The Commission has conducted in depth study on EVMs. The study also incorporates the pros and cons of using EVMs during the election process. As indicated by officials of the ECP, the EVM Committee (created in 2009) has finalized the specification of these machines and shared those with the vendors. However, the ECP has not yet finalized a machine that is suitable during the electoral process.

In compliance with this goal, the ECP created a Directorate Overseas Voting on July 28, 2015. The Commission has raised an independent/designated directorate for research and coordination of overseas voting. The Director of this directorate would serve as a Focal Point for coordination on the subject. This directorate consists of Director Research (BPS-19), Assistant Director (BPS-17), Senior Assistant (BPS-15), Junior Personal Assistant (BPS-14) and Naib Quasid (BPS-02). However, no substantive results have been achieved thus far that ensure voting rights for Overseas Pakistanis.

Strategic Goal 3: Election Dispute Resolution

The objectives assigned to this goal relate to election

dispute resolution. 80% of the objectives under this goal were to be achieved by December 2015. However, the handbook for Appellate Tribunals and Election Tribunals has not been prepared as yet. Only a previous version of the Handbook on Appeals before Appellate Tribunals prepared in 2013 is available on the ECP's official website.[11] The Election Commission was also to create a database system for better management of complaints by December 2015. Progress on this objective has also not been reported.

Strategic Goal 4: Autonomy of the ECP, Finance and Budget System

This strategic goal focuses on the autonomy of the ECP and improvement of its finance and budget system. 3 out of 5 objectives under this goal were to be achieved by July 2015. The ECP was to undertake an assessment of the level of autonomy that the ECP has, in line with its constitutional role to organize and conduct free and fair elections. This assessment was to be carried out by July 2015. Under this goal, one of the objectives is also to improve areas related to financial autonomy of the Commission by December 2016. At its given state, the ECP has financial autonomy to a certain extent but the ECP feels it needs greater financial autonomy. Even the share in revenues generated during the GE-2013 through SMS service 8300 was transferred to the national kitty which the ECP would like to be allowed to be kept with the ECP like some other autonomous state organizations such as the NADRA. The ECP was also to establish a Quality Assurance Committee to check the material procured, however, this committee

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11. Detailed Report can be accessed at: http://www.ecp.gov.pk/Misc/VE/IFES-PK-EDR%20Appellate%20Tribunal%20Handbook%20v1%202013-04-02.pdf

has not been formed as yet.

Strategic Goal 5: Electoral Finance

Under this objective the ECP was to improve Electoral Finance by improving the legal framework dealing with electoral finance and developing a campaign monitoring toolkit for the ECP's monitoring teams. It had targeted achieving 3 out of 5 goals (60% of the objectives) by December 2015. The ECP has formulated a Finance Wing for assess the exiting legal framework. However, there is no progress reported on campaign monitoring toolkit as yet.

In 2014, the ECP also created Directorate Political Finance. An independent/designated directorate has been raised for monitoring/dealing with political finance matters. This consists of Director Political Finance (BPS-19), Senior Personal Assistant (BPS-16), Junior Assistant (BPS-10) and Naib Quasid (BPS-02). The Terms of Reference (TORs) of this directorate is monitoring the statements of assets/liabilities of the members of Parliament/Assemblies, monitoring the election expenses, monitoring the finances of political parties, and research in political finance, proposals for legislation and its reporting. However, no major outcome has been evident since the creation of this directorate. During the Bye-Election of NA-122 and NA-154, there was unprecedented unchecked extravagant spending. The ECP and the Political Finance Directorate failed to address this.

Strategic Goal 6: Voter Registration and Electoral Rolls

Nearly 88% of the objectives related to computerization of voters' registration and electoral rolls, listed under this goal, were to be met by December 2015. According to the ECP, though they are working with the NADRA in this regard, complete progress has not been achieved under this till the end of 2015. Currently 93 million voters are registered through these Computerized Electoral Rolls, which is updated dynamically through NADRA's database.

Strategic Goal 7: Civic and Voter Education

The objective of this goal is to engage voters through civic and voter education. 5 out of a total of 12 objectives (nearly 41%) listed under this goal were to be accomplished by end of December 2015. While there is an online video, no wide scale voter education programme was visible ahead of any bye-election as well as the Local Government elections.

Strategic Goal 8: Gender in Electoral Processes and the ECP

10 out of a total of 15 objects were being targeted by the ECP to achieve improved Gender representation in the electoral process under this goal. The election commission was to develop a mechanism to increase the percentage of female polling staff by December 2014. The ECP could not provide the data on the improvement or otherwise in female staff percentage of current polling staff.

Strategic Goal 9: Minorities and Persons with Disabilities

In addition to gender inclusiveness, the ECP also needs to focus on voting rights minorities and persons with disabilities. While they aim to achieve this goal by December 2018, the ECP was to undertake a study to understand barriers to participation faced by persons with disabilities. The ECP has reported no progress on this objective.

Strategic Goal 10: Training and Capacity Building

This strategic goal focuses more on the long-term objectives that must be met by December 2018. However, 38% of these objectives were to be accomplished by December 2015. These objectives to be achieved by December 2015 include trainings and capacity building of the ECP staff and master trainers. A yearly training plan for the Federal Election Academy (FEA) was to be proposed twice during this time (i.e. June 2014 and January 2015). However, this has not been developed as yet. Even though the ECP has conducted several trainings during the Local Government elections, however, increasing the capacity of the ECP officers and trainers is a prolonged task and progress on this has not been reported. In neighbouring India, the electoral training academy is one of the key institutions working with the Indian Election Commission and trains not just national but international participants as well.

Strategic Goal 11: ECP's Stakeholder Outreach

This goal in particular deals with the ECP's outreach to other stakeholders. The Commission was to achieve 3 out 6 objectives listed under this goal by end of 2014. This included a Strategic Communication Plan for the ECP to manage its communications with media and other stakeholder. However, even by the end of 2015, there still remains little progress on this front and a weak connect exists between media and the ECP.

Strategic Goal 12: ECP's Organizational Structure and Human Resource

76% of the objectives listed under this goal were to be met by December 2015. There is little information available on the progress of this goal. The ECP was to review its current organizational structure and identify any gaps in the system and establish and operationalize different units/wings to address these gaps. The ECP

should report the number of units/wings created, their terms of reference, and their accomplishments annually to make this exercise more fruitful.

Strategic Goal 13: ECP Offices and Infrastructure
63% of the objectives listed under this goal were to be achieved by December 2015. In compliance with this goal, the ECP has prepared a financial plan (shown in Table 6) for improving infrastructure of the ECP. These amounts also account for the Information Technology (IT) equipment and expertise.

It is highly commendable that the ECP, unlike many other state institutions, has a strategic plan with time-bound targets to be achieved. The following points may be considered to further enhance the effectiveness of this exercise:

1. A strategic Plan can be useful only if there is a mechanism to periodically review its progress and make the progress report public. We see no evidence on the ECP website which indicates that a regular monitoring and review of the Strategic Plan has been undertaken during the past 18 months since the Second Strategic Plan was introduced. There is not a single report on its website indicating the progress so far achieved under various goals and objectives. One sign of Strategic Plan not receiving adequate attention from the ECP is that even on January 11, 2016 more than a year after Mr. Ishtiak Ahmed retired as Secretary ECP, he is still shown to be the Chairman of the Strategic Plan Steering Committee. It is proposed that a quarterly progress report on the 2nd Strategic Plan should be regularly posted on the ECP website. A possible reporting mechanism is proposed in in *Appendix A*.

2. After the completion of the First Strategic Plan, the ECP should have taken a complete ownership of

the preparation, monitoring and review of the second Strategic Plan. Although technical and material assistance from donor agencies should be welcomed selectively, continuous reliance on them in the realm of strategic planning should be discouraged.

Table 6: Financial Requirements

No.	Object	Funds Required	Timelines
1.	Offices & Storages	Rs. 10 .0 Billion	Upto 7 years
2.	Transport	Rs. 0.624 Billion	1 year
3.	Office/IT Equipment	Rs. 0.200 Billion	1 year
	Total:	**Rs. 10.824 Billion**	

Source: Election Commission of Pakistan

Conclusion

Year 2015 is the year the Election Commission of Pakistan was officially censured for mismanagement of the 2013 General Election through the General Election 2013 Inquiry Commission. This should have, logically, been the year that the ECP indulged in organisational soul-searching and constituting effective reforms within itself to turn around both its shortcomings as well as enhance its public image and build public trust. Unfortunately, the analysis portrays a different picture.

While the ECP reports a few administrative measures to address the issues raised through the General Election 2013 Inquiry Commission report, no concrete reform has been actualised through these. The ECP should have formed a high-powered committee to look into weaknesses within. A ruthless internal accountability is the least the ECP could do this year after the General Election 2013 Inquiry Commission report.

Year 2015 also saw the ECP conduct one of the largest electoral exercises across major parts of Pakistan through the Local Government system. The ECP should be commended for undertaking such a large exercise which originally was not a part of its mandate and came under its scope following the passage of the 18th constitutional amendment in 2010. Sadly, though, at the beginning, much the same election-day mismanagement was reflected in the KP Local Government elections, the ECP improved its performance of management of Local Government elections in Punjab and Sindh.

Perhaps the most sticking issue of the ECP has been its inability to assert its constitutional and legal powers effectively. While the ECP has put in place ample amount of rules and codes, most backed by legal provisions such as the ceiling on election expenses, the ECP has generally not been able to ensure strict compliance to these rules and laws. The bye-election in NA 122 (Lahore-V) offered the most unfortunate example of the ECP's lack of control and ability to ensure compliance of basic electoral laws and rules such as naked display of money power that failed to provoke the ECP into action, among others.

True that the ECP has had to bear the brunt of judicial inquest and constant interference by the Judiciary in its work, it failed to institutionalise an effective system of legal response. The issue has found further credence in the words by the Honourable Chief Election Commissioner who was quoted as saying that the "*High Courts should avoid interfering in the matters of the Election Commission of Pakistan and lawyers should come to the ECP, instead of relying on verdicts from the High Courts.*"[12] However, the ECP had the option to deal with this differently. In the case of the NA-122 bye-election and Lahore High Court's relief to the PTI's petition allowing elected representatives to campaign, and the subsequent loud and clear violations of codes and laws by the sitting Government and other parties, the dignified route available to the ECP should have been to call-off the bye-election under section 103 of the Representation of the Peoples Act, 1976 which empowers the Commission to 'stop the polls at any stage of election if it is convinced that it shall not be able to ensure the conduct of the election justly, fairly and in accordance with law due to large scale malpractices, including coercion, intimidation and pressures, prevailing at the election'. The ECP caused irreparable damage to its credibility by not cancelling the bye-election. One of the ECP's greatest weaknesses has been its inability to have an effective and responsible strategy to deal with the Courts.

One of the celebrated Chief Election Commissioners of India, Dr. M. S. Gill, was once quoted as saying that the "*ECI has followed a very simple formula for its credibility which includes confidence of the people and the media. …. the Commission drew its powers from the Constitution and as long as it was supported by the Indian people and the press, no one could question it.*"[13] Similar views have been expressed by another former Indian CEC who said "*for enabling the [Election] Commission to discharge its duties effectively, the media can be its most potent and formidable ally.*"[14]

What is termed as well as evident as the success of the public and media credibility enjoyed by the ECI is the biggest weakness of the ECP. Despite this being one of the goals of its second, five-year strategic plan, the

12. Remarks made by the CEC on November 17, 2015 during the hearing of various election petitions. For details, please see:
http://www.pakistantoday.com.pk/2015/11/17/national/cec-doesnt-approve-of-judges-meddling-in-ecp-affairs/

13. Remarks were made by Dr. M. S. Gill, former Chief Election Commissioner of India, while addressing a delegation of Pakistani Young Parliamentarians' Delegation Study Tour to India, March 2007. Report can be accessed at:
http://www.pildat.org/publications/publication/ILS/YoungParliamentariansStudyTourIndia2007.pdf

14. Page 20: PILDAT Paper on Conducting Elections in the World's Largest Democracy, authored by Dr. S. Y. Quraishi:
http://www.pildat.org/Publications/publication/Democracy&LegStr/ConductingElectionsintheWorldLargestDemocracy_ACaseStudyofIndia.pdf

Election Commission of Pakistan has failed to focus on its public and media outreach to its own peril. The ECP enjoys low level of public trust, which further plummeted from 43% in 2014 to 37% in 2015.[15] The ECP has failed to develop any effective mechanism of regular and effective media interaction in 2015.

On achieving its strategic objectives set under the ECP Second Five-Year Strategic Plan 2014-2018, the ECP reports to have achieved only 40% progress against 62% targeted progress on 102 goals which were to be achieved by December 2015.

Recommendations

Following are some of the recommendations for improvements in the role and performance of the ECP:

1. **Free hand to the ECP during election cycle**
   While reviewing the performance of the ECP, it should also be acknowledged that the ECP has been working under tremendous pressure over the past three years. It has been observed that a section of the judiciary did not treat the ECP with the level of respect this independent statutory body deserved and that is accorded to electoral authorities in other democracies such as India. Superior judiciary issues orders in the middle of an election cycle like it did during the bye-election in NA-122 (Lahore-V) and NA-154 (Lodhran-I).

   It is widely reported that one of the reasons that the Indian Election Commission evolved into an effective institution is that the superior judiciary restrains itself after an election is announced till the time results are announced and largely leaves it to the ECI to conduct the electoral process without any interference. There may be a merit in considering a similar course for Pakistan. Either the honourable Supreme Court can take a *suo moto* notice and pass an order regarding this or another instrument may be employed but this serious issue needs to be addressed. A public statement of the Honourable CEC criticizing the interference of High Courts has further brought the serious issue into limelight. He observed that the High Courts should not interfere in the matters pertaining to the

Election Commission of Pakistan. The Chief Election Commissioner contended that it was not necessary that each decision of the High Courts should be complied with, as the Election Commission of Pakistan made decisions on the basis of nature and sensitivity of the case.

The ECP has its weaknesses and flaws but it is also true that the ECP was not allowed to use its independent judgment in deciding the dates of various important activities. The election body, for example, was subjected to extreme pressures to agree to an unrealistic deadline for the completion of fresh computerised electoral rolls in 2011-2012. For Local Government elections in various provinces, the superior judiciary repeatedly fixed the dates, which the ECP at times considered unrealistic. Some political parties openly ridiculed and unjustly accused the ECP of being a party to alleged poll rigging in General Election 2013. This campaign must have greatly demotivated the ECP and its staff as well.

2. **Review of ECP Capacity in the face of new responsibilities and challenges**
   Since after the 18th Amendment to the Constitution in 2010, the responsibilities of the ECP have enhanced many folds. Local Government Elections in the provinces, federal capital area and the cantonments have been made responsibility of the ECP but apparently the human capital at the ECP has not grown in quantity and quality to match the challenge. It is important that the ECP should establish a full fledged and modern Human Resource Department and it should undertake a comprehensive study of its human resource needs to meet the enhanced responsibilities. A similar review of all its resources and capacity should be undertaken.

3. **Political Parties involvement in ensuring Free & Fair Election**
   Political parties also cannot be absolved of the obligation to contribute to orderly elections. They must educate their workers and voters on the polling procedures, train their polling agents and teach tolerance to their workers.

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15. For details, please see PILDAT Public Opinion on Quality of Democracy in Pakistan, At the End of the Second Year of the Federal and Provincial Governments, June 2014-May 2015:
http://www.pildat.org/publications/publication/Democracy&LegStr/PublicOpinionOnQualityofDemocracyinPakistan_October2015.pdf and PILDAT Public Opinion on Quality of Democracy in Pakistan, At the End of the Second Year of the Federal and Provincial Governments, June 2013-May 2014:
http://www.pildat.org/Publications/publication/Democracy&LegStr/PublicOpinionOnQualityofDemocracyInPakistan_June2013ToMay2013.pdf

Most importantly, it is the lack of pro-active role of the parties within the Parliament on instituting required electoral reforms. Instead of bolstering support for reforms to provide an even playing field to all in elections, the Parliament, despite having a repository of electoral reform proposals over the past few years, has failed to play its due role, be it in reforms or on timely appointment of the ECP members and the CEC.

4. **Weak Public Relation by the ECP**
The Election Commission of Pakistan, which enjoys nearly total constitutional autonomy, has failed to lead from the front. Instead of seeking media and public support, two strongest allies of electoral bodies in any country, it has failed to connect and interact with both. Its existence remains aloof and removed from the society in general. This may be a result of the general attitude of the judiciary who try to stay away from the media limelight with, of course, a few exceptions. Since the entire top leadership of the ECP is composed of former judges, this tendency to stay away from public, political parties and media may have crept into the ECP as well. Going forward, there is a major cultural shift required within the ECP. This shift is not required for the ECP to bolster its image alone but public trust in the independence, impartiality and effectiveness in managing elections is critical for the sustainability of democracy in Pakistan. It is important that the ECP appoints a senior person of the Additional Secretary or at least Joint Secretary level as the ECP spokesperson. The spokesperson should be an articulate and knowledgeable person who can interact with the media on a regular basis. During the election period a regular weekly briefing to the media may be a good idea too.

5. **Greater Accessibility of the CEC and EC Members to political parties and Public**
Periodic meetings of the CEC with political parties heads, senior media persons like Editors and senior talk show hosts for the purpose of briefing them on key issues and seeking their input is also strongly recommended. Code of Conduct, use of new technology, political finance can be some of the important issues to be discussed with party heads. Media should be regularly updated on the measures the ECP is taking to improve the quality of elections and can share the challenges and constraints within which the ECP has to operate. The ECP had established Media and Civil Society Forums sometime back but their meetings have been discontinued. The ECP may consider

Although Pakistan has comprehensive electoral provisions and laws, its main challenge is in their enforceability. ECP also is facing this challenge. It has not done enough in the past to make candidates conform to the ceiling of spending in an election

reviving that.

6. **General Election 2013 Report by the ECP**
Although 31 months have lapsed since the latest General Election held in May 2013, the ECP has not published the report of 2013 Election Report. This not only creates an information gap, it dents the ECP credibility. The General Election 2013 Report should be released forthwith and it should be built into the rules that the General Election report is released within one year.

7. **The ECP Annual Report**
ECP should adopt the practice of compiling and releasing an annual report. All federal government ministries and divisions are bound by the rules of business to issue a Year Book covering the financial year (July to June) by September of each year. All corporate entities publish an Annual Report. ECP should institute the tradition of compiling and issuing an Annual Report and it should cover all major events of the year including the bye-elections, local government elections etc. that may have taken place during the year.

8. **Challenge of Enforceability of Election Laws, Rules and regulations by the ECP**
Although Pakistan has comprehensive electoral provisions and laws, its main challenge is in their enforceability. ECP also is facing this challenge. It has not done enough in the past to make candidates conform to the ceiling of spending in an election. Recent bye-election in NA-122 (Lahore-V) has highlighted the problem as naked display of money power failed to provoke ECP into action. If due to court stay orders ECP felt that its writ is not being accepted, it should have postponed the election but

should not have compromised on the quality of election. ECP should make sure that all election laws, rules and regulations are accepted and implemented. If it does not do that, it will not be doing justice to its constitutional mandate.

9. **Election Tribunals be made to complete their work within the mandated period of four months**
Election Tribunals appointed after the 2013 General Election had a mandate of completing their work within 4 months as stipulated under the law. It remains inexplicable as to why the ECP allowed the Tribunals to delay the completion of their work for nearly 3 years. Apparently, a major delay occurred due to long stay-orders granted by the superior judiciary. In some cases ECP forwarded the election petitions after considerable delay and in some cases tribunals did not efficiently deal with the cases. ECP should take up all such causes of delay and either fix the law further or take appropriate initiatives to avoid such delays in the future.

10. **The ECP Website – a great improvement but further improvements needed**
Although the ECP website has become quite comprehensive over the past few years, ECP continues to show reluctance at timely uploading of certain public information. The ECP, despite promises, has continued to delay the posting of Forms 13,14 and 15 on its website. Similarly, the details of voter turnout figures and detailed statistics of local Government elections are not made available online. Much the same reluctance has been displayed by the ECP in posting public information such as political parties' annual statements of accounts on its website. Earlier, the ECP had resisted placing legislators' statements of assets and liabilities online. A decision needs to be made in principal that all publically available material should be placed on the website.

11. **Feedback to Public on the ECP Initiatives**
A culture of lack of pro-active reporting prevails in the ECP in many areas. For instance, it remains unclear as to what were the reports made by the ECP observers deployed in some by elections to check conformance to laws. As a public body charged with a Constitutional obligation to conduct free and fair elections, the ECP must conform to openness, accessibility and transparency standards. A similar disclosure on the ECP pilot use of biometric recognition of voters and Electronic Voting Machine should also be

made public. The ECP has also done some mock voting exercises for Overseas Pakistanis voting and their results should also be made public and placed on website.

12. **Making the Federal Election Academy an active and effective training institution:** Keeping in view the strong need of training of various levels of election staff, the Academy should become a more active and effective institution with all the year round calendar of training programmes.

APPENDICES

Appendix A: Proposed Matrix for the ECP to Report Progress on the ECP's Second Five-Year Strategic Plan (2014-2018)

No.	Objective	Original Deadline	Description of progress made as of December 31, 2015	Percentage progress as of Decembr 31, 2015
	Strategic Goal 1: Reforming Electoral Legal Framework			
1.	Prepare a paper on issues related to the legal framework in the light of lessons learned in the wake of 2013 General Elections	Jun-14		
2.	Review the package of amendments in the Representation of the People Act (1976) sent to the government prior to the 2013 General Elections and resend for legislation	Mar-15		
3.	Unify the election laws by improving the earlier draft and also bring about improvements based on the experiences of the 2013 General Elections	Sep-15		
4.	Unification of election rules on the basis of the unified election law	Mar-16		
5.	Analysis of new local government laws and rules adopted for local government elections and draft recommendations for improvements	Mar-15		
6.	Devise legal provisions with sanctions to prevent any attempt to bar female voters from exercising their right to vote at an election	Mar-15		
7.	Review the Political Parties Order 2002 and define a uniform structure for political parties and registration procedures for a political party, holding of intra-party elections, and allocation of symbols	Mar-15		
8.	Devise a complete scrutiny process covering each point in the nomination form in the light of Article 62 and 63 of the Constitution and by amending section 14 of Representation of the People Act, 1976	Mar-15		
9.	Review the system of reserved seats in the National and Provincial Assemblies for its improvement	Mar-15		
10.	Make the codes of conduct for political parties and contesting candidates, election observers, polling staff, security personnel, and others more effective based on the lessons learned from the 2013 General Elections	Mar-15		
11.	Provide technical assistance to the relevant standing committees of the Senate and National Assembly on the issue of providing right of vote to overseas Pakistanis in the National and Provincial Assemblies elections	Dec-15		
12.	Identify and propose necessary legislation to introduce electronic voting machines, and biometric identification of voters for elections	Mar-15		

13.	Improve the form used for submission of statements of assets and liabilities by the members of the Parliament and Provincial Assemblies	Mar-15			
14.	Devise legal framework enabling internally displaced persons to vote for their home constituencies	Mar-15			
15.	Examine the system of postal ballot and bring about improvements	Mar-15			
16.	Propose legal amendments to revise timelines for finalization of polling scheme and increase the duration for better management of elections	Mar-15			
Strategic Goal 2: Election Operations					
1.	Develop an operational plan for piloting electronic voting machines and biometric voter identification	Jun-14			
2.	Pilot the use of electronic voting machines and biometric voter identification in view of the feasibility study	Jun-15			
3.	Develop an EVM and biometric voter identification implementation plan based on the pilot	Dec-15			
4.	Nation-wide rollout of electronic voting machines and biometric voter identification system	Jun-17			
5.	Establish a geographical information system (GIS) lab at the ECP Secretariat, and develop capacity to conduct delimitation of constituencies using GIS technolog	Jun-14			
6.	Undertake a pilot for delimitation of constituencies based on GIS technology using existing data	Dec-14			
7.	Engage all relevant government entities for their support to seek data to be used for delimitation of constituencies as well as for preparation of list of polling stations	Jun-14			
8.	Delimit National and Provincial Assembly constituencies using GIS technology – subject to the holding of national census and availability of data	Dec-15			
9.	Place polling stations and constituency maps on google maps for the benefit of all stakeholders	Jun-16			
10.	Assess the quality of election materials used for the 2013 General Elections and bring about the required improvements	Nov-15			
11.	Improve the operational framework for IDP voting for their home constituencies based on learning from the 2013 General Elections	Aug-15			
12.	Undertake an assessment of the polling stations used in the past to evaluate their suitability with a focus on accessibility for persons with disabilities and devise a policy to facilitate them for their better participation in elections	Jun-17			

13.	Establish polling stations across the country with no change in the four months prior to an election	Jun-17		
14.	Strengthen the ECP's polling station results compilation, tabulation, consolidation and management system introduced for 2013 General Elections	Mar-16		
15.	Develop a practical operational plan for out of country voting for overseas Pakistani voters	Jun-15		
16.	Develop a system for election observation – an accreditation process, the duration of election observation, define roles and responsibilities, sharing with the ECP the deployment plan for observers, and maintaining a database of election observers	Jan-15		
17.	Prepare guidelines for presiding officers to get confirmation about the visit of an election observer by recording his/her particulars, and also if any form used at a polling station has been issued	Jan-15		
18.	Review the level of financial/logistic support to public sector employees for their engagement in different activities – electoral roll verification, participation in trainings, conduct of election, etc	Dec 2014 and June 2017		
19.	Develop and maintain a database of trained polling staff who worked during the 2013 General Elections	Aug-14		
20.	Review various forms and envelops used for an election and reduce their number for easy handling by polling staff	Mar-15		
21.	Develop standard operating procedures for distribution and maintenance of election materials and establish a tracking system	Dec-16		
22.	Undertake a study on ballot paper integrity and suggest improvements with security features	Jun-15		
23.	Review and decide on replacing the indelible inkpot with an indelible ink marker while maintaining the required level of quality	Dec-14		
24.	Engage the government for holding the national census in the country	Jun-15		
25.	Strengthen district coordination committees established with the aim to support the ECP in the conduct of elections by defining their role clearly	Jan-15		
26.	Review the current system of multiple constituencies managed by one RO and replace it with one RO managing one constituency only – national or provincial	Dec-17		

27.	Develop a paper on creating a pool of ROs/DROs/presiding officers with different options – from private sector, retired officers/judges, lawyers etc. with detailed merits and demerits, and share it with all the stakeholders	Dec-17		
28.	Develop a placemat with key information about various steps on Election Day to support the work of presiding officers	Jul-14		
29.	Establish an electronic information management system within ECP Secretariat and across the ECP's countrywide field offices	Dec-15		
Strategic Goal 3: Election Dispute Resolution				
1.	Identify gaps in the law dealing with electoral dispute resolution and elaborate procedures for improvement	Mar-15		
2.	Refine and improve the handbook for Appellate Tribunals prepared prior to the 2013 General Elections	Dec-14		
3.	Develop a handbook and other support material for Election Tribunals	Mar-15		
4.	Run awareness campaigns to inform candidates and political parties about the process of lodging complaints and filing petitions	Jul-18		
5.	Improve tracking and management of incoming complaints using a database system to ensure professional management of complaints	Dec-15		
Strategic Goal 4: Autonomy of the ECP, Finance and Budget System				
1.	Undertake an assessment of the level of autonomy that the ECP has in line with its constitutional role to organize and conduct free and fair elections, and identify areas for improvement	Jul-15		
2.	Improve the areas related to financial autonomy of the ECP on the basis of the findings of the assessment report	Dec-16		
3.	Follow the Public Procurement Regulatory Authority (PPRA) regulations to ensure transparency in all procurements, and ensure quality of the procured material	Dec-18		
4.	Develop a computer-based inventory system – easy to use and update – to support the ECP's logistical and procurement needs	Dec-14		
5.	Set up a Quality Assurance Committee to check the quality of material procured and ensure that it is as per required specifications and standards	Dec-14		

	Strategic Goal 5: Electoral Finance			
1.	Assess the legal framework dealing with electoral finance and make it more effective	Mar-15		
2.	Develop a campaign monitoring toolkit for the ECP's monitoring teams	Mar-15		
3.	Develop a training methodology and plan, and conduct training of monitoring teams	Jun-18		
4.	Set up and strengthen an Electoral Finance Unit at the ECP Secretariat	Dec-15		
5.	Build the capacity of the staff managing the Electoral Finance Unit through relevant trainings	Dec-17		
	Strategic Goal 6: Voter Registration and Electoral Rolls			
1.	Establish computerized electoral rolls system (CERS) at the ECP Secretariat and PEC offices and have it operationalized by NADRA along with source code, system documentation and Management Information System, etc	Sep-14		
2.	Maintain and update voters database system at the ECP Secretariat and PEC offices and improve the existing CERS	Nov-14		
3.	Extend CERS to the ECP's district offices across the country and ensure their connectivity for online/real-time updating of voters' data	Sep-15		
4.	Develop, approve and implement a standard operating procedure for updating the electoral rolls on a regular basis – including new registrations, deletions and correction of voters particulars under Section 18 of the Electoral Rolls Act, 1974	Jun-14		
5.	Review the existing death registration system in collaboration with NADRA and suggest improvements for keeping the electoral roll updated	Mar-15		
6.	Review quality of the electoral roll through list-to-voter and voter-to-list analysis based on defined parameters	Dec-14		
7.	Analyze the existing format of electoral rolls and introduce improvements for easy identification of voters during the polling process and decide on changing from census bloc to polling station-centered strategy	Dec-17		
8.	Develop operational and technical procedures for updating the CERS database once the system is delivered by NADRA	Dec-15		
	Strategic Goal 7: Civic and Voter Education			
1.	Undertake a survey on voter participation, including	Dec-14		

	men and women, in the post 2013 General Election scenario to understand voters' concerns and expectations to support the ECP's voter education planning activities			
2.	Develop a bi-yearly voter education plan with specific targets by drawing lessons from the first plan developed in 2012 and used for the 2013 General Elections	Jan 2015 and Jan 2017		
3.	Develop a civic education plan targeting engagement of different segments of society	Jan 2015 and Jan 2017		
4.	Engage with civil society at the district level to reinvigorate the ECP's district civic and voter education committees created as part of district-centered national voter outreach program	Dec-18		
5.	Increase voter participation in the next general elections from 55 percent in 2013 to 70 percent with all inclusive efforts covering men, women, minorities, youth, persons with disabilities and others	Dec-18		
6.	Develop material on civic and voter education for inclusion in school/college level curriculum	Aug-14		
7.	Undertake advocacy efforts with the provincial ministries of education to include voter/civic education as a topic in the secondary and higher secondary level school curriculum	Dec-18		
8.	Prepare and disseminate information through the ECP's website	Dec-18		
9.	Prepare the ECP's quarterly newsletter and share information with internal and external stakeholders	Quarterly Due every Jan, April, July and Oct.		
10.	Place voter information and educational videos on the ECP's website covering important phases of elections including voter registration	Dec-18		
11.	Hold debates in educational institutions covering various dimensions of civic and voter education	Dec-18		
12.	Develop messages, themes and topics for various voter/civic education activities including All Inter-Collegiate Debates in the country	Dec-18		
	Strategic Goal 8: Gender in Electoral Processes and the ECP			
1.	Formulate an implementation plan for rolling out gender-related activities	Jul-14		
2.	Conduct research to identify barriers which prevent women from registering and exercising their right to vote	Jul-14		

3.	Devise a strategy to reduce the gap between men and women on the electoral rolls	Sep-14		
4.	Develop a strategy for reducing voter turnout gaps between men and women	Dec-15		
5.	Develop a mechanism for increasing the percentage of female polling staff	Dec-14		
6.	Develop curriculum/ material for training of the ECP officials on gender issues and implement it through FEA	Mar-15		
7.	Develop a concept note to identify the advantages of having picture on the CNIC for women to further improve registration of women with pictorial identification	Jun-15		
8.	Review existing guidelines for polling staff for effective recording of gender disaggregated results in Forms XIV, XVI and XVII	Apr-17		
9.	All position advertisements of the ECP to state "women are encouraged to apply"	Dec-18		
10.	Train ECP master trainers on gender specific training for managing gender-related training needs	Apr-15		
11.	Make all training and voter education material gender sensitive and work towards building a gender-sensitive culture in the ECP	Apr-18		
12.	Analyze polling stations with high and low women turnout to identify issues and prospects	Dec-15		
13.	Strengthen the mechanism for recording and redressing complaints of women voters and candidates	Dec-15		
14.	Include gender matters in the training of security and polling personnel	Jun-18		
15.	Ensure effective implementation of Protection against Harassment of Women in the Workplace Act 2010	Dec-18		
Strategic Goal 9: Minorities and Persons with Disabilities				
1.	Focus on ensuring participation of minorities in the electoral processes while developing voter education material	Dec-18		
2.	Undertake a gender-sensitive survey on barriers to participation of persons with disabilities in the electoral processes	Mar-15		
3.	Develop training modules on persons with disabilities' participation in electoral processes	Dec-18		
4.	Conduct training of the ECP officials on inclusion of persons with disabilities in the electoral processes	Dec-18		

	Strategic Goal 10: Training and Capacity Building			
1.	Develop a yearly training plan for the FEA	Jun 14; Jan 2015; Jan 2016; Jan 2017 and Jan 2018		
2.	Train and build the capacity of at least 50 ECP officers as master trainers in different electoral areas	Jun-15		
3.	Develop specific curriculum and undertake training and capacity building activities for senior/mid-level ECP officers	Dec-17		
4.	Build capacity of the junior support function staff of the ECP (grade 7-16) in their specific roles as well as in general areas	Dec-17		
5.	Organize BRIDGE (Building Resources in Democracy, Governance and Elections) trainings for the ECP officers as well as develop their capacity to deliver BRIDGE training	Dec-17		
6.	Develop an induction plan for officers joining the ECP so that their understanding of the work of the ECP is strengthened	Dec-14		
7.	Implement the ECP's induction plan on a regular basis through FEA to train officers and staff who are new to the ECP	Dec-18		
8.	Train polling staff for the next general elections	May-18		
9.	Train/orient DROs and ROs for the next general elections	Jun-18		
10.	Train security officials about their role in election	May-18		
11.	Work with political parties and support their efforts to train their election and polling agents with regard to their roles in elections	Mar-18		
12.	Develop materials for training of polling staff engaged for general and bye-elections	Mar-18		
13.	Develop training/ orientation materials for DROs and ROs	Dec-17		
14.	Develop general capacity building material for ECP employees at various levels	Sep-14		
15.	Train and build the capacity of FEA staff to better manage the academy administratively and technically	Dec-14		
16.	Expose ECP officers to international best practices through participation in international and national seminars, conferences, workshops, and election observation	Jun-18		

17.	Strengthen the ECP's research capability to support its key functions	Dec-18		
18.	Develop training material/ a module for the training of the ECP officers on the conduct of election to the Senate of Pakistan	Jan-15		
19.	Train ECP officers in the conduct of election to the Senate of Pakistan based on the single transferrable vote system	Feb 2015 and Feb 2018		
20.	Train ECP officers on delimitation of constituencies	Oct-14		
21.	Organize training of officials of the Gender Unit for building their capacity on gender issues and electoral processes	Dec-15		
22.	Develop a pool of master trainers throughout the country for training polling staff for general elections	Mar-18		
23.	Develop materials/modules for the training of polling staff for local government elections	Mar-18		
24.	Training of polling staff for local government elections	Dec-18		
25.	Develop materials /modules for the training of DROs/ROs for local government elections	Dec-18		
26.	Train DROs/ROs for local government elections	Dec-18		
27.	Make available all training materials on the ECP website	Dec-18		
28.	Develop a database of ECP officials who received training – within and outside Pakistan	Sep 2014 and Dec 2018		
29.	Develop and maintain a database of ECP trainers/ resource persons with a list of trainings they delivered	Sep 2014 and Dec 2018		
	Strategic Goal 11: ECP's Stakeholder Outreach			
1.	Strengthen a two-way communication system with political parties and hold regular consultations on issues related to electoral reforms and various electoral matters	Dec-18		
2.	Develop a strategic communication plan for the ECP to manage communication with media and other stakeholders	Sep-14		
3.	Hold regular consultations with Pakistani civil society and international stakeholders on issues pertaining to electoral reforms and various electoral matters	Dec-18		
4.	Assess the ECP's website layout and contents and make it more informative and dynamic with updated information about electoral matters – use the	Dec-14		

	website as a tool to reach out to young voters who have access to the internet				
5.	Review and improve the system of placement of statements of assets and liabilities of the Parliamentarians and members of the Provincial Assemblies by the ECP on its website	Sep-14			
6.	Undertake briefings for media persons and observers – both national and international	Dec-18			
	Strategic Goal 12: ECP's Organizational Structure and Human Resource				
1.	Review the ECP's organizational structure and human resources and identify any gaps in the system	Dec-14			
2.	Develop a revised organizational chart with clear responsibilities and line of communication	Dec-14			
3.	Develop job description for each position in the ECP	Dec-14			
4.	Make terms of reference as part of the ECP's Officers and Servants Rules	Dec-15			
5.	Recruit training staff for FEA	Sep-14			
6.	Deploy trainers to manage training needs at the provincial level	Dec-15			
7.	Establish a Gender Unit at the ECP and deploy resources to address various challenges, on the basis of the already developed term of reference	Mar-15			
8.	Establish an Electoral Finance Unit on the basis of the terms of reference already developed	Dec-14			
9.	Establish a specialized Civic and Voter Education / Information Unit at the ECP	Mar-16			
10.	Operationalize the Electoral Rolls Wing/Unit at the ECP and develop its capacity to manage the computerized electoral roll – revision and updating	Jul-14			
11.	Review and finalize the HR policy of the ECP	Dec-15			
12.	Ensure that women are at least 10 percent of the ECP's workforce at all levels, in line with the Government of Pakistan's policy	Dec-18			
13.	Ensure that minorities are at least 5 percent of the ECP's workforce at all levels, in line with the Government of Pakistan's policy	Dec-18			
14.	Ensure that persons with disabilities are at least 2 percent of the ECP's workforce at all levels, in line with the Government of Pakistan's policy	Dec-18			

15.	Develop an IT-based HR management system where data of individual employees of the ECP is recorded for easy reference purpose	Jun-15		
16.	Set up a new branch at the ECP Secretariat as well as PEC offices for dealing with delimitation of constituencies	15-Mar		
17.	Establish a branch at the ECP Secretariat and PEC offices to manage logistics in the ECP and keep track of election material	15-Mar		
	Strategic Goal 13: ECP Offices and Infrastructure			
1.	Undertake an assessment of the ECP's office buildings across the country in terms of their space and suitability	Mar-15		
2.	Acquire land in all districts for construction of the ECP offices and warehouses	Dec-18		
3.	Prepare a plan for improving infrastructure of the ECP's offices all over the country	Aug-15		
4.	Improve infrastructure of the ECP offices to make them accessible to persons with disabilities	Sep-15		
5.	Prepare a standard design of all the ECP office buildings in the country	Sep-15		
6.	Construct ECP office buildings all over the country in a phased manner	Dec-18		
7.	Acquire land in Islamabad for construction of a FEA building	Dec-14		
8.	Construct a building with training facilities to house the ECP's FEA	Dec-16		
9.	Set up FEA's provincial facility to cater to the training needs of junior officers and staff in the PEC offices	Dec-17		
10.	Set up "women only" washrooms in all ECP offices	Jul-14		
11.	Strengthen IT infrastructure and extend a secure internal network (intranet) access to provincial, divisional and district offices	Jul-15		