



Preliminary Report

of the

ELECTION OBSERVATION OF GENERAL ELECTION 2018

by Transgender People, Women and Persons with
Disabilities (PWD) as Election Observers and Voters

September 25, 2018





Executive Summary

Despite progressive legislative and policy measures to promote and facilitate the electoral participation of transgender people, women and persons with disabilities (PWD), these communities continue to face significant attitudinal and environmental barriers in the exercise of their rights to vote and to observe elections on an equal basis with others, as observed during General Elections (GE) 2018.

Coalition for Inclusive Pakistan (CIP), in collaboration with experts affiliated with the Free and Fair Election Network (FAFEN), trained and deployed 15 non-partisan Long-Term Observers (LTOs) and 375 additional Election Day Observers (EDOs) to respectively observe pre-election processes beginning on June 1, and polling and vote counting processes on July 25. CIP EDOs – who were duly accredited by the Election Commission of Pakistan (ECP) and followed international best practice for domestic election observers

– consisted of 125 transgender people, 125 women and 125 PWD.

CIP is a network of 15 civil society organizations (CSOs) working together to promote the rights of transgender people, women and PWD. A unique initiative in Pakistan's electoral history, the primary purpose of CIP is to enable representatives of these traditionally excluded groups to collectively and systematically observe, analyze and comment on Pakistan's elections from their distinct perspectives.

This report presents CIP's preliminary findings and recommendations with regard to the experiences of transgender people, women and PWD in their roles as election observers and voters during GE 2018. CIP will separately issue a full report of its specialized election-related findings and recommendations when all observation checklists have been received and analyzed.

CIP's preliminary findings regarding General Elections 2018 include the following:

- One-fifth of CIP EDOs (73 of 375, or 19.5%) were barred from observing the polling process in at least one polling station on Election Day.
- Of a total of 448 polling stations visited by CIP observers, almost three-quarters of polling stations were physically inaccessible for PWD observers and voters (324 polling stations, or 72.3%).
- Many PWD observers and voters reportedly found the multi-step postal ballot process cumbersome, confusing and ineffective.



Based on the experiences of its observers, CIP offers the following preliminary recommendations:

1. **ECP training for polling officials and Election Day security personnel** should include clear instructions that any person with an ECP accreditation card must be permitted to observe the polling and vote counting processes in any polling station nationwide.
2. **ECP efforts to ensure the accessibility of all polling stations** across the country should be increased to ensure exercise of the rights of PWD to fully observe polling and vote counting processes on Election Day in any polling station.
3. **ECP processes and forms related to postal ballots for PWD** should be entirely redesigned and streamlined to avoid disenfranchising citizens.

CIP and FAFEN are supported by the Trust for Democratic Education and Accountability (TDEA) based in Islamabad.



Context and Rationale

Significant changes in law and policy since GE 2013 have enhanced promotion and protection of the rights and roles of transgender people, women and PWD in electoral processes. In 2016, the ECP established the Gender and Disability Electoral Working Group (GDEWG), led by the head of the ECP's Gender Affairs Wing, demonstrating the election administration's receptivity to adopting inclusive approaches and practices for protecting the electoral rights of vulnerable groups.

The new election law adopted in 2017 includes provisions that further promote and facilitate the electoral participation of transgender persons, women and PWD. For example, Section 48 of the Elections Act 2017 requires the ECP to "take special measures for registration of ... persons with disabilities and transgender citizens in the electoral rolls as voters," including "coordinated action with the National Database and Registration Authority [NADRA] to expedite the issuance of National Identity Cards" (NICs) for these voters.

Section 93 of the Elections Act 2017 also permits a "person with any physical disability who is unable to travel and holds [an NIC] with a logo for physical disability issued by [NADRA]" to vote via postal ballot. Another important new law, the Transgender Persons (Protection of Rights) Act, 2018, allows transgender people to have their preferred gender identity on their NICs and affirms their rights to vote and run for office.

Similarly, Section 47 requires the ECP "to expedite the issuance of [NICs] for women ... by [NADRA] and for their enrolment as voters" Towards

fulfilment of this legal requirement, the ECP initiated a "Women Voter and NIC Campaign" in collaboration with NADRA and civil society member organizations of FAFEN that resulted in the addition of 4.3 million women voters on the electoral rolls between October 2017 and May 2018.

Section 9 of the law, importantly, dictates that if women constitute less than ten percent of the total voters on Election Day in a polling station or an entire constituency, the ECP is required to nullify those election results. Under such circumstances, "the Commission may presume that the women voters have been restrained through an agreement from casting their votes" and "shall make a declaration accordingly and call upon the voters in the ... polling station or stations or in the whole constituency ... to recast their votes" Furthermore, Section 206 of the law requires that political parties "while making the selection of candidates on general seats shall ensure at least five per cent representation of women candidates."

Moreover, for the first time in Pakistan, the election law also establishes the rights of non-partisan citizen observer groups to observe elections. Section 238 empowers the ECP to "allow any domestic or international election observation organization to observe the process of conduct of election, having an access to polling station, counting of votes and consolidation of results," whereas the rights and responsibilities of election observers are mentioned in four other sections of the law (Sections 14, 90, 92 and 233).



CIP Election Observation Methodology

Based on its institutional commitment to inclusivity in political processes and spurred by positive changes in law and policy since GE 2013, TDEA established in December 2017 a network of 15 Pakistani CSOs dedicated to the rights of transgender people, women and PWD. Coalescing under the banner of CIP, the network's purpose – unique in Pakistan's electoral history – is to enable representatives of traditionally excluded groups to collectively and systematically observe, analyze and comment on Pakistan's elections from their distinct perspectives.

As part of CIP's election observation methodology, TDEA arranged three capacity building workshops for CIP partners on the following themes:

- **Electoral Rights** of Transgender People, Women and PWD
- **Pre-Election Observation** by Transgender People, Women and PWD
- **Election Day Observation** by Transgender People, Women and PWD

Each workshop was attended by 30 non-partisan observers, including 10 transgender people, 10 women and 10 PWD recruited from the 15 CIP partner organizations.

CIP partners deployed 15 LTOs to observe pre-election processes beginning on June 1, 2018, in the four provincial capitals and Islamabad. CIP LTOs observed the filing and scrutiny of nomination papers, visited rallies and corner meetings of political parties, and interviewed candidates, senior political party leaders, Returning Officers (ROs) and District Election Commissioners (DECs).

From July 2-22, 2018, FAFEN experts conducted trainings for 25 transgender Election Day Observers (EDOs), 25 women EDOs, and 25 PWD EDOs in each

provincial capital and in Islamabad. FAFEN election experts collaborated with CIP partner organizations to develop specialized checklists for pre-election and Election Day observation. These specialized checklists were developed specifically to document the experiences of transgender people, women and PWD as observers, candidates and voters. Observation questions focused on access barriers as well as the attitudes and actions of election administration authorities (including polling staff), law enforcement officials, members of political parties and other citizens toward each community.

provincial capital and in Islamabad. FAFEN also facilitated CIP partners in attaining accreditation cards from the ECP for Election Day observation. A total of 375 EDOs were deployed on Election Day to observe the polling and vote counting processes.

CIP EDOs manually filled standardized election observation checklists and transmitted these forms to TDEA Secretariat in Islamabad via post. Anticipating harassment and expressing reluctance to conduct observation alone, transgender EDOs observed Election Day processes in pairs. Similarly, in locations with few or distant combined (male and female) polling stations, two women EDOs observed one combined polling station as a pair.



Experiences of CIP Election Day Observers

Since election observation forms are still in the process of being transmitted and analysed, CIP will separately issue a detailed report of its specialized election-related findings and recommendations at a later date. This preliminary report summarizes some of the experiences of CIP LTOs and EDOs, both as observers and voters, from their district perspectives as transgender people, women and PWD.

- One-fifth of CIP EDOs (73 of 375, or 19.5%) were barred from observing the polling process in at least one polling station on Election Day.

Transgender Election Observers

- One-third of CIP's transgender EDOs (44 of 125, or 35.2%) were denied entry to assigned polling stations and had to go to alternative polling stations to observe Election Day processes.
- About 36 hours prior to the start of polling (on the evening of July 23, 2018), an official from the Sindh Home Department visited the venue where a CIP partner organization was handing over accreditation cards to 25 transgender EDOs. The official collected the cards and committed to returning them the following day. However, the cards were never returned.
- Law enforcement officers detained two CIP transgender EDOs in a polling station in Quetta. The officers challenged the validity of the observers' ECP accreditation cards and asked them to produce an authority letter from the ECP. The observers were released on the intervention of the polling station's Presiding Officer, who asked them to leave the polling station and not to return.
- Security officials, including policemen, reportedly harassed transgender observers at five polling stations in Lahore and asked them to leave the polling stations. In Quetta and Peshawar, the attitude of policemen and other security officials was often observed to be non-cooperative towards transgender observers and voters. In Peshawar, a security official told an EDO that transgender people were not allowed to observe election processes. Conversely, CIP EDOs in Islamabad, Lahore and Karachi reported largely positive experiences of transgender voters and observers in interactions with security officials, including police.
- Transgender LTOs faced instances of harassment, ridicule and requests to leave rallies and corner meetings from party representatives and the public in all provincial capitals and Islamabad.



Election Observers with Disabilities

- Almost three-quarters of observed polling stations (324 out of 448 polling stations, or 72.3%) were physically inaccessible for PWD, including observers and voters.
- In Lahore and Karachi, CIP observers with disabilities applied for postal ballots, but did not receive their ballots on time. When they went to poll their votes, they learned that their names had been struck off polling station voter lists since they had applied for postal ballots.
- Voters with disabilities were made to wait till 6:00 PM to cast their ballots at a polling station in Karachi due to the polling booth being situated on the first floor without accessibility arrangements for PWD.
- CIP observers with disabilities found several venues and events relevant to election observation, including RO offices (including in Islamabad) and campaign corner meetings, to be inaccessible to PWD. Observers and voters with disabilities were often dependent on security and polling officials or other voters to overcome physical obstacles. While many people offered assistance, a small number of people actively discouraged PWD from making the effort to observe or to vote.
- The multi-step process of voting via postal ballot was unnecessarily cumbersome, confusing and ineffective for many PWD. In order to attain the requisite disability NIC, a person must be examined by a medical committee, apply for a disability certificate through the district headquarters Social Welfare department, pick up the certificate in person and submit it to NADRA.
- Moreover, following application to the RO for postal ballot papers (on a form that fails to specify National or Provincial Assembly constituency), an applicant receives a confusing multiplicity of ECP forms written in English only. Form 38 requires the signature and stamp of a Grade 17 officer testifying that the voter belongs to the constituency and is disabled, duplicating the purpose of the disability NIC.



CIP Preliminary Conclusions and Recommendations

Despite recent improvements in law and policy related to inclusiveness in the election process and the rights of election observers, many polling stations were inhospitable to accredited EDOs representing vulnerable communities and/or representing election observation groups unfamiliar to polling and security officials.

Based on relevant provisions of the Elections Act 2017 and the experiences of CIP EDOs, CIP offers the following preliminary conclusions and recommendations.

To address these problems during future elections:

1. **ECP training for polling officials and Election Day security personnel** should include clear instructions that any person possessing an ECP accreditation card must be permitted to observe polling and vote counting processes in any polling station of the country.
2. **ECP should enforce appropriate consequences** for any polling official or security personnel interfering with the observation rights of any accredited election observer.
3. **ECP efforts to ensure the accessibility of all polling stations** across the country should be increased to ensure protection of the rights of PWD to fully observe polling and vote counting processes on Election Day at any polling station.
4. **ECP should redesign and streamline the entire postal ballot process** for PWD to ensure clarity, convenience and timeliness in order to avoid disenfranchising PWD in future elections.

The adoption of inclusive provisions in the Election Act, 2017 and the establishment of the ECP's GDEWG are very positive developments. Relevant provisions in the election law include Section 47 (requiring expedited enrollment of women as voters), Section 48 (requiring special measures for registration of PWD and transgender citizens as voters), Section 93 (providing for postal ballots for PWD), and Section 238 (confirming the

rights of election observers). The Transgender Persons Act, 2018 further affirms their rights as voters. Despite these valuable steps forward, much more remedial action is required by the ECP and other relevant authorities to ensure that inclusive legal provisions are not only enshrined on paper, but are also realized by transgender, women and PWD citizens in practice, for all elections to come.



Coalition for Inclusive Pakistan (CIP)

Facilitated by TDEA, fifteen CSOs unified their efforts for greater impact under the banner of CIP, formed in December 2017. CIP partners include five organizations working on issues related to transgender rights, five on women's rights, and five on the rights of PWD. Three CIP partner organizations each observed pre-election and Election Day processes in the federal and provincial capitals.

TDEA linked CIP partners with the ECP's GDEWG. With FAFEN election experts, TDEA built the capacities of CIP partners to understand their electoral rights vis-à-vis the Elections Act 2017, enabling the partners and their respective

communities of interest to effectively engage with election authorities and other stakeholders. As a result of their increased capacity and linkages with stakeholders, CIP partner organizations are articulating their concerns and recommendations to the ECP to protect and promote their electoral rights.

With support from FAFEN experts, TDEA also built the capacity of CIP partners on best practice for technical election observation. For the first time in the electoral history of Pakistan, transgender people, women and PWD are collectively observing, analyzing and commenting on Pakistan's elections from their distinct perspectives.

