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بنیاد انتخابات آزاد و عادلانه افغانستان
Free&Fair Election Foundation of Afghanistan

Afghanistan Parliamentary Election Observation Mission 2010

Final Report

June 2011

Free and Fair Election Foundation
Of Afghanistan (FEFA)



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Preface

Message from the Chairman

Last year's election was Afghanistan's most difficult yet. Campaign season saw violence, coercion and fraud on an unprecedented scale. Candidates and campaign staff were abducted, beaten and murdered. Voters and election workers were systematically terrorized by insurgent groups and powerful warlords. Yet, those groups and individuals who sought to shut down the elections in most cases failed and despite all this, Afghans once more demonstrated willingness and desire to pursue a democratic path.

Young candidates reached out to voters through mobile technology, grassroots campaigns and public debates. Hundreds of women candidates braved an onslaught of harassment. Thousands of election workers awoke to find threatening letters posted at night by insurgents and continued working anyway. Week after week, non-governmental observers, including those from FEFA's network, reported abuses of power and crimes against civilians, continuing their important task despite escalating violence.

On September 18, 2010, the people of Afghanistan voted for their second parliament. Some of them paid for the chance to choose their representatives in time spent traveling and standing in long lines outside polling centers. Others paid with their lives.

We at FEFA stand in solidarity with the families of the dozens of civilians who were killed for their participation in the elections and share their desire to see the perpetrators of political violence brought to justice.

Afghans are under no illusions about how far their country has to go. But, as one citizen put it to FEFA while passing on information about coercion of voters in his province last year, "if we have better elections, we will have a better society and my fate is tied to this society."

The Afghan government and its international partners can choose one of two very different paths from this point forward. They can begin reforming the broken electoral system now or they can watch Afghanistan's fragile democracy erode to the point of irreparability before the next round of elections. We urge all parties to choose the former path before it is too late.



And finally, I dedicate this report to those men and women who gave their lives to make democracy succeed in Afghanistan. I also present this report on behalf of my team --more than seven thousands of courageous Afghans-- who worked hard day and night to contribute in institutionalization of democracy in their country.

Nader Nadery

Chairman

Free and Fair Elections Foundation of Afghanistan (FEFA)

April, 2011 Kabul-Afghanistan

Acknowledgements

First and foremost, FEFA thanks the governments of Germany and Denmark for their generous grant, which enabled FEFA to implement its 2010 election observation mission and for their encouragement and patience as the project progressed.

FEFA is also grateful to the Asia Foundation and the Asian Network for Free Elections (ANFREL) for their assistance in developing an Election Day observer mission manual and to the National Democratic Institute (NDI) for their assistance in training and building the capacity of FEFA's long-term district observers. Additionally, FEFA appreciates the cooperation of members of the Electoral Stakeholders' Coordination Group (ESCG).



Terms and Abbreviations

TAF – The Asia Foundation

AGO – Attorney General’s Office

AIHRC – Afghanistan Independent Human Rights Commission

ANFREL – Asian Network for Free Elections

ANSF – Afghan National Security Forces

ANSO – Afghanistan NGO Security Office

AYNSO – Afghan Youth National Social Organization

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

ECC – Electoral Complaints Commission

EU – European Union

DDR – Disarmament, Demobilization, and Reintegration

DI – Democracy International

DIAG – Disbandment of Illegal Armed Group

EMC – Electoral Media Commission

ESCG – Election Stakeholders Coordination Group

FEFA – Free and Fair Election Foundation of Afghanistan

ICCPR – International Covenant on Civil and Political Rights

IEC – Independent Election Commission

IED – Improvised Explosive Device

IFES – International Foundation for Electoral System

IRI – International Republican Institute

ISAF – International Security Assistance Force

JEMB – Joint Electoral Management Board

LDI – Local Defense Initiatives

LTO – Long-term observers



MAS – Movement of Afghan Sisters

Meshrano Jirga – House of Elders

MoJ – Ministry of Justice

MP – Member of Parliament

NDI – National Democracy Institute

OSCE – Organization for Security and Cooperation in Europe

PECC – Provincial Electoral Complaints Commission

RTA – Radio Television Afghanistan

SNTV – Single Non-Transferrable Vote

SRSG – Special Representative of the UN Secretary General

STO – Short-term observers

TEB – Tamper Evident Bag

UCSD – University of California at San Diego

UDHR – Universal Declaration of Human Rights

UNAMA – United Nations Assistant Mission to Afghanistan

UNIFEM – United Nations Development Fund for Women

VC – Vetting Commission

Wolesi Jirga – House of the People



Executive Summary

Afghanistan's 2010 parliamentary elections prompted the fourth national observation mission undertaken by FEFA. During every phase of the elections, from the registration of candidates through the seating of the new parliament, FEFA observer mission reports drew attention to deep flaws in the system and underscored the urgency of broad-ranging electoral reform — reform that FEFA has called on all stakeholders to begin in earnest and without further delay.

The 2010 elections were Afghanistan's most challenging. Escalating armed conflict and election-related violence made the work of FEFA's hundreds of long-term observers and thousands of short-term observers treacherous throughout much of the country. Though the elections were moved from May to September to allow large-scale military operations in the south to improve security, the country was more violent in the fall than it had been in the early summer. Administrative failures of the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC) further damaged the embattled electoral process.

The breakdown of the vetting process was among the earliest and most serious institutional failures of 2010. In accordance with the Electoral Law, the Vetting Commission, a body chaired by the IEC and composed of representatives of the security ministries, investigated candidates for ties to illegal armed groups by. Regrettably, the Commission carried out its tasks in an uneven and non-transparent manner that impinged on candidates' political rights and left many well-known gunmen on the ballots. Only 36 individuals, out of approximately 2,500 aspirant candidates, were ultimately disqualified — an incredibly small number for a country in its fourth decade of armed conflict. FEFA's observation of the vetting process revealed that accused candidates, including at least a dozen likely innocent individuals, were denied due process and that the criteria by which they were identified were kept secret, hampering independent auditing by human rights groups.

Voter registration was conducted again in 2010. IEC centers were better-staffed during this phase of the electoral process than at any other time, according to the FEFA observer mission reports. However, the IEC still lacked a reliable voter registry and the commission's decision to run registration out of provincial capitals disadvantaged women and rural voters. Additionally, the distribution, once again, of women's voter cards without photos increased the risk of women's votes being manipulated on Election Day.

Women were especially affected by electoral shortfalls. Neither the IEC nor the ECC were able to recruit enough female employees to ensure the electoral process was accessible to women. Severe



shortages of female staff throughout most of the country caused IEC administrative delays for the record number of women who sought to register as candidates in 2010. This also discouraged women from submitting official complaints to the ECC during the candidacy challenge period. At the same time, potentially dangerous propaganda against women candidates — including allegations of religious and sexual impropriety spread by rivals and clerics and echoed by the media — went largely unchallenged by the electoral institutions mandated to investigate and sanction electoral violations.

From beginning to end, the electoral process was marred by insurgent attacks, a concerted intimidation campaign targeting civilians affiliated with the elections, the actions of predatory local powerbrokers and militias and the violence that resulted from military operations in the south and east of the country. FEFA's provincial coordinators reported widespread intimidation of civilians, including the distribution of threatening night letters, radio broadcasts threatening violence against civilians participating in the elections and anonymous phone threats against candidates and campaign staff, especially women. Powerbrokers also used intimidation to manipulate the electoral process, most aggressively so in areas where militias could be used to compel rural voters to support candidates allied with powerbrokers.

Kidnappings and targeted killings, though fewer in number than threats, also cast long shadows over the summer months of campaigning ahead of the September 18 vote. Three candidates were assassinated in attacks that also wounded dozens of civilians. At least 11 campaigners were killed for their involvement in the elections. Powerbrokers and insurgents targeted election workers and relatives of candidates for kidnapping. Authorities responded slowly to election-related threats and rarely and grudgingly provided protection.

Approximately 7,000 FEFA observers (6,600 STOs and 400 LTOs) were present in 3,538 polling centers across 34 provinces on September 18. Observers arrived at the centers just before opening to assess the initial conditions of the centers and continued their observation through voting and counting. The observers filled in detailed checklists throughout the day and reporting to their superiors through FEFA's cascade reporting system. In the week after Election Day, the checklists were returned to FEFA's headquarters in Kabul. Later, FEFA analyzed the data with assistance from the University of California, San Diego.

Eighty-five% of polling centers observed by FEFA opened on time. Only 3 provinces, which were extremely insecure, experienced late openings at more than half of observed polling centers. Obstruction of voting was reported in 12% of polling centers observed by FEFA nationwide. Observers reported intimidation in 15%, underage voting in 29%, family group voting in 24% and unauthorized persons in 17%. Contravening regulations, campaign materials were found within 100 meters of 36%



of observed polling centers. Observers in every polling center covered by FEFA reported that IEC staff lacked the necessary materials. Fifty-nine% of observed polling centers reported that the ink used to prevent repeat voting was washing off voters' fingers.

After verifying hundreds of serious reports of Election Day irregularities, FEFA submitted packages of evidence and information to the IEC and ECC for follow-up. FEFA has submitted evidence on a total of 890 serious cases in 31 provinces to both electoral bodies. Many of these cases involved ballot-stuffing and intimidation of voters. FEFA submissions to the ECC included 13 CDs with video and photographic evidence of irregularities.

After months of public protests by losing candidates and legal disputes, some of which remain unresolved at the time of writing, the new parliament was seated in late January of 2011. Though necessary to avert the escalation of the post-election political crisis, the inauguration of the new parliament did not undo the damage already done. The outcome of the 2010 elections left large segments of the electorate dissatisfied and laid the groundwork for future conflicts between the legislative, executive and judicial branches of the government. With the release of this final observation report, FEFA is now looking ahead to the role it and broader civil society can play in urgently reforming Afghanistan's electoral system.

If Afghanistan's fragile democracy is to move forward in future elections, electoral institutions must be independent and IEC and ECC commissioner appointments must be consultative. Vetting must be conducted in a manner that respects candidates' civil and political rights and at same time keeps gunmen off the ballots. Law enforcement agencies must protect threatened individuals impartially and tackle fraud more aggressively. Electoral system must be replaced with a system that mixes SNTV with a party list system. Political actors must prioritize the recruitment of women election workers and making all aspects of elections accessible to women. These are just a handful of the changes needed to prevent further democratic regression. Reform must begin now, with civil society at the table from day one.



Recommendations

To the Legislature

FEFA urges the National Assembly to:

- Enact broad-ranging electoral reform before the next national election, including a thorough review of the Electoral Law, and prioritize:
 - The replacement of the Single Non-Transferrable Vote (SNTV) system with a system that mixes the SNTV with a party list system, with the aim of moving to an all party list system over the course of two elections.
 - The overhaul of the candidate vetting process, including the expansion of the membership of the Vetting Commission to include representatives of civil society and the Afghanistan Independent Human Rights Commission.
 - Clarification of the powers of the electoral institutions and their relationships with each other and other organs of the government.
 - The delimitation of electoral district boundaries.
 - The removal of unreasonable barriers to the participation of political parties in elections.
- Support the establishment of the ECC as a permanent institution that would operate continuously.
- Support a consultative appointment process for IEC and ECC commissioners.

To the Government

FEFA urges the Government of the Islamic Republic of Afghanistan to:

- Support broad-ranging electoral reform.
- Support the immediate dissolution of the Special Court.
- Encourage aggrieved parties from the 2010 elections to seek redress through the judicial system.
- Repeal the February 2010 Electoral Law decree.

To the Attorney General and the Judiciary

FEFA urges the Attorney General and the courts to:



- Facilitate the immediate dissolution of the Special Court.
- Refer members of the security forces responsible for electoral violations to the appropriate organs of the criminal justice system.

To the Security and Intelligence Institutions

FEFA urges the security and intelligence institutions to:

- Conduct individual security assessments for aspirant candidates before the next campaign season and provide security to at-risk individuals accordingly.
- Promptly investigate all reported threats against candidates, campaign staff and other individuals associated with elections.
- Carry out broader awareness campaigns to inform the public about electoral security.
- Penalize members of the security forces who provide unlawful support to specific candidates and campaigns.
- Make publicly available a full and accurate joint report on the 2010 electoral vetting process, including the criteria used to identify candidates with ties to illegal armed groups and the standard of proof used in the consideration of candidate's defenses.
- Allow an independent investigatory panel, including representatives of civil society, the Afghanistan Independent Human Rights Commission and the United Nations Assistance Mission in Afghanistan, to review all cases of candidates accused of ties to illegal armed groups during the 2010 electoral vetting process after the elections for the purposes of devising lessons learned for future elections.
- Support the reform of the Vetting Commission before the next election.

To the Independent Election Commission

FEFA encourages the IEC to:

- Work transparently, allowing observers and civil society representatives to observe its plenary sessions.
- Implement new guidelines for staff recruitment, taking into account the need to recruit more women and avert hiring individuals with conflicts of interest and responsibility for past instances of electoral fraud.
- Establish a central hotline for election-related security complaints.



- Providing observer organizations with certified copy of results at PS level

To the International Community and Donors

FEFA encourages the international community and electoral donors to:

- Support broad-ranging electoral reform.
- Support the inclusion of civil society in the electoral reform process.
- Condition financial support for future elections on electoral reform.
- Support initiatives to promote the political awareness and participation of women between and during elections.

Part I: Introduction

FEFA Organization Profile

The Free and Fair Election Foundation of Afghanistan (FEFA) was founded in 2004 by 15 civil society organizations and registered with the Ministry of Justice as a civil society organization. FEFA contributes to the formation of a peaceful, democratic and well-governed society, where all citizens have equal rights and opportunities to participate in the public life of their country. FEFA's mission is to guarantee the integrity of the election process through:

- Providing our people, through non-partisan groups a venue for their effective and productive involvement in elections and to ensure that the process is free, fair, peaceful and orderly.
- Promoting the citizenry's role by raising their awareness and giving them a sense of responsibility over the process.
- Informing them about the importance of voting, as well as selecting candidates and political parties that represent the nation's interest.
- Advocating for political parties to be public in character, and, therefore, fully accountable to the people.
- Providing our people other relevant venues to participate in the promotion of good governance.



FEFA's Performance 2004-2009

Over the past five years, FEFA's legal and reporting teams have developed procedures for information gathering, analysis and report-writing based on direct and indirect observation reports (questionnaires and checklists and component sections of these) submitted at regular intervals by observers throughout the country, as well as stakeholder meetings, media reports, statements and figures from relevant electoral bodies and international organizations, individual interviews and reports from international observers.

During the 2004 presidential election, FEFA deployed 2310 observers on Election Day during the 2004 presidential election. These observers were present in 101 districts, 1,962 polling centers and 3,088 polling stations around the country. FEFA was the first observing entity to make a note of problems such as the low quality of the indelible ink and report it to the Joint Electoral Management Board (JEMB).

During the 2005 Parliamentary Elections, FEFA covered 65% of all polling centers by deploying 7,446 local observers on Election Day in all 34 provinces. FEFA observers were present in 3,723 polling centers in 217 districts around the country. During the 2005 election, FEFA ran its observer mission through 25 civil society partner organizations as well as FEFA representatives in 34 provinces.

Over the course of the next 4 years, FEFA undertook a series of research projects to help educate the Afghan public on issues related to the conduct of free and fair elections. In 2008, FEFA led consultations with civil society organizations on potential amendments to the electoral law. FEFA also conducted a study on behalf of the International Foundation for Electoral Systems (IFES) on the state of political financing in Afghanistan.

During the 2009 presidential and provincial council elections, FEFA deployed 7,137 observers who covered 60% of all polling stations nationwide and all 34 provinces.

FEFA carried out its fourth and most difficult national observer mission during the 2010 parliamentary election. The observation project, by far the largest in the country, was funded by the government of Germany and Denmark. Despite daunting security and logistical challenges in the field, FEFA's team and partners reported on every phase of the electoral process.

In tandem with its main observation project, FEFA also implemented an IFES-funded campaign finance monitoring project in Kabul province based on the findings of its earlier campaign finance study. This project, the first of its kind in Afghanistan, aimed to increase awareness of political finance issues in the parliamentary elections, recommend reforms and establish campaign finance monitoring



mechanisms for future elections. A final report on the findings of the project, titled, “Monitoring Campaign Finance in the 2010 Wolesi Jirga Elections,” was published in late December 2010.

The 2010 Election Observer Mission

In 2010, FEFA strived, to the greatest extent possible in an extremely insecure and information-poor environment, to verify the information its field teams gathered by cross-checking observer reports against other available sources of information. For purposes of electoral analysis, FEFA compared observer reports to electoral laws and established procedures and to international standards for democratic elections.

During the pre-Election Day period, FEFA observers at the district level reported to those at the provincial level and provincial coordinators reported to FEFA headquarters. For every phase of the electoral process with the exception of the challenge period, LTOs filled out and electronically submitted an observation checklist with qualitative and quantitative questions. For the challenge period, the checklist was designed late and observers completed it retrospectively via email or as a phone questionnaire.

After checklists were returned to the head office, the provincial liaison officer and women outreach officer checked the forms to ensure all had been submitted. The checklists were then shared with the program manager and executive director, who analyzed them for gaps in information and unclear reports and devised specific follow-up questions for the LTOs. The liaison officer then administered these follow-up questions by phone and email and added the additional information to the checklists.

The checklists were subsequently handed to the senior reporting officer and the media and communications assistant for translation into English and processing into data collection forms. When these forms and translated narrative reports were ready, they were given to the communications consultant, who drafted the external reports and press releases. In practice, the communications consultant and senior reporting officer worked on these documents jointly.

Final English drafts were reviewed by the executive director and program manager and approved for translation into Dari and Pashto by the media and communications assistant and senior reporting officer. The translations were then reviewed by the program manager and executive director and all three versions of the document were approved for dissemination to stakeholders and the press.

Whenever possible, incident reports were checked against media reports and field reports from other observer organizations. But consistently comparing FEFA reports to press coverage was hindered by



patchy coverage of the electoral process outside heavily-populated provinces and urban centers. Comparing FEFA reports to reports from other observer organizations was similarly challenging, as FEFA was the only observer organization present in many areas in the period between candidate registration and Election Day and beyond.

Reports regarding the actions of the electoral institutions were shared with the IEC and ECC for comments prior to publication. FEFA maintained frequent contact with IEC staff in operations, legal affairs and external relations and frequently solicited their feedback on observer reports. These exchanges served two purposes: to verify quantitative information and to allow the IEC and ECC to clarify and explain contentious decisions.

FEFA used a cascade system for Election Day reporting. Short term observers (STOs) at the local level reported to district coordinators. District coordinators in turn reported to provincial coordinators. The district coordinators filled out summary forms based on the STO reports. These summary forms were reported to the provincial coordinators, who processed them into provincial summary forms. All observers also filled out individual checklists.

On Election Day, FEFA observers used both stationary and mobile observation for collecting data and information.

Headquarters program staff divided into multi-province teams collected reports from provincial and district coordinators over the phone during the opening of polls, voting process, closing of polls and counting process. These reports and summary forms they filled out formed the basis for FEFA's Election Day press statements and the first preliminary observation report.

In the field, district coordinators traveled to polling centers where STOs reported serious incidents and carried out interviews with local police, voters, IEC employees and candidate representatives to confirm STO reports. Provincial coordinators confirmed district coordinators' reports by calling district chiefs of police, IEC district field coordinators, local elders, candidate representatives and local media.

After voting and tabulation, FEFA's long term district observers' collected all polling day checklists in hard copy along with the IEC accreditation and physical evidence of fraud they collected during their observation mission and submitted to provincial LTO's during debriefing at the provincial level. The provincial LTOs collected whole districts checklists along with the IEC accreditation and physical evidence of fraud they collected during their observation mission, and submitted it to FEFA's headquarters during the provincial team debriefing in Kabul.

All reports were checked for consistency. Reports of major irregularities and incidents of violence were compared to available media information. In sensitive cases, such as the widespread reports of



washable ink on Election Day, FEFA compared the reports of its observers with those of international observer groups such as ANFREL, NDI and Democracy International. This was done largely through informal communication, phone conversations and quick meetings with program staff and observers from these organizations.

All returned observer checklists were subsequently entered into a digital database at FEFA headquarters and the hard copies were organized and stored by province. Concurrently, observers' narrative reports and evidence were organized into packages that were given to the IEC and ECC for follow-up. All quantitative information was compared to official figures publicly released by the electoral institutions.

FEFA signed a memorandum of understanding with the University of California at San Diego (UCSD) that allows UCSD to use FEFA's Election Day 2010 observation data in future studies and reports of elections in conflict zones and transitional states in return for UCSD providing FEFA with statistical analysis based on its observer reports. UCSD analyses have been used for the Election Day section of this report.

Part II: Legal Analysis

Legal Instruments

The Constitution of the Islamic Republic of Afghanistan sets forth provisions guaranteeing the human rights and democratic freedoms of all citizens of Afghanistan without discrimination and establishes the legal basis for elections and elected institutions.

Article 6 of the Constitution tasks the government with creating a society "based on social justice, preservation of human dignity, protection of human rights, realization of democracy, attainment of national unity as well as equality between all peoples and tribes and balance development of all areas of the country."

In subsequent articles, the Constitution respects the United Nations Charter and Universal Declaration of Human Rights and guarantees non-discrimination among citizens under article 22, which states that: "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, men and women, have equal rights and duties before the law." Articles 61, 31, 35, 83, 86, 109, 138, 140, 147 and 156 create the legal basis of elected institutions. The Electoral Law supplements these constitutional provisions and lays out the framework for democratic elections.



In February 2010, the Council of Ministers adopted a revised version of the electoral law with amendments sought by President Hamid Karzai. The President then promulgated the law by decree. This decree was shortly thereafter rejected by a parliamentary majority vote. In spite of its rejection by parliament, the new Electoral Law was enacted on March 1, 2010, when it was published in the official gazette of the Ministry of Justice. Debate over the applicability of the new law continued well into the 2010 electoral process.

In addition to the Constitution and Electoral Law, and despite the debate over the applicability of the new amendments, the Independent Election Commission (IEC) as permitted by both the Constitution and the Electoral Law has issued guidelines and regulations to regulate the electoral process.

Legislature

Afghanistan has a representative system of government as enshrined in its Constitution. It is led by a President, members of a lower house of the parliament and local assemblies elected based on universal suffrage for citizens over the age of 18.

The Legislature is composed of a bi-cameral National Assembly. The Wolesi Jirga (House of People) is directly elected and the Meshrano Jirga (House of Elders) is elected indirectly.

Provincial Council and District Council members, nominated by their peers, from two thirds of the Meshrano Jirga. The remaining one third is appointed individually by the President. The Provincial Councils' roles are determined by the Provincial Council Law based on articles 138-9 of the Afghan Constitution. Their roles range from development of the provinces to improving administrative affairs, as well as provincial representation in central government. Although the Provincial Councils have a mere consultative role, their election is an element of the democratic process in local governance.

Article 83 of the Constitution establishes a period of 5 years as the duration of the term for each parliament. It directs parliamentary elections to be held no less than 30 days prior to the expiration of the term of the parliament. The provisions of the Constitution and other legal instruments do not contain clear guidelines regarding the powers, continuation or dissolution of the parliament after the expiration of its term in the event that elections are delayed, as they were from May to September 2010.

Article 83 of the Constitution also stipulates that: "Members of the Wolesi Jirga shall be elected by the people through free, general, secret and direct balloting." According to the same article, the total



membership of the lower house shall not exceed 250. Reserved seats for women will be at least twice the number of the provinces.

Article 84 of the Constitution holds that two thirds of the upper house, the Meshrano Jirga, will be elected from among the provincial council and remaining one third will be appointed by the President. The article reads:

Members of the House of Elders shall be elected and appointed as follows:

1. From amongst each provincial council, one individual shall be elected by the respective council for a 4 year term;
2. From amongst district councils of each province, one individual, elected by the respective councils, for a 3 year term;
3. The remaining one third of the membership shall be appointed by the President, for a five year term, from amongst experts and experienced personalities, including two members from amongst the impaired and handicapped, as well as 2 from nomads.

The President shall appoint 50% of these individuals from amongst women. The individual selected as a member of the House of the Elders shall lose membership to the related Council and, another individual shall be appointed in accordance with the provisions of the law”.

Totally, of 249 seats in Wolosi Jirga, 10 seats are allocated to Nomads. The Electoral Law echoes the constitution and provides a more detailed calculation for the seats of the Wolesi Jirga and Meshrano Jirga and asks the IEC to publish the calculations according to article 20 of the Electoral Law.

1. The Commission shall allocate 239 seats to the provinces in the following order:
 1. The total number of populations of provinces shall be divided the 239 allocated seats to determine the population quota for each seat.
 2. The population of each province shall be divided by the quota for each seat to determine the number of seats for each province.
 3. Each province is allocated a number of seats equal to the number from the division under clause (2) of this paragraph.
 4. The seats that are not allocated under clause (3) of this paragraph shall be allocated in the descending order of the remaining fraction of the division mentioned in clause (2) of this paragraph.
 5. If less than 2 seats are allocated for one or more provinces as of this calculation, then 2 seats shall be allocated for that province.



6. The total seats and number of population of the provinces to extra seats are allocated under clause (5) of this paragraph, shall subtracted from the total of 239 seats and total population of all the provinces. For the remaining provinces, a new quota for allocation of seats shall be calculated and repeated, in accordance with the procedures described in clauses (2) and (5) of this paragraph.
2. The Commission shall be required to publish the calculations used for allocation of seats set forth in this Article.

While The Electoral Law, in articles 22 and 23, sets quotas for politically marginalized groups such as women and nomads it does not stipulate that seats be reserved for religious minorities, such as Hindus and Sikhs.

However, the lack of census data overshadows the calculations since it is difficult to determine the correct population of the provinces. This might result into some provinces disproportionately receiving the allocations.

Electoral System

Afghanistan adopted a Single Non-Transferable Vote (SNTV) system for the 2004 presidential election and has kept the system in place ever since, despite widespread criticisms of its negative effects on democratization. According to SNTV system, in any election, based on suffrage, each voter casts one ballot for one candidate in a multi-candidate race for multiple offices. Candidates winning the most number of votes become eligible to fill the posts they were running for.

This system inhibits the development of a strong party system, without which Afghanistan's politics will continue to be driven by personality and power, rather than policy issues and constituents' needs. In the Afghan context, the SNTV privileges small clusters of locally influential and powerful individuals who pursue and represent their own interests, not those of their constituents. It has impeded the development of political parties and has produced extremely long, confusing candidate lists during successive elections and a legislature without easily-discernable blocs.

Violations of the Electoral Law are to be addressed through the Electoral Complaints Commission (ECC), a quasi-judicial body established under article 61 of the Electoral Law. The article reads that: "The President, in consultation with the Speakers of the two houses of the National Assembly and the Chief Justice of the Supreme Court, shall establish the Central and Provincial Electoral Complaints



Commissions in order to address breaches, complaints and objections resulting from elections, and to manage the provincial complaints commissions and assess their decisions, at least 120 days prior to the election date.”

The ECC is empowered to adjudicate electoral complaints and issue sanctions for electoral offenses. However, the absence of clear provisions in the law to address the issues of investigating and adjudicating complaints paved the way for a prolonged political crisis and unlawful executive interventions following the 2010 elections.

For instance, allegations on candidates for committing crimes against humanity remain allegations since no one has been formally tried for such allegations. Likewise, the inability of the system to identify and prevent electoral law violations such as multiple voting and underage voting may result in unfair outcomes for the elections. The use of government resources and official authority in campaigning for candidates is another of the unlawful practice which has been reported and observed which remain difficult to pursue with the ECC.

Right to Elect

Article 33 of the Afghan Constitution states that: “The citizens of Afghanistan have the right to elect and be elected,” guaranteeing the right for the citizens to participate in the election as voters as well as candidates. Article 11 of the Electoral Law explains further the suffrage right of the citizens of the country and states that:

A person with the following qualifications shall be eligible to vote in elections:

1. Has completed at least the age of 18 on the polling day.
2. Has citizenship of Afghanistan.
3. Has not been deprived of civil rights by judicial order.
4. Has been registered on the voters’ list by the IEC.

Articles 3 to 5 of the Electoral Law clearly state the terms of equal voting rights as well as put strong emphasis on the principle of free will. The electoral mechanisms however fail to enforce these articles when the voting is under way. Lack of a proper and nationally-synchronized voter registration system, as well as the unavailability of a strong identification card system, are the loopholes perpetrators exploit. Incidents of multiple voting, underage voting and intimidating voters to cast votes for particular candidates have been observed as well as reported.



For the candidates, there are provisions in the electoral law providing clear guidelines on registration, eligibility and qualifications. The Electoral Law's articles 12, 13 and 43 respectively outline all the criteria required for a candidate to run for a seat in the parliament. The law may be clear, but the lapses and failures of other mechanisms of government put in place to assist the implementation of the law make it hard to enforce.

One particular qualification under article 12 states that a candidate "has not been convicted of crimes against humanity, crimes or deprived of civil rights by order of a court." However, lack of formal accusations and trying of people allegedly committing human rights' violations, it is difficult to vet out such candidates.

Similarly, the law forbids any government official and civil servant from running for seats unless they resign first. Yet, there have been reports of people running for parliament while still holding their government positions. The monetary requirement for the registration outlined in article 43 of the Electoral Law is excessive for most ordinary citizens who wish to exercise their right to be elected. The average wage of a civil servant being estimated at 60 dollars a month, the 30,000 Afghanis required to run for a seat in the parliament may prove to cost them an amount equal to one year's salary. On the flip side, it gives the opportunity for alleged violators of the law to find their ways into the parliament.

Electoral Institutions

Independent Election Commission

Establishment of the Independent Electoral Commission, the election administration body, is enshrined in article 156 of the Constitution: "The Independent Elections Commission shall be established to administer and supervise every kind of elections as well as refer to general public opinion of the people in accordance with the provisions of the law."

The 2010 Electoral Law enumerates the powers and responsibilities of the IEC, but does not adequately protect the IEC from political interference. One of the most serious concerns raised by civil society and electoral experts is the appointment of IEC commissioners by the President without consultation with civil society or the legislature. Another is the lack of criteria for vetting IEC staff.

Once the President has appointed an IEC commissioner, there is no provision designed to foresee removal of the commissioner from their post.

Additionally, the IEC is also required to conduct its affairs in a transparent manner by allowing independent observers and political party representatives to observe its sessions. The Electoral Law in



article 50 requires the IEC to “determine the rights and obligations of the agents, observers and representatives of mass media, and provide and distribute accreditation badges to them.” Furthermore article 57 clause 2 of the same law requires the IEC to have the observers present when they include or remove boxes from quarantine. Article 63 considers preventing relevant people, including observers, from participating in the electoral process a violation. This requirement was not fulfilled in the presidential election of 2009 or parliamentary elections of 2010.

Electoral Complaints Commission

The ECC is established by article 61 of the Electoral Law. The article states that: “The President, in consultation with the Speakers of the two houses of the National Assembly and the Chief Justice of the Supreme Court, shall establish the central and provincial Electoral Complaints Commissions in order to address breaches, complaints and objections resulting from elections, and to manage the provincial complaints commissions and assess their decisions, at least 120 days prior to the election date.” It is the only body recognized by the law capable of adjudicating complaints regarding electoral violations received prior to the certification and accreditation of election results.

Civil society and legal experts have repeatedly raised concerns about the law. The concern is that there is no clarity about the structure of this commission. There is also a lack of clarity on the appointment of members of this commission. The members could be appointed by the President and might not be able to remain impartial in the face of interferences by government organizations and powerful candidates. On the other hand, the lack of special criteria for members of the commission raises concern that those who are appointed to this commission may be ineligible and unable to guarantee the professional conduct of the commission during the process.

The presidential decree undermines the impartiality of the ECC. Its composition, the first time it was established, was 5 commissioners. From among these 5, 2 were appointed by the President (one from the Supreme Court and one from the Afghan Independent Human Rights Commission) and three were international experts appointed by the Special Representative of the UN Secretary General (SRSG) for Afghanistan. However, after the disputed and controversial presidential elections, the composition was changed by the President citing foreign interference, which prompted criticism from the civil society and international community and concerns were raised on its impartiality. As a result, during the parliamentary elections, international commissioners were present but reduced to 2 in the ECC.



The ECC has the authority to impose sanctions and penalties on electoral violators. The penalties range from requesting the removal of a candidate from the candidate's list to invalidating ballot papers and putting them into quarantine, as well as imposing financial fines. Provincial Electoral Complaints Commissions have their decisions subject to appeals before the ECC. The ECC makes the decisions directly. According to the Electoral Law, the decisions of the ECC shall be the final decisions. However, the Supreme Court reserves the right to revise all judicial decisions. This however undermines the impartiality and independence of the decisions.

Electoral Media Commission

The Electoral Media Commission (EMC) was established according to article 60 of the Electoral Law. It was set up 60 days prior to the election date to oversee the reporting and fair broadcasting of electoral campaigns and address media related violations during the campaign period. The EMC can issue warnings or sanction fines and penalties for violations. The law states for the EMC to be dissolved within a maximum of one and a half months after the election results are announced. This early disbanding of the EMC, however, limits its ability to assert its authority and effectiveness.

Voter Registration

The voter registration process is one of the most controversial processes in the elections. The requirements for voter registration are outlined in article 11 of the Electoral Law and further explained in the Regulation for Voter Registration issued by the IEC. However, the lack of a proper system to record and authenticate voter's eligibility to receive a voter registration card throughout the country resulted in many violations. FEFA recorded and reported many violations of voter registration law. Multiple registrations, lack of attention towards identification or age verification, underage registration and others were among the violations FEFA observed and reported.

The Regulation for Voter Registration and the Electoral Law does not require the voters to provide any document. Article 6 of the Regulation for Voter Registration requires personal information including name, father's name, age, residence address, thumb print and whether the person wants to vote or not. It requires also the picture of the person to be taken, but allows females to provide reasons if they do not want their pictures to be taken. Though taken as a precaution for cultural sensitivity, this measure can potentially give opportunity for violators to proxy vote or register more than once.



The same regulation, in articles 8 and 9, address the issue of challenging and complaining of the registration respectively. The regulation states:

Article 8:

1. Citizens eligible to vote and agents may challenge a person's eligibility to register as a voter.
2. The designated supervisor of the voter registration station, after contacting the person against whom the challenge was made, on the basis of evidence of both sides, may decide whether to accept or reject the challenge.

Article 9:

Citizens eligible to vote and agents may file a written complaint with the ECC if any violation of electoral law or documents approved by the Commission or Secretariat happens or if not satisfied with the decision made by the supervisor about the challenge.

In the same line, another regulation on the challenges and complaints issued by the IEC states the deadline in article 4, clause 2, for submitting a complaints and states it should be "...officially recorded and presented to the Electoral Complaint Commission within 72 hours after the violation occurred." For challenging the candidature of a person the time limits is announced by the IEC prior to the release of the final list. However, there is no mention of timeline for submitting a challenge to voter registration.

Furthermore, on the safety of the voter's information, article 10 of the same regulation protects the information of the voters and states that: "The Commission shall take proper measures to ensure that the information supplied during voter registration for the election process is not used for other purposes except as authorized by law."

Political Parties and Candidates

At the time of this writing, there are 38 political parties registered in the Ministry of Justice pursuant to criteria prescribed in new political parties' law. During the parliamentary election, 5 parties had nominees¹. The registration process for the political parties and the limitations it provided for them was discussed in the previous sections of the report. However, the SNTV also has shaped the effectiveness of political parties in elections and their representation in the parliament.

¹ Thirty-four nominees represented from 5 parties (Islamic United Party of Afghanistan, National Solidarity Party, National Solidarity Movement, National Participation Party and National United Party.)



Candidates, whether individual or from a political party are treated equally before the law. The legal framework allows for both individual and party candidates to run for office. The Political Parties Law in article 12, clause 6, states that political parties can nominate candidates for all elections. This paves the way for registered political parties to nominate candidates and for their candidate to be treated equal among other individuals. The Constitution guarantees equality before the law for all citizens without any discrimination.

Furthermore, article 12 of the Electoral Law clearly states the requirements for the candidates. However, some of the requirements, including the number of voter registration cards and financial guarantees to be submitted to the IEC, were identified as a cause of concern by FEFA. The concern raised was based on the economic situation of the country where 42% of the people still live below the poverty line and thus the financial guarantees will limit the candidacy of individuals who are eligible.

Once registered and eligible to run for office, candidates are guided by law for conduct. The Electoral Law and the regulations issued by IEC on campaigning offers a clear timeline with guidelines. The laws and regulation do not allow any government interference. However, there are complaints of government interference during the campaign. FEFA observers reports similar violations.

Once in the office, the law does not provide clear guidelines in terms of the candidates who represent parties in case their parties are dissolved, or if their affiliation changes. The Political Party Law, the Electoral Law and IEC regulations do not foresee this problem. One reason can be the lack of strong political parties. In the parliamentary elections, there were only 5 registered parties who had candidates running in the elections.

Equal Treatment and Access to Media

To ensure all candidates get equal access to media and share their opinions for public awareness purposes, media, state owned or private, is encouraged by article 59 of the Electoral Law. Media organizations are invited to broadcast and publish impartial viewpoints, opinions and ideas of candidates according to procedures issued by the IEC. Article 60 of the Electoral Law foresees the creation of a Media Commission, which regulates media access and broadcasting matters for candidates. The commission is set 60 days prior to commencement of the elections. The article also provides clear guidelines for the conduct of the commission during the elections and how to respond to violations. The IEC has also issued regulations for the Media Commission that regulates its conduct.



Furthermore, the IEC-issued Regulation on Electoral Campaigns outlines how candidates should have free access to media for expressing their views, opinions and positions. The mentioned regulation in article 4 permits: “1) Within the time limits set by the commission, predicted legal conditions and considering the concerned code of conduct, political parties and candidates can shape electoral campaigns by organizing rallies, propagandizing through mass media (audio and video) and other legal means. 2) Political parties, candidates and their supporters neither can interfere in other political parties or candidates’ electoral campaigns nor disturb their activities.”

However, in clause 1 of article 5 the same regulation states that: “Political parties, candidates and their supporters shall organize electoral campaigns’ activities in accordance with the law, adopted regulations of the commission and concerned code of conduct.”

Campaign Finance and Expenditures

Financing and expenditures during the campaigns are regulated by IEC’s Regulation on Campaign Finance Disclosure. The regulation requires the candidates to report their movable and immovable assets the worth of which exceeds 300,000 Afghanis. The candidates, whether of a party or individual, are barred from receiving any funding from government or any usage of public resources unless it is equally provided to all the candidates. The regulation only allows Afghan citizens and political parties and other legal domestic non-governmental organizations to fund the campaign. However, the limit is set to 5,000 for individual contributions and 500,000 for contributions from legal entities.

Though the limits sound reasonable, it is hard to monitor the contributions made to campaigns as there are no transparent reports published on financing and expenditure of any candidate. FEFA reports differences of up to 1000+% between what was reported to the IEC as required by the regulations and actual expenditure based on analysis done from campaign activities of the candidates (billboards, TV spots, rallies etc). The legal framework does provide public access to the information, but the information provided cannot be authenticated given the underreporting and lack of transparency. The regulation, however, doesn’t provide clear sanction against those that fail to disclose.

Public resources are strictly prohibited by the Electoral Law and a presidential decree that orders all government officials including chiefs of police and district governors to not provide public facilities or use public fund for campaign purposes. (Decree No 38 dated 20/5/2009)



Observers

The Electoral Law requires the IEC to recognize observers and supervisors of the election and issue them identity cards to allow them to observe the election process and ensure the principle of transparency. Article 50 of the Electoral Law states that: “The Commission shall determine the rights and obligations of the agents, observers and representatives of mass media and provide and distribute accreditation badges to them.” The IEC regulation was issued to enable accreditation of the observers, agents of parties or individual candidates and the media. It also issued respective codes of conduct to govern their activities.

The regulation sets specific criteria for and requires specific documentation from those who would be serving as agents, reporters and observers. The accreditation application is issued under the authority of the IEC within 14 days of the accreditation process. The mentioned regulation also governs the conduct of the observers, agents and media and holds them responsible for following the signed code of conduct, the violation of which may result in their accreditation being revoked and their ID cards cancelled.

Furthermore, the regulation and legal framework does not require any special legal requirement which will hinder the observers’ ability to conduct observation. However, there have been reports of observers and agents not being allowed by election officials to observe some of the election-related aspects of their work. For example, FEFA observers reported once not being allowed during the recounting and quarantining ballot boxes.

Balloting Procedures

As mentioned in article 83 of the constitution “members of the House of the People shall be elected by the people through free, general, secret and direct balloting.” The secrecy of the ballot is further reiterated in the Electoral Law, article 3, which states that: “Elections shall take place through free, general, secret and direct ballots”. Furthermore, the Electoral Law’s article 4, clause 2, prohibits any proxy voting. It says “A voter is entitled to only one vote and shall use it without proxy.” This article nullifies any other alternative method of voting.

The voters are required to register. Prior to casting their ballots they are required by article 15 of the Electoral Law to show the registration card issued by the IEC during the registration period through which their eligibility to vote is determined. In the voting day, the voters arrive at segregated polling stations (male and female) where they get their names, card numbers registration, their fingers inked with indelible ink and a stamped ballot provided to them so they may mark their candidate in a secure and secret manner.



However, as mentioned previously with regard to the voter registration, verification of the age of the voters is difficult given the lack of universal identification cards for all citizens of the country. Likewise, though the IEC has procedures and mechanisms like registration cards and marking with indelible ink to indicate who cast their ballots, the quality and efficiency of these mechanisms have been questioned.

There are further deficiencies and shortcomings, which undermines the effectiveness and transparency of procedures. Unavailability of voter lists and designated polling stations for constituencies is one such issue which allows for multiple voting and allows “ghost voters” to register and vote.

The ballots, their safety and security are the responsibility of the IEC. They are to provide sensitive materials including ballot boxes for the ballots to be stored and sealed securely.

Police and security forces are partnering in providing security for the voters, polling stations and the ballot boxes. Police are present at polling stations, stationed outside the polling place and not allowed to enter inside. However there have been incidents reported of police violating rules governing their roles.

Transparency in County and Tabulation of Votes

The IEC has issued a Regulation on Counting that allows observers to be present during the counting and tabulation in the counting centers. The counting is done manually but it is not clear how the resulting worksheets should be made available to the observers. The law does not require any tabulation worksheet in a format that allows observers to trace the results of each polling station through all levels of aggregation to the final results. The law also does not require publication in print media of detailed results from the polling station level to IEC, however the results of each polling station is posted in the back of each polling station at the end of counting.

The Electoral Law in article 58 gives the mandate to the IEC to certify, announce and publish the certified results of the elections after the complaints procedure is completed. The candidates are then issued a letter making them eligible to hold office for the period mentioned in the constitution, i.e. for 5 years. The IEC and ECC can, in the presence of evidence and complaints, order a recount of the vote as cited in part 1 of article 58 as it states: “The Commission or the Electoral Complaints Commission may issue an order for recounting of some or all of the ballots at the counting center, or for conducting a re-election in the constituency before certification of the final results, if the principles of free, secret, direct and general elections have been undermined.”



Disputes and Enforcement of Electoral Rights

The Electoral Law foresees the establishment of the Electoral Complaints Commission (ECC) as the competent entity to adjudicate electoral grievances. The law also lists the deadlines and process for lodging complaints against candidates. The role and duties of the ECC was discussed earlier, however, after the parliamentary elections the crises that followed prompted the establishment of the special court to end electoral disputes. This court's establishment by presidential Decree² invited scores of criticisms and concerns from the civil society and international community. Since this has not been foreseen in the Constitution or any other of the election-related laws or regulations, its establishment has been seen as un-constitutional and criticized as interference with the IEC.

Part III: Context of the 2010 Elections

Non-Implementation of the Consensus Recommendations for Electoral Reform

Consensus among observer groups, Afghan civil society organizations and independent experts supported broad electoral reform after the fraud-plagued 2009 presidential and provincial council elections. Democracy International, one of the international observer groups, compiled recommendations from observers into a single set of 34 *Consensus Recommendations for Electoral Reform in Afghanistan*.³

Regrettably, almost none of the recommendations to the Afghan government were implemented ahead of the 2010 elections. Recommendations directed at the international community were mostly ignored. Worse still, as the following analysis table shows, many problematic areas in urgent need of reform after the 2009 elections worsened in 2010 when influential stakeholders took a damaging "hands off" approach at a time when exactly the opposite was needed.

² Decree No 5659 dated on 26/12/ 2010

³ Democracy International, *Consensus Recommendations for Electoral Reform in Afghanistan*, April 2010, <http://democracyinternational.com/Afghanistan/wp-content/uploads/2010/04/CONSENSUS-RECOMMENDATIONS-Eng-PDF.pdf>

Table 1. Consensus Recommendations from 2009 Compared to Outcomes in 2010

Consensus recommendation from 2009	Status/outcome during the 2010 electoral process
1. The use of the Single Non-Transferrable Vote (SNTV) system should be reconsidered.	<u>No significant change.</u>
2. The calendar by which Afghanistan holds national elections should be rationalized to allow time for electoral reform and better use of resources.	<u>No significant change.</u>
3. The Electoral Complaints (ECC) Commission should be vested with more sanctioning authority to allow it to impose appropriate and timely sanctions on individuals found guilty of electoral offenses.	<u>No significant change.</u>
4. The Electoral Law should clarify the role of Provincial Councils in elections for the upper house of parliament.	<u>No significant change.</u>
5. The appointment process for ECC and Independent Election Commission (IEC) commissioners should be consultative, involving	<u>Regression.</u>



<p>the parliament and civil society.</p>	<p>Under the Electoral Law amendments issued by presidential decree in 2010, all ECC commissioners are appointed directly by the President and the appointment process for IEC commissioners is unclear. In 2010, all commissioners for both the ECC and IEC were appointed by the President, with no input from the legislature or civil society.</p>
<p>6. The IEC should establish more sophisticated policies and procedures for ensuring the impartiality of its staff.</p>	<p><u>Regression.</u></p> <p>The IEC claimed to have vetted out several thousand staff found guilty of aiding fraud in 2009, but the list of excluded staff was never shared with any other electoral stakeholders and thus the IEC's claim was impossible for observers to verify. Accusations of provincial IEC staff having close ties to candidates were widespread during the 2010 elections and the amended Electoral Law does not include provisions for avoiding conflicts of interest.</p>
<p>7. The IEC should act more transparently, by inviting a broad group of stakeholders, including civil society organizations, to observe its plenary sessions.</p>	<p><u>No significant change.</u></p> <p>IEC plenary sessions were closed to civil society.</p>
<p>8. The IEC should develop a better recruiting program for marginalized populations, especially women.</p>	<p><u>No significant change.</u></p> <p>The IEC recruiting program failed to adequately increase the number of women electoral</p>



	<p>workers. Shortages of women staff were reported at IEC offices in nearly every province during the 2010 electoral process.</p>
<p>9. The list of polling stations should be finalized early in the electoral process.</p>	<p><u>No significant change.</u></p> <p>The list of polling stations was finalized and shared with stakeholders just one month before Election Day and this initial public list did not include specific geographic data.</p>
<p>10. Technical assistance to the electoral institutions should be provided through different mechanisms and advisers should not be given overlapping responsibilities.</p>	<p><u>Improvement.</u></p> <p>Technical assistance to domestic observer groups was provided through different mechanisms than assistance to the electoral institutions and advisers were not given overlapping responsibilities.</p>
<p>11. Women's political participation should be supported through increased assistance to women candidates and wider civic education initiatives.</p>	<p><u>Regression.</u></p> <p>The campaign finance sections of the Electoral Law issued by presidential decree in 2010 prohibit international support to individual candidates, but the IEC declared that support to marginalized groups, including women, would be allowed. In previous elections, international donors provided free for women candidates advertising through a range of media. This year, only UNIFEM provided</p>



	women with free campaign advertising, in the form of free posters late in the campaign season. IEC civic education initiatives aimed at women were implemented late and limited in reach because they coincided with the holy month of Ramazan.
12. All voter registration cards should have photos.	<u>No significant change.</u> Voter registration cards for women were again issued without photos in many areas, increasing the likelihood of women's votes being manipulated and rendering the accurate disaggregation of votes by gender impossible.
13. A national census should be conducted.	<u>No significant change.</u>
14. The voter registry must be updated and steps taken to create a full and accurate registry.	<u>No significant change.</u>
15. Constituencies should be delimited.	<u>No significant change.</u>
16. A broad-ranging and continuous civic education program should be established, focusing first on vulnerable groups and individuals in rural areas.	<u>No significant change.</u>
17. The role of the media during elections should be clarified and the independence of the public broadcaster ensured.	<u>No significant change.</u>



	<p>The public broadcaster, Radio Television Afghanistan (RTA), was again used in a biased manner. See FEFA's report <i>Monitoring Campaign Finance in the 2010 Wolesi Jirga Elections</i>.</p>
<p>18. The international community should provide sustained support to domestic monitoring organizations between elections.</p>	<p><u>Improvement.</u></p> <p>FEFA received generous funding for its 2010 election observation project from the governments of Germany and Denmark and is being funded and provided with technical assistance by the National Democratic Institute (NDI) through its current post-election organizational review phase (February 2010 through April 2010). However, long-term funding for FEFA's inter-election democracy strengthening activities has yet to be secured.</p>
<p>19. The IEC should develop a more robust set of procedures to verify the legitimacy of candidate registration documentation.</p>	<p><u>Regression.</u></p> <p>New candidate registration requirements, issued by presidential decree, not only failed to prevent the registration of an unwieldy number of candidates, but also became disproportionate barriers to women's candidacy. And the verification capacity of IEC staff was not improved from previous elections.</p>

<p>20. The international community should increase its support for political party programs.</p>	<p><u>Regression.</u></p> <p>Support for political parties was not increased in 2010. Moreover, when confusion over party registration deadlines resulted in almost no parties being registered in time, the international community did not advocate strongly enough with the responsible institutions to remedy the situation in a manner that would have put parties on the ballots.</p>
<p>21. The process for identifying and vetting out candidates with links to illegal armed groups should be overhauled.</p>	<p><u>Regression.</u></p> <p>Under the Electoral Law amendments issued by presidential decree in 2010, the ECC could not directly request evidence of candidates' alleged ties to illegal armed groups and had to instead seek this evidence from the IEC, which chaired the Vetting Commission. Vetting of IAG-linked candidates in 2010 was done in a non-transparent manner, with negligible due process for accused candidates. These failures not only undermined the effectiveness and credibility of the vetting process but also jeopardized candidates' political rights. The international community raised concerns too quietly and too late to influence the outcome of the process.</p>
<p>22. Clear and transparent guidelines on the use of</p>	<p><u>No significant change.</u></p>



<p>public resources for campaigning should be established.</p>	<p>The guidelines remained vague and candidates' understanding of them limited countrywide. Reports of public resources being abused for political purposes were rife throughout campaign season.</p>
<p>23. Stronger campaign finance regulations should be adopted.</p>	<p><u>No significant change.</u></p> <p>Campaign finance regulations were widely ignored and financial reporting by candidates was incomplete, late and often deliberately deceptive. For more details, see FEFA's report <i>Monitoring Campaign Finance in the 2010 Wolesi Jirga Elections</i>.</p>
<p>24. The international community should work with the electoral institutions to develop a long-term electoral capacity development strategy tailored to build self-reliance.</p>	<p><u>No significant change.</u></p>
<p>25. The 2009 electoral process should be thoroughly investigated to determine entry points of fraud.</p>	<p><u>No significant change.</u></p> <p>Neither the Afghan government nor the international community supported an independent, thorough investigation into malfeasance during the 2009 elections.</p>
<p>26. The IEC should establish clear and binding procedures for securing the chain of custody of sensitive election materials and tracking</p>	<p><u>No significant change.</u></p>



<p>materials throughout the electoral process.</p>	<p>The IEC did undertake efforts to secure the custody chain of sensitive election materials, but these efforts fell short of preventing significant confusion over the location and status of at least dozens of ballot boxes nationwide during the tallying and counting phases of the 2010 electoral process.</p>
<p>27. The IEC should conduct vote-counting at the provincial level instead of at individual polling stations.</p>	<p><u>No significant change.</u></p>
<p>28. The results forms should be improved to include more information, such as the number of entries on the list of voters at each polling station.</p>	<p><u>No significant change.</u></p>
<p>29. The IEC should establish clear procedures for investigation, quarantine and annulment of suspicious ballots and ballot boxes.</p>	<p><u>No significant change.</u></p>
<p>30. The ECC should be established early and adequately funded.</p>	<p><u>Regression.</u></p> <p>The ECC was established late and inadequately funded. Well into the challenge phase of the 2010 electoral process, FEFA observers reported ECC offices understaffed, disorganized or not yet open. Widespread shortages of women staff disadvantaged women regarding complaints made on their</p>



	behalf.
31. The ECC should adopt more transparent processes for adjudicating complaints and educate the general public about the complaints process.	<u>No significant change.</u>
32. The ECC should be made an independent and permanent electoral institution.	<p><u>Regression.</u></p> <p>Under the Electoral Law amendments issued by presidential decree in 2010, all ECC commissioners were appointed directly by the President and the ECC remains an ad hoc body established shortly before elections and disbanded after the adjudication of post-election complaints.</p>
33. The electoral authorities of each level of government should be clarified and one institution made final constitutional arbiter.	<p><u>Regression.</u></p> <p>The authority of the ECC was neither respected nor clarified and the Supreme Court, at the behest of the President, established a special election disputes court to investigate electoral complaints from losing candidates. The special court claimed the authority to annul the elections and the government's refusal to dissolve the tribunal exacerbated a volatile post-election political crisis.</p>



34. Electoral offenses should be met with strict consequences and individuals implicated in election-related criminal acts should be referred to the judicial system.

Regression.

Acts of fraud prior to election day went largely unpunished and the establishment of the special election court after the announcement of the final results undermined the authority of the ECC and the regular criminal courts.

Afghan Women in Electoral Politics

Since the end of the harshly discriminatory Taliban regime nearly a decade ago, Afghanistan’s women have been vigorous agents of democratization in their country. They have stood for elected office, worked and volunteered on campaigns, served in electoral institutions, educated the public about elections and monitored national polls. Inaugurated in 2005, the first post-Taliban parliament included 68 women parliamentarians, 19 of whom were top vote-getters in their provinces. A handful of those first women legislators are now among the most influential and respected politicians in the country. Their examples encouraged others to enter the political arena.

During the 2010 parliamentary elections, women campaigned for office in greater numbers than ever before. The elected lower house of parliament now includes 69 women legislators, accounting for approximately 28% of seats in the lower chamber.

Both domestic and international law underpin the political inclusion of women in Afghanistan. Article 22 of the Constitution of the Islamic Republic of Afghanistan stipulates that, “Any kind of discrimination and privilege between the citizens of Afghanistan is prohibited,” and “The citizens of Afghanistan have equal rights and duties before the law.” Article 23 of the Electoral Law further adds that the minimum number of reserved seats for women in the lower house of parliament, the Wolesi Jirga, will be twice the number of existing provinces. The current number of seats reserved for women stands at 68 out of a total of 249, about 27% of the total assembly.

Additionally, Afghanistan is a party to international treaties that require non-discrimination in the political sphere, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR).

Afghan women have fought hard for their achievements in the political arena and for the laws underpinning those victories, but progress toward the goal of an Afghanistan where women and men



have equal opportunities in national politics has been hindered by enduring social prejudices against women in public life and by official policies that fail to account for the ways Afghan elections affect women and men differently.

New electoral regulations became disproportionate barriers for women seeking office during the 2010 parliamentary elections, in comparison to men. Women faced greater obstacles registering to vote, lodging official complaints against candidates and in obtaining protection from law enforcement during campaign season. Escalating armed conflict also encroached on women's political participation. The campaigns of women candidates in 2010 were constrained by insecurity to a greater extent than the campaigns of male candidates and women threatened by insurgents. Local powerbrokers received only grudging support from law enforcement.

The results of the violence-wracked and disputed elections were mixed for Afghan women. The second parliament includes more women parliamentarians than its predecessor, but fewer sitting women parliamentarians won their seats without the gender quota this time. With a recounting process still underway at the time of writing, the names and final number of the women parliamentarians may change again.

Far-reaching electoral reform is now urgently needed to avoid more destabilizing political crises following future elections. For this long-overdue reform process to succeed, women must be included as key players from the very beginning.

When an electoral reform working group is established, the largest and most active women's organizations in the country should be given not only a seat at the table but also a real say in decision-making. National women's organizations can provide invaluable assistance to the electoral institutions as those institutions necessarily work toward making all aspects of elections accessible to women.

In light of the widespread intimidation and harassment aimed at women during the 2010 elections, an inclusive approach to electoral security planning is needed for future elections, including individual security assessments for all candidates well in advance of the next campaign season. The electoral institutions and security agencies should also cooperate to ensure the timely reporting, investigation and punishment of election-related threats against women.

The international donor community, for its part, should support long-term civic education for women between elections, projects to build the capacity of women observers and initiatives to expand women candidates' access to the electorate.



Election Observation and Coordination

Coordination of Election Stakeholders,

Complementary activities by election stakeholders were coordinated in the months leading up to Election Day through the UNDP/ELECT-led Election Stakeholders Coordination Group. The group was composed of representatives of UNAMA, UNIFEM, UNDP/ELECT, embassies of donor countries, the EU, EUPOL, Afghan and international non-governmental and development organizations, including observer groups, ISAF, the AIHRC, the IEC and the ECC. The group typically met every two weeks at UNDP/ELECT. Responsibility for chairing the meeting rotated among member organizations and institutions.

The coordination group kept stakeholders informed about progress and challenges in different areas of election support and administration, provided a forum for the stakeholders to raise concerns, alerted donors to funding gaps and programming duplication and promoted civil-military dialogue on electoral security.

Complementary activities by the stakeholders fell into 5 thematic areas: Electoral institutions; observation; political parties and candidates; media; security; and civic education.

Election Observation

Observation and observation support were carried out primarily by the AIHRC, ANFREL, the Asia Foundation, FEFA, the International Republican Institute (IRI), NDI, Democracy International (DI), the EU and the OSCE.

The AIHRC carried out pre-election political rights verification observation through its regional offices. AIHRC focal points assessed the fulfillment of core political rights and freedoms in their areas, including freedom of movement, assembly, association and expression.

FEFA carried out the largest observation mission in 2010, fielding more observers on Election Day than all other domestic and international observer organizations combined and received financial support from the German and Danish governments and technical support from NDI, IFES, the Asia Foundation and ANFREL.

IRI fielded more than 160 domestic and international observers through two civil society coalitions, the Afghanistan Youth National Social Organization (AYNSO) and the Movement of Afghan Sisters (MAS), to monitor pre-election and Election Day activities. The IRI teams deployed to 12 provinces and covered approximately 1,400 polling centers.



Markedly fewer purely international observation missions were launched for the 2010 elections than for previous elections. Only DI and ANFREL carried out large international observation missions, with approximately 100 international observers combined. The EU and OSCE both sent small teams of experts to Kabul to assess the viability of a larger observation mission and develop sets of recommendations for electoral reform.

The Security Environment

Rising Insecurity

The 2010 parliamentary elections took place in an environment of escalating and increasingly complex violence throughout much of Afghanistan. From start to finish, the electoral process was hindered by insurgent attacks and intimidation, ongoing military operations and the actions of abusive powerbrokers and militias. The challenges faced by observers and other electoral stakeholders must be viewed in this context.

As of March, the start of the candidate nomination and registration period, nearly all of southern Afghanistan was classified “high risk” in internal UNAMA documents and the number of “low risk” districts in the northern, western and central regions had declined from the previous year.⁴

Large-scale military operations in Helmand in the spring and Kandahar over the summer and fall yielded tenuous security improvements in the centers of those provinces. But intense fighting in outlying districts contributed to an extremely dangerous environment and restricted movement for campaigning candidates, their supporters, observers and elections workers. Meanwhile, violence spread in the north, east and west.

Civilian casualties climbed steeply during the period covering the elections. According to the September 2010 report of Special Representative to the Secretary General, UNAMA documented 3,268 conflict-related civilian casualties, including deaths and injuries of Afghan civilians, from the start of the year to the end of June, a 31% increase compared to the first six months of 2009.⁵ Three quarters of these casualties were attributed to insurgent groups.

⁴ ‘Afghan Security Deteriorates,’ Yaroslav Trofimov, The Wall Street Journal, December 27, 2010, <http://online.wsj.com/Article/SB20001424052970203568004576043842922347526.html>

⁵ The situation in Afghanistan and its implications for international peace and security (S/2010/463), United Nations, September 2010, <http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/463>



Militias across the country also attacked and intimidated civilians with destructive frequency. Reports of tribal militias and Local Defense Initiatives (LDIs) extorting, raping and killing civilians, as well as recruiting underage fighters, emerged in the west, north and center of the country. In its second quarterly report of 2010, the Afghanistan NGO Security Office (ANSO) reported that LDIs in Kunduz and Takhar were cooperating with insurgents in those provinces to exploit local populations and steal government supplies and that an LDI in Parwan had turned against the government.⁶

In provinces such as Ghor, Kandahar and Uruzgan, powerful militia commanders allowed only their favored candidates to campaign openly and harassed rivals, often violently. Even Kabul province was not spared violent, powerbroker-orchestrated intimidation during the summer campaign season.

Kidnappings of NGO employees by insurgents and criminal gangs rose sharply between the spring and fall, prompting relief organizations to express distress at the shrinking humanitarian space and killings of both NGO employees and for-profit development workers increased during the same period.⁷

Security reports in the fall reflected the downward security trends nationwide. In September, ANSO reported that insurgent attacks had increased by 59% over 2009 and warned that “some provinces are experiencing double the country average growth rate and their districts are in danger of slipping beyond control.” The deterioration of the north was underscored by violence in formerly more secure provinces such as Baghlan, Balkh and Faryab, all of which experienced at least a 100% increase in attacks during the first nine months of 2010.

By October, UNAMA had classified an additional 16 districts in Badghis, Sar-e-Pul, Balkh, Parwan, Baghlan, Samangan, Faryab, Laghman and Takhar as “high risk” and had downgraded only two districts -- one in Kunduz, the other in Herat -- which it deemed more secure than eight months earlier.⁸

Security Preparations for Election Day

⁶ *Quarterly Data Report: Q2 2010*, Afghanistan NGO Security Office, June 2010, <http://www.afgnso.org/2010Q/ANSO%20Quarterly%20Data%20Report%20%28Q2%202010%29.pdf>

⁷ According to the Q2 ANSO report, at least 30 employees of private development firms were killed between January and April of 2010 and the *New York Times* reported on December 13 that the combined death toll for NGO employees and for-profit development workers exceeded 100 for the year: <http://www.nytimes.com/2010/12/14/world/asia/14afghan.html>

⁸ ‘Afghan Security Deteriorates’



In the months leading up to the announcement of the final list of polling centers for the 2010 elections, the IEC and Afghan and international security forces cooperated to produce a list of polling centers that would open on September 18 and jointly plan for Election Day.

The IEC initially submitted its list of polling centers to the ANA, ANP, NDS and ISAF. The Afghan security institutions carried out assessments of the sites and shared these with ISAF, which had done its own assessments in tandem. After the Afghan and international security institutions had reconciled their lists, the final list of securable polling stations was submitted to the IEC, which announced the list one month before the vote. Observer organizations finalized their deployment and security plans based on this list.

The IEC resisted public pressure to open more polling centers in areas where it was clear voters would be disenfranchised, chiefly in the embattled, majority Pashtun south and southeast regions. The final list could not be altered, the election administration body argued, because it accurately reflected the security conditions on the ground and altering it less than one month before Election Day would jeopardize efforts underway to staff and equip polling centers and deploy observers.⁹

In insecure provinces, ANSF and ISAF escorts were used to move election workers and supplies into position for Election Day. ISAF Regional Command-South also offered emergency medical evacuation and shelter to observers.

For Election Day itself, security forces were organized in a concentric pattern around the polling centers in three security “rings.” The ANP comprised the first ring, in the immediate vicinity of the polling centers and more than 50,000 officers were assigned to guard polling centers on Election Day. The ANA deployed approximately 60,000 troops for the second ring. ISAF was responsible for the third and most distant ring of security, stationing quick reaction forces close to high risk polling centers and providing emergency support to the ANSF.

Part IV: Pre-Election Day Observation

Candidate Nomination and Registration

Nomination Process

⁹ IEC Press Release: Finalization of Polling Center List for 2010 Wolesi Jirga Elections
5 Sept 2010, http://www.iec.org.af/pdf/wolesi-pressr/pressr_on_no_changes_pc_list.pdf



The nomination and verification of aspirant candidates took place between April 20 and May 4. Aspirant candidates traveled to IEC nomination centers located in the provincial capitals to register as contenders and provide documentation that would allow them to be certified after vetting.

Observation

FEFA deployed long-term observers to the capitals of 31 provinces during this first phase of the electoral process. Observers interviewed 700 aspirant candidates, 115 of them women, to gauge their perceptions of the nomination process and external factors influencing their ability to participate. Using a combination of open source reports and first-hand accounts from aspirant candidates, observers also monitored the overall security situation in their provinces and reported on specific threats against the electoral process and individuals connected with it.

Concerns of Aspirant Candidates

During their interviews with aspirant candidates, FEFA observers asked the interviewees what they saw as their most serious challenge heading into the election. The most frequent response was that the new Electoral Law amendments, specifically the stipulation that aspirant candidates provide 1000 voter nomination cards and a non-refundable guarantee of 30,000 Afghans, was the most serious entry hurdle.

Women interviewees stressed that the monetary guarantee was a cause of special concern among women aspirant candidates, because women entering the political arena generally lack access to financial resources comparable to those available to male politicians and have fewer opportunities to raise funds independently.

Aspirant candidates were asked to list obstacles they believed might prevent them from advancing in the next phase of the elections. For this question, the three most commonly given answers were insecurity-related travel difficulties, powerbrokers running in the same area and the possibility of biased treatment by IEC staff later in the electoral process.

When explaining their fear of IEC partiality, aspirant candidates generally referred to the disputed results of the 2009 presidential and provincial council elections and the perception that the IEC unfairly favored some candidates over others.

Insecurity and Intimidation



Security in nomination centers, located in provincial capitals, was sufficient to allow the process to proceed without significant disruptions, FEFA observers reported. Even in areas where security incidents took place, the process was not halted. Outside provincial capitals, however, the picture was vastly different.

In many provinces, aspirant candidates felt unsafe traveling from their home districts to the nomination centers and travel by road was seen as especially dangerous by aspirant candidates in Farah, Nimroz, Uruzgan, Jawzjan and Paktika. Aspirant candidates in these provinces described the threat of IEDs on roads as an obstacle to advancing in the electoral process.

Interviewees also cited concern over running against powerful incumbents with histories of human rights violations and ties to illegal armed groups, as well as aspirant candidates backed by local powerbrokers.

The nomination process also took place in an environment of intimidation in many areas. Observers reported Taliban night letters warning individuals not to run in the elections in multiple districts in 7 districts in Khost, 3 districts in Logar and 3 districts in Paktika.

In Logar, night letters were directed specifically at women aspirant candidates and warned that women standing for election would be targeted for violence. Mines laid along roads in Baraki Barak, Charkh and Puli Alam districts during the nomination period caused travel difficulties for aspirant candidates. The night letters in Paktika and Khost were also signed by the Taliban and contained threats of violence against individuals standing for election, but were not gender specific.

Female Aspirant Candidates

Women put themselves forward during the candidate nomination process in all 34 provinces and the total number of women aspirant candidates increased from 335 in 2005 to 413 in 2010, comprising slightly less than a quarter of all aspirant candidates.¹⁰ Eighteen provinces experienced an increase in the number of women aspirant candidates. Thirteen saw a decrease and 3 saw no change. Kabul experienced by far the greatest increase in the number of women running for office –from just 50 aspirant candidates in 2005 to 105 in 2010. Gains and losses were in the single digits in all other provinces.¹¹

¹⁰ 2005 figures obtained from the Joint Electoral Management Body (JEMB); 2010 figures obtained from the Independent Election Commission.

¹¹ See Table 1, page 12.



Notably, the number of women aspirant candidates increased slightly or remained the same in several highly insecure provinces, including Helmand, Kandahar, Maidan Wardak, Uruzgan and Nuristan and fell in relatively secure Panjshir, Balkh and Bamiyan provinces. Nevertheless, women aspirant candidates interviewed by FEFA listed insecurity as one of their chief concerns heading into the elections.

Changes to the Electoral Law, issued by presidential decree in March 2010, presented an additional obstacle for women candidates. Interviewees told FEFA the requirement that all aspirant candidates, regardless of gender, provide a non-refundable 30,000 Afghanis (about 700 USD) monetary guarantee at registration constituted discrimination against women because women entering the political arena generally lack access to financial resources comparable to those available to male politicians and face greater challenges raising campaign funds independently. This concern is well-founded in the Afghan context, where women cannot easily secure venues for campaign rallies and meetings with voters and many communities do not permit women to appear in public and engage the mixed audiences necessary to raising campaign funds.

Table 2. Number of Women Candidates, by Province, During the 2005 and 2010 Parliamentary Elections

Province	Number of Women Aspirant Candidates in 2005		Number of Women Aspirant Candidates in 2010		Net Change in Number of Women Aspirant Candidates Between 2005 and 2010
	Wolesi Elections	Jirga	Wolesi Elections	Jirga	
Badakhshan	9		17		+8
Badghis	5		4		-1
Baghlan	14		12		-2
Balkh	16		14		-2
Bamiyan	7		6		-1
Daikundi	5		6		+1



Farah	3	5	+2
Faryab	10	10	0
Ghazni	12	13	+1
Ghor	8	12	+4
Helmand	6	7	+1
Herat	18	24	+6
Jawzjan	8	6	-2
Kabul	50	105	+55
Kandahar	11	12	+1
Kapisa	6	12	+6
Khost	10	5	-5
Kunar	8	2	-6
Kunduz	15	12	-3
Laghman	8	7	-1
Logar	11	8	-3
Maidan Wardak	9	9	0
Nangarhar	18	24	+6
Nimroz	4	3	-1
Nuristan	6	7	+1
Paktika	4	5	+1
Paktia	5	5	0
Panjshir	4	2	-2
Parwan	8	11	+3
Samangan	5	7	+2



Sari Pul	7	12	+5
Takhar	13	11	-2
Uruzgan	2	3	+1
Zabul	3	7	+4
Kuchi women aspirant candidates	7	8	+ 1
TOTALS	335	413	+78

Staffing and Materials at IEC Nomination Centers

Though the supply of election materials at IEC nomination centers in the 31 provinces FEFA observed during the nomination period was generally adequate, observers reported pervasive staffing shortages. Shortages of female staff were observed at all 31 nomination centers FEFA covered. This resulted in administrative delays that inconvenienced women intending to run in the elections. The widespread lack of women photographers present to photograph prospective candidates during registration was of particular concern to observers.

Registration of Political Parties

The botched registration of political parties, resulting in the virtual absence of parties on the ballots, was an early failing of the 2010 electoral process. Party registration, conducted by the Ministry of Justice (MoJ), was treated as inconsequential to the elections and the deadline for parties to submit their registration paperwork was not widely advertised. Consequently, only one party had registered by the first official deadline, March 8. The MoJ then extended the party registration period until June 5. It did not, however, adequately inform parties of this extension. By the second deadline, the total number of registered parties was just five.

At a June 1 meeting of the parties and candidates sub-group of the stakeholders coordination group, IEC representatives promised that they would work through the problem with the MoJ and parties would be given additional time to register. For reasons that remain unclear, that never happened. Candidates from parties other than the 5 registered by the second deadline, including candidates



belonging to the 31 other parties with official candidates on the preliminary candidates list, were by default listed as independents on the ballots.

The Candidate Challenge Period

The Challenge Process

The challenge period of Afghanistan's 2010 parliamentary elections took place between May 4 and June 23.¹² During this phase of the electoral process, individuals and organizations challenged the eligibility of candidates on the preliminary candidates list by submitting written complaints to the ECC and its provincial offices (PECCs). The ECC then decided whether the challenges constituted electoral violations.

Observation

FEFA observers visited PECC offices in 31 provinces during the challenge period to assess staffing and accessibility. Using a combination of open source reports and interviews with prospective candidates, electoral workers and citizens, observers also monitored the overall security situation in their provinces and reported on specific threats against the electoral process and individuals. FEFA program staff collected written reports from observers at the end of the challenge period and then administered in-depth questionnaires by phone and email.

During phone interviews, FEFA observers were asked to describe the obstacles they faced in carrying out their work. The most commonly given were lack of available transportation and poor security conditions. Twenty-two of the 31 observers described facing difficulties traveling (13 for security reasons). Eight described insecurity as the obstacle that most negatively affected their ability to observe. Other difficulties cited by observers included weak communication infrastructure, unwillingness of candidates and PECC staff to give interviews and the late openings and disorganization at PECC offices. The cumulative result was uneven observation of the challenge period by FEFA, with some observers able to visit the PECC in their province more than a dozen times and others able to visit only once.

Security Environment

¹² Vetting continued for an undetermined number of days after the challenge period ended.



Insecurity and the threat of violence produced a climate of fear during the challenge process and complicated observation by FEFA staff in the western, southern and southeastern regions of the country, as well as some areas of the north.

Attacks on individuals involved in the electoral process were reported by observers in Badghis, Farah, Helmand, Nangarhar and Paktika. These politically-motivated attacks, several of them fatal, included physical assaults, suicide attacks and bombings directed at candidates and election workers.

Increased intimidation by insurgents was observed widely in the south and southeast and in some parts of the north and west. Night letters and threatening phone calls were reported in 9 provinces, with the general population, election workers, candidates, government employees and ANSF targeted.

FEFA observers in 12 provinces – Baghlan, Badghis, Farah, Helmand, Kapisa, Khost, Kunar, Laghman, Logar, Nuristan, Paktia and Paktika – specifically mentioned the possibility of targeting by the Taliban as a personal fear. One observer in Khost said he feared the Taliban would mistake him for an election worker and bomb his house. Other observers didn't mention the Taliban specifically but expressed fear of insurgent violence generally. Nevertheless, only one observer resigned from her position because of security concerns.

Table 3. Night Letters and Threatening Phone Calls Reported by FEFA Observers During the Challenge Period.

Province	Threat Medium	Areas/Districts	Target	Message	Claim of Responsibility
Badghis	Night letters	Bala Morghab, Ghor March, Moqor, Jawand	Candidates and election workers	Threat of violence	Taliban
Farah	Night letters	Posht Road	General population	Do not travel between 11 p.m. and 4 a.m.	Taliban
Ghazni	Night letters	Center of province, Qara Bagh Andar,	General	Do not participate in the electoral	Taliban



		Dero	population	process	
Ghor	Night letters	Pasa Band	General population	Do not participate in the electoral process	Taliban
Jawzjan	Night letters	Qush Tapa, Darzab	Government security forces	Threat of violence	Taliban
Khost	Night letters	Yaqubi, Shamal, Sabri, Alisher, Lakan, Bak	Candidates and election workers	Do not participate in electoral process, threat of violence	Taliban, Hezb-i-Islami (Gulbuddin Hekmatyar faction)
Maidan Wardak	Night letters	Center of province, Chak, Siad Abad, Narkh	Government employees	Unclear	Unclear
Paktika	Night letters	Yousif Khil, Mata Khan, Yahi Khil, Saroza	Government employees	Threat of violence	Taliban
Sar-e Pul ¹³	Night letters	Center of province, Saiad	Schoolgirls	Do not attend school, threat of violence	Unclear
Zabul	Phone calls	Unclear	Government employees	Do not participate in the electoral process	Taliban

Provincial Electoral Complaints Commission Office

¹³ On June 23, female students and teachers at a school in Sar-e Pul feel ill after a suspected poisoning. See: 'Another suspected poisoning at Afghan girls' school,' CNN, June 24, 2010,

<http://edition.cnn.com/2010/WORLD/asiapcf/06/24/Afghanistan.poisoning/index.html?fbid=p4HPFIRZjl>



The dates PECC offices opened and the responsiveness of their staff varied considerably among the 31 offices observed. Observers in several provinces reported that PECC offices did not open until well into the challenge period. The FEFA observer in Maidan Wardak, for example, reported that the PECC in his province was not operational until June 10. Late PECC openings were reported in Nuristan, Parwan and Bamiyan also.

In other provinces, observers expressed frustration with irregular hours of operation and general disorganization.

Women's Participation in the Challenge

Widespread shortages of women staff at PECC offices were reported by observers, with the vast majority of the 31 observed PECCs lacking even one woman on staff when visited by FEFA. These shortfalls discouraged women from submitting complaints in areas where social norms severely restrict or even prohibit interaction between unrelated women and men. Given the high volume of politically-motivated harassment directed at women during the same period, FEFA was deeply troubled by the PECC's inability to make the challenge process accessible to women nationwide.

Complaints Regarding Crimes and Human Rights

Under the Electoral Law, candidates may only be disqualified for crimes of war or other serious crimes if they have first been convicted by a court of law, a criterion unlikely to be filled given Afghanistan's prevailing climate of impunity and weak judicial system. Nevertheless, FEFA received reports of complaints based on allegations of serious crimes and human rights violations, as it did in all three previous national elections, from every region of the country during the challenge phase of the 2010 elections.

Complaints alleging illegal land-grabbing were submitted against candidates in Baghlan, Balkh, Daikundi, Ghor, Herat, Jawzjan, Kunar, Nangarhar, Sar-e Pul and Zabul provinces. Reports of complaints alleging murder and crimes of war were received from observers in the provinces of Balkh, Bamiyan, Daikundi, Ghor, Herat, Khost, Nangarhar and Sar-e Pul.

Observers reported that citizens in some provinces were afraid to complain against powerful candidates alleged to have committed human rights abuses. Would-be complainants in Ghor expressed concern to FEFA that the PECC would reveal their names if they complained about a local commander they had filmed participating in the public flogging of a teenage girl in February 2010.



Similarly, in Farah province, would-be complainants said they would have challenged the candidacy of several candidates alleged to have been involved in past mass killings, but did not feel they could do so safely or anonymously.

Would-be complainants in Samangan, including several candidates, told observers they wanted to submit complaints against a powerful incumbent, but were hesitant to do so because the candidate traveled with a large, armed entourage.

Disqualifications for Electoral Offenses

Two hundred and twenty six candidates were excluded from the preliminary candidates list because of defects in their documentation, primarily defective support lists. These excluded candidates filed 296 complaints with the ECC. After allowing the excluded aspirant candidates to correct the defects in their paperwork, the ECC asked the IEC to add 195 of them to the preliminary candidates list. Seven candidates were disqualified for failing to resign from official positions and 1 for registering under a false identity.

Vetting

Vetting Process

Concurrently with the challenge process, candidates were vetted for ties to illegal armed groups (IAGs) by the Vetting Commission, a body chaired by the IEC and composed of representatives of the Afghan security institutions: the Ministry of Interior, Ministry of Defense and National Directorate of Security. The Vetting Commission investigated allegations of candidate ties to IAGs and sent to the ECC lists of individuals to be barred from standing for election based on Article 12 (7) of the Electoral Law, which stipulates that individuals “who practically command or are members of unofficial military forces or armed groups” cannot run for or serve in office. Candidates found to have ties to IAGs were then ordered removed from the roster.

As an organization committed to supporting democratization in Afghanistan, FEFA shares the longstanding concerns of civil society about the presence of gunmen in elected office and would have welcomed a robust and impartial vetting process. However, vetting of candidates for ties to IAGs during the 2010 elections was carried out in an uneven and non-transparent manner that ultimately undermined its effectiveness and credibility and threatened candidates’ political rights.

Vetting Failures of 2010



According to the ECC, at least 44 individual complaints submitted to the ECC nationwide during the challenge period alleged candidates' ties to IAGs. Of the 44 individual complaints, 42 were deemed invalid by the Vetting Commission and 2 candidates whose names already appeared on a Vetting Commission list were disqualified from running.

Initially, 83 candidates were investigated by the Vetting Commission and listed as members of IAGs. The ECC chose to afford these candidates five days to defend their candidacies and prove their innocence to the security agencies.

When every single one of them did so successfully, the Vetting Commission expressed "surprise and dissatisfaction at this total about-face."¹⁴ The Special Representative of the UN Secretary General (SRSG) echoed that sentiment, saying on June 23, "The Vetting Committee could have done a more thorough job and at this stage we are disappointed."¹⁵

According to the ECC's account of the process, "The ECC insisted that the Vetting Commission perform its legal duty and decide one way or the other. The IEC then convened further meetings with the Vetting Commission and sometime later produced another list, this time of 13 names."¹⁶

During the afternoon of Wednesday, June 30, FEFA received phone calls from candidates who claimed they had been informed by the IEC that they were on a new list of individuals alleged to have ties to IAGs and had been given 48 hours to prove their innocence to the security institutions.

At an emergency stakeholders meeting convened by FEFA the following day, Judge Johann Kriegler of the ECC explained that the ECC had received from the Vetting Commission a third list of candidates identified as having ties to IAGs, including 16 or 26 newly identified names that had not appeared on the previous two lists¹⁷ along with a cover letter suggesting that these candidates not be granted any opportunity to defend themselves before their de-listing.

¹⁴ ECC press release issued on July 1, 2010, <http://www.ecc.org.af/en/images/stories/pdf/media%20release.pdf>

¹⁵ Special Representative's comments of the electoral vetting process, June 23, 2010, <http://unama.unmissions.org/Default.aspx?tabid=1762&ctl=Details&mid=1920&ItemID=9347>

¹⁶ In its July 1 press release (<http://www.ecc.org.af/en/images/stories/pdf/media%20release.pdf>), the ECC states that the second list contained 13 names, but its press release on June 19 (<http://www.ecc.org.af/en/images/stories/pdf/media%20release%20190610.pdf>) states that the second list contained only 8 names. FEFA has been unable to gain clarification on this matter.

¹⁷ The number 16 was used in the meeting; the ECC's July 1 press release gave 26.



In the interest of due process, the ECC insisted that the accused candidates be allowed to assert their innocence. A deadline of 48 hours was set after the IEC stressed that this time frame was the most that could be given to the accused without jeopardizing the electoral timetable.

After the stakeholders meeting concluded, FEFA contacted IEC Chairman Fazel Ahmad Manawi by phone. Chairman Manawi said the Vetting Commission had already taken decisions on all 32 names. One candidate had been exonerated and the other 31 would be removed from the final list of candidates during the next working day.

That evening, the ECC published an explanation of its role in the vetting process. It stated that, “The ECC unfortunately has no power to reject a list produced by the Vetting Commission, however dubious it might appear, but has refused –and still refuses – to order the removal of the name of any person who has had no chance to defend himself.” The ECC “would obviously be pleased” if the IEC agreed to give the 32 accused candidates more time to make defenses, it said.

Three days later, FEFA was told, by a source close to both electoral institutions, that the 32 candidates on the third Vetting Commission list *had* been afforded an additional 3 days to present evidence of their innocence.

On July 7, the ECC released a statement saying that a list with 31 names had been given to the IEC with instructions to remove the named individuals from the final candidates list.

Interviews with Disqualified Candidates

During the first week of July, FEFA observers interviewed 24 of the candidates included in the third Vetting Commission list to understand how they experienced the vetting process.¹⁸ The picture that emerged from these interviews was one of a poorly coordinated process that created opportunities for subjective application of the law.

Candidates on the third list were not informed in an even or systematic manner and were given widely varying deadlines to present defenses to the security bodies. Some candidates on the third list were given 5 days, the same amount of time given to candidates on previous Vetting Commission lists, while others were given 48 hours or 72 hours.

¹⁸ Observers attempted to interview all 32 candidates whose names appeared on the 3rd Vetting Commission list, but 8 candidates had moved or were unwilling to give interviews to FEFA observers.



One disqualified candidate from Daikundi told FEFA he was informed of his appearance on the list just 4 hours before the deadline for his defense in Kabul. Several other candidates were not informed of any deadline or were never contacted by the IEC at all. A disqualified candidate from Sar-e Pul only learned of his inclusion in the third list when he read about it in an online forum. The time it took for the candidates to access the security bodies also varied, but exceeded 48 hours for the majority of candidates interviewed.

Candidates complained that when they were denied information about the allegations against them and given no clear indication of what was required to successfully defend their candidacies. Some told FEFA they were never affiliated with armed groups of any kind, but did not know how, practically, to prove their innocence. Others, admittedly former combatants, said they possessed certificates of full cooperation with the Disarmament, Demobilization and Reintegration (DDR) and Disbandment of Illegal Armed Groups (DIAG), but the vetting commission rejected these certificates.

Neither the criteria for identifying IAG-linked individuals nor the standard of proof used in the consideration of candidates' defenses was ever clarified for FEFA by the Vetting Commission.

Campaign Season

Campaigns of 2010

The parliamentary campaigns of 2010 were both more vibrant and more threatened than those conducted in 2005. From June 23 to September 16, nearly 2,500 people from all segments of Afghan society – men, women, young, elderly, urban, rural and of every political and ideological affiliation – threw themselves into the contest for the 249 seats in Afghanistan's lower house of parliament.

Women and youth candidates ran in greater numbers than in 2005 and many campaigns reflected increased understanding of the value of reaching out to voters, campaigning on issues and appealing to interest groups. The media was more adversarial this time around and covered the campaigns and concurrent electoral processes with increased professionalism. These developments reflected real and positive changes since the last parliamentary elections.

Regrettably, election-related violence and intimidation cast long shadows over campaign season. Insurgents directly targeted civilians involved in the electoral process and stepped up attacks in formerly secure provinces. Candidates and campaign staff were threatened, harassed, kidnapped, assaulted and killed. Insurgent groups distributed thousands of night letters in villages and cities across the country and the Taliban issued public statements endorsing violence against civilians affiliated with the electoral process and expressing the group's intention to carry out attacks on Election Day.



Acts of intimidation and violence were also carried out by powerbrokers seeking seats in parliament and looking to install allies. Many of these perpetrators were linked to illegal armed groups and used gunmen to prevent rival candidates from campaigning and coerce segments of the electorate, especially vulnerable rural populations, to support their chosen candidates. The earlier failure of the vetting process signaled to these powerbrokers that they would continue to enjoy impunity.

The security forces failed to establish objective mechanisms for determining the security needs of candidates and in some cases refused protection to at-risk candidates and campaigners. Preventable deaths resulted. Many of those killed for their involvement in the elections received weeks of escalating threats of violence prior to their deaths.

The electoral institutions' response to electoral violations also fell short. Across the country, FEFA observers reported public officials illegally supporting candidates, candidates using state resources in their campaigns and members the security forces backing specific candidates. In many instances, these violations were literally visible from Provincial Electoral Complaints Commission (PECC) offices. Observers submitted hundreds such reports, yet the PECCs and central ECC sanctioned only a small number of minor candidates and chose not to pursue many serious complaints.

Observation

Engagement by the international community was markedly diminished from the previous three national elections. The UN, EU and OSCE chose not to deploy international observers to the field, leaving the responsibility of observation to Afghan civil society and a handful of international democracy assistance and election-monitoring groups. References to international standards and the rule of law were scarce in the bulk of high-level rhetoric regarding the process.

As Afghanistan's largest election observation organization, FEFA observed the campaigns nationwide through more than 60 full-time provincial coordinators, covering all 34 provinces. These observers submitted weekly reports on security conditions and electoral violations, compiling information through visit to PECC and IEC offices, interviews with candidates, campaigners and voters and open source monitoring. They reported electoral violations and abuses of state resource by candidates, campaign staff and government employees and on the general security environment and specific threats against individuals involved in the elections.

Insecurity affected not only the ability of candidates to campaign openly without fear of assassination; it also affected the ability of FEFA's observers to gather information in the most insecure provinces. Though FEFA's provincial coordinators were present in all provinces during campaign season, the



distance they could venture from administrative centers varied significantly both between provinces and within provinces over the observation period.

FEFA's observation of the campaign process was most extensive during the middle weeks of campaigning, from July 15 through August 25. By July 15, campaigns were underway in all provinces, including those provinces where campaigns were stalled earlier because of insecurity. For these reasons, FEFA chose to divide its campaign period reporting into the launch and mid-campaign sections.

Positive Developments

Though this year's campaigns were fraught with challenges and official missteps, they also highlighted some constructive developments in Afghan elections and national politics.

The candidates list, for all its flaws, was an inclusive one. It included parliamentary hopefuls from all segments of Afghan society – men and women representing the ideological, ethnic, regional and socio-economic diversity of the country.

Campaigning tactics were similarly varied and many challengers embraced new paths to influence. This was especially true of young candidates. Running in greater numbers than five years earlier, they reached out to voters in new ways, using mobile technology, student volunteers and grassroots appeals.

A more professional, engaged and adversarial national media added vibrancy to the process by educating voters each step of the way and encouraging candidates to debate publicly and stake positions on policy issues.

The IEC also demonstrated some positive changes during the campaigns. Its central staff were demonstrably better trained. Commissioners were more communicative with civil society organizations. Moreover, communication between the IEC's central office and provincial offices was improved from previous years.

Campaign Launch Period

The campaign period of Afghanistan's 2010 parliamentary elections officially kicked off on June 23, but many campaigns did not begin until later. FEFA's long-term observers were present in all



provincial capitals to observe the launch of campaigns directly at the provincial level and indirectly at the district level through volunteer district observers.

Launch Period Security Environment

Negative security trends reported during earlier phases of the electoral process worsened during the early weeks of the campaign period in the southern, southeastern and western regions of the country, as well as some areas of the north. Threats by insurgents postponed, disrupted and prevented campaigning in these areas and individuals involved in the electoral process were directly targeted for violence and widespread, systematic intimidation.

Fear of insurgent attacks forced many candidates to modify their campaign strategies and campaign more quietly, to reduce the risk of becoming high-profile targets. Candidates interviewed by FEFA observers in Kunar said the Taliban would kill any candidate who ventured beyond her or his home district to campaign. Observers in Paktia and Kandahar reported that security conditions were so dire in those provinces that candidates were not intending to openly campaign at all. In Farah, candidates chose to conduct private meetings with tribal elders instead of campaigning among the general population.

Similar situations were reported in Maidan Wardak and Uruzgan, where campaigns began with minimal outreach to voters and female candidates were told by tribal leaders and local government officials to avoid public campaigning altogether. After receiving death threats from the Taliban in her area, a female candidate from Ghor moved to Kabul and two campaign staff in Kunduz were detained and assaulted by Taliban fighters in Amam district.

In Logar, campaigns turned deadly for at least 6 people involved in them during July. FEFA's Logar observers reported that a shopkeeper in Baraki Barak district was killed by the Taliban for displaying a campaign poster in his shop. After the murder, local Taliban distributed night letters warning the general population to remove all campaign posters or suffer the shopkeeper's fate. According to observers, the population immediately complied with the demands. Two brothers killed in a nighttime house raid were among 4 other civilians killed by the Taliban for taking part in campaigns and Logar Taliban also kidnapped the brother of a candidate.

Night letters, threatening phone calls and in-person threats against candidates, campaign staff, voters and the general population were reported by FEFA observers in 16 provinces during just the first three weeks of the campaign period.

Table 4. Threats Against Candidates, Campaign Staff, Voters and Members of the General Population Reported by FEFA Observers Between June 23, 2010 and July 15, 2010

Province	Threat type	Areas/Districts	Targets	Message	Claim of responsibility or known perpetrators
Badakhshan	Threatening phone calls	Unclear	Specific candidate (female)	Cease campaigning, threat of violence	None
Badghis	Night letters	Bala Morghab, Ganj	Candidates	Do not participate in the electoral process, threat of violence	Taliban
Baghlan	Threatening phone calls	Unclear	Specific candidate (female)	Cease campaigning	Community members
Balkh	Night letters	Unclear	General population	Do not participate in the electoral process	None
Farah	Night letters	Posht Road	Tribal leader	Do not cooperate with the government	Taliban
Ghazni	Night letters	Nahor, Jaghori, Qara Bagh, Maltam	Candidates, campaign workers, campaign	Do not participate in the electoral process, threat	Taliban



			supporters	of violence	
Ghor	Unclear	Unclear	Specific candidate (female)	We are going to kill you	Taliban
Ghor	Threatening phone calls	Unclear	Specific candidate (female)	Threat of violence	None
Ghor	Night letters	Unclear	Specific candidate (female)	The letters called for this candidate's posters to be ripped	None
Ghazni	Threatening phone calls	Unclear	Two candidates (female)	Cease campaigning	None
Heart	Unclear	Unclear	Specific candidate (female)	Cease campaigning	None
Kabul	Night letters	Sorubi	General population	Do not participate in electoral process, threat of violence	Taliban
Khost	Night letters	Lakan, Ali Shir, Bak	Candidates and election workers	Do not participate in the electoral process, threat of violence	Taliban, Hezb-i-Islami
Khost	Threatening phone calls	Unclear	Female candidates	Threat of violence	Taliban



Kunduz	Unclear	Unclear	Specific candidate (female)	Cease campaigning, threat of violence	Taliban
Logar	Night letters	Baraki Barak, Charkh, Kharwar	Motorists	Do not put campaign posters on your car	Taliban
Logar	Night letters	Baraki Barak	General population	If you display campaign posters, you will be killed	Taliban
Nangarhar	Night letters	Chawk Talashi, Jalalabad city, Wama	Men, general population, candidates	Stop shaving your beards, do not participate in the electoral process, threat of violence	Taliban
Nangarhar	House to house person threats.	Darunta	General population	If you obtain a voter registration card, we will cut off your hand	Taliban
Paktika	Night letters	Sadozay	General population	Do not participate in the electoral process	Taliban
Parwan	Night letters	Near the provincial chamber of commerce	General population	Warning against campaigning or voting for a specific	None



				candidate	
Parwan	Threatening phone calls	Saiadan	Specific candidate (female)	Cease campaigning	None
Uruzgan	Night letters	Shin Guli, Lablan, Landyana	General population, specific candidate (male)	Do not participate in the electoral process, cease campaigning	Taliban

Thought it should be emphasized that the vast majority of candidates countrywide conducted their campaigns peacefully, rivalries between a minority of candidates and the illegal behavior of powerbrokers posed additional security risks. Incidents reported to FEFA during the first three weeks of the campaign period included:

- Death threats were exchanged between two candidates in Takhar. A different Takhar candidate promised to distribute guns to voters who swore on the Holy Quran they would support him on Election Day.
- A female candidate in Badakhshan received word of an assassination plot orchestrated by one of her opponents.
- In Ghor, a campaign manager was assaulted by supporters of a rival campaign and a local powerbroker running for election threatened rival candidates.
- A female candidate in Faryab and her campaign staff were threatened by a local powerbroker. This candidate told FEFA that her bodyguards and the bodyguards of a rival candidate clashed violently and were forced to flee the district the female candidate was campaigning in at the time.

Inadequate security in campaign launch venues was raised as a concern by candidates in 14 provinces – Badghis, Balkh, Farah, Ghor, Helmand, Kandahar, Kunduz, Logar, Nangarhar, Nimroz, Paktika, Parwan, Uruzgan and Zabul.



Candidates expressed frustration with the provision of security by national security forces in Ghor, Nangarhar, Uruzgan and Zabul. Candidates in these provinces complained to observers that the local police were unresponsive to their requests for protection or provided security only to candidates favored by local security officials. In one illustrative case in Nangarhar, a powerful, politically well-connected candidate was provided two police cars and officers, while other candidates were refused any police protection.

Challenges to Launching Women's Campaigns

FEFA observers reported widespread organized intimidation efforts targeting women involved in the elections and grave risks to women's physical security at the outset of the 2010 campaign season. Nine of the 10 candidate-specific threats reported by FEFA observers during the first three weeks of campaigning targeted women. Campaigning women were subjected to persistent, threatening phone calls, verbal threats and night letters warning them to cease campaigning or risk assassination.

These threats originated from multiple sources. The Taliban either claimed responsibility for or were widely suspected to have issued about one third of threats issued against individual women candidates during the early weeks of campaign season. Recipients and observers generally assigned blame for the rest to a mix of local powerbrokers, rival candidates and community members opposed to women's involvement in politics. Other tactics of intimidation ranged from the crudely overt – men and boys pelting women candidates with stones in Badghis and Herat – to the subtly sinister – women's posters defaced or torn down in several provinces.

The ability of women candidates to launch campaigns at all was seriously limited not only by danger, but also by discriminatory social attitudes and restrictions on women's interactions outside the home. Women who overcame the initial entry barriers to candidacy still struggled booking venues for events, meeting voters and attracting balanced media attention.

Launch Period Electoral Violations

Government employees, including governors and ministerial officials, were observed campaigning for candidates in Badghis, Balkh, Daikundi, Helmand, Jawzjan, Kabul, Khost, Nuristan, Paktia, Panjshir, Takhar and Uruzgan during the first three weeks of the campaigns. Abuses of state property and resources generally accompanied the involvement of government officials in campaigns.



At a campaign rally in Balkh, a public health official distributed insecticide to supporters of his favored candidate. In Jawzjan, a Ministry of Education official allowed his office to be used for campaign events. A candidate in Herat distributed grain from the Ministry of Agriculture to internally displaced persons in an attempt to buy votes. Candidates in Nimroz used cars from the provincial governor's office for campaign travel.

Abuses of state property, premises and resources were most prevalent among candidates who formerly served in official positions and candidates with family ties to government authorities. Common violations included use of government vehicles for campaign travel, recruitment of state employees and use of government offices and materials for campaign activities.

Campaigning was conducted in mosques and schools in the face of bans on the use of both venue types for campaign activities. Observers reported that mosques and schools were used by candidates to launch campaigns and rally supporters in Balkh, Daikundi, Faryab, Ghazni, Ghor, Kabul and Kapisa. Where public schools were used for campaign activities, teachers and administrators were often relatives of candidates or were candidates themselves. In a particularly serious case reported by FEFA observers in Takhar, a public school principal urged her staff and students to vote for her in the election and distributed voter registration cards to underage students.

Illegal involvement of members of the security forces was yet another problem. In Ghor, security forces took part in campaign events organized by a notorious local powerbroker and observers in Jawzjan, Kabul, Paktia, Samangan and Takhar reported uniformed members of the security forces participating in campaign events and local police commanders urging residents to support specific candidates.

Mid-Campaign Intimidation and Violence

Taliban spokesman Zabiullah Mujahid told the media on August 4, 2010.¹⁹ Predictably, intimidation and violence against civilians involved in the electoral process marred the summer months of campaigning and preparations for the September 18 vote. Between July 15 and August 25, FEFA observers submitted 257 reports of election-related security incidents, including acts of intimidation.

Throughout much of the country, candidates, campaigners, election workers and voters were subjected to a campaign of intimidation by the Taliban and affiliated groups. Between July 15 and

¹⁹'Taliban Death Threats Hang over Afghan Elections,' Lynne O'Donnell, AFP, September 4, 2010:
<http://www.google.com/hostednews/afp/article/ALeqM5hCTk4qFHvpaqNQksGrdE6tY92y4w>



August 25, FEFA observers reported 196 instances of intimidation. One hundred and twenty eight of these (65%) targeted candidates and campaigners, 47 (24%) targeted voters and the general population, 11 (6%) targeted election workers and government employees and 10 (5%) targeted observers.

Intimidation tactics varied by target group. Candidates – women candidates in particular – were subjected to threatening phone calls, while night letters were the preferred means of intimidating the general population and election workers.

The Taliban and other insurgent groups were the most active perpetrators of election-related intimidation. In provinces with declining security they worked tirelessly to suppress public participation and broadcast threats against civilians involved in the electoral process. Several districts of Logar were flooded with Taliban night letters warning residents not to participate in the elections. The letters often followed targeted killings of campaigners and campaign supporters among the general population.

In Ghazni, Taliban-signed night letters, including some threatening to cut off the inked fingers of voters, were reported in at least 7 districts. During just the third week of July alone, night letters were distributed in 5 districts of Ghazni.

Once considered one of Afghanistan's safest provinces, Nangarhar experienced an increase in Taliban activity during the mid-campaign weeks. Night letters threatening to kill campaigning candidates, instructing shopkeepers not to display election materials and warning the general population against participating in the elections were reported in multiple rural and urban districts, including districts of Jalalabad city. Campaigning in rural areas was further frustrated by Taliban threats to attack campaign convoys.

Powerbrokers running for office and supporting specific candidates also carried out acts of intimidation. To prevent other candidates from campaigning in districts effectively under their control, they instructed their supporters and bodyguards to frighten and assault rivals' campaigners, sent threatening letters and verbally threatened rivals in person.

Two notorious powerbrokers in Ghor, both known to command illegal armed groups, backed specific candidates and physically threatened others, restricting challengers' access to the electorate. In Farah, a powerbroker warned residents of a district under his control that gunmen would attack civilian vehicles on the road to the provincial center if their owners did not elect his chosen candidate.

Even in Kabul province, powerbrokers looking to gain or retain seats in parliament intimidated rival candidates. One prominent former commander, an incumbent parliamentarian, prevented rivals from



campaigning in Paghman district by making threatening phone calls and disrupting campaign events. In a particularly telling incident reported to FEFA observers, the Paghman-based powerbroker's gunmen fired warning shots to frighten a challenger's campaign volunteers. A different ex-commander used his armed campaign entourage to bully rival candidates attempting to meet voters in the same district of the capital city.

Violence, as well as intimidation, was used to capture or thwart the electoral process during the mid-campaign period nationwide. FEFA observers reported 49 incidents of election-related violence in which candidates or campaign staff were targeted and 12 violent incidents that targeted voters and members of the general population. Insurgents were responsible for the largest proportion of election-related violence, followed closely by powerbrokers.

Provinces that experienced intense and sustained intimidation efforts also saw some of the worst targeted violence against civilians involved in the elections. Logar province was an especially grim example. There, the Taliban carried out 6 election-related killings during the campaign period, 4 of them of campaigners. Insurgents also burned down a candidate's house, abducted and assaulted two pre-teen campaign volunteers and kidnapped a candidate's uncle.

After killing a campaigner for a female candidate in early August, Logar Taliban left night letters warning to local residents that others involved in campaigns would meet the same fate. Ghazni candidate Najibullah Gulestani received weeks of Taliban threats before he was kidnapped and beheaded in early August and threats against the general population followed Gulestani's murder.

Campaign staff bore the brunt of election-related violence during the summer months. Insurgents targeted them directly in many instances and assassination attempts against candidates left campaigners injured, as happened in Khost, when the campaign rally bombing that killed candidate Sayedullah Sayed injured at least 20 civilians, including Sayed's campaign staff.

The single deadliest incident of election-related violence during the campaign period was the attack on the campaign team of Herat candidate Fawzia Gilani, which resulted in the killings of five young volunteers. Campaigners were also killed in Faryab, Takhar and Logar.

Overland travel was especially treacherous for candidates and campaigners. FEFA observers reported instances of campaign teams shot at, kidnapped, unlawfully detained and assaulted while traveling by road to meet voters. In the north and west of the country, powerbrokers and insurgents set up illegal checkpoints and attacked campaign vehicles to prevent rivals from reaching potential supporters.

Violent attacks not claimed by insurgents were often linked to candidate rivalries, particularly those involving powerbroker candidates. In a case reported by observers in Laghman province, a



confrontation between armed supporters of two rival candidates necessitated police intervention. The details of several attacks in the north, including bombings in Takhar and Badakhshan, also pointed to the possible involvement of rival candidates.

Though FEFA observers did not report violence against election workers during the mid-campaign period (July 15 – August 25), at least 4 serious attacks were carried out against IEC staff during the first three weeks in September. In one incident widely reported in the media during the first week in September, Taliban in Baghlan kidnapped 28 IEC employees. The election workers were released after being tortured into signing promises to stop working for the government. Two weeks later, Taliban members in Balkh kidnapped and killed 2 IEC employees.

Mid-Campaign Challenges to Women's Campaigns

The rest of campaign season was just as trying for women candidates as its beset beginning, as overall insecurity compounded the social, economic and political difficulties women seeking political office in Afghanistan contend with generally. While women's campaigns were vibrant, numerous and high-profile in Kabul and a handful of other cities during the late summer, women were barely able to campaign at all in the embattled south and southeast or in destabilizing areas of the north. The few women's campaigns that went ahead in these regions did so mostly in private, through meetings with local elders, tribal leaders and small groups of voters in private homes.

Opponents of women's involvement in public life continued to harass and threaten women on the campaign trail nationwide. Women candidates and campaigners widely reported receiving anonymous, threatening phone calls and text messages, often late at night. Male supporters of women candidates also received threats and Taliban members killed the husband of a candidate in Helmand province. In Kunar, Taliban radio broadcasts stressed the insurgent group's opposition to women's involvement in the elections and a candidate from Ghor province was forced to suspend her campaign and relocate to Kabul after being threatened by Taliban members in her area.

Though women comprised less than a quarter of all candidates and generally ran more security-conscious campaigns than their male counterparts, 6 of the 11 campaigners killed during campaign season worked for women's campaigns. Five of the slain campaigners worked for Fawzia Gilani, a candidate from Herat province. Ten members of Gilani's staff were kidnapped while traveling through a remote, Taliban-influenced district. When Gilani refused to comply with the kidnappers' demands for her to suspend her campaign, 5 of the captive campaigners were freed and the other 5 were shot. After initially issuing denials of involvement, the Taliban claimed responsibility for the murders. Security officials in Herat believe the killings were carried out by one of Gilani's rivals.



Hate speech and defamation presented women candidates with additional ordeals. Local religious leaders and male candidates lashed out publicly at women candidates to constrain women's campaigns and damage women's chances at the polls. From Badakhshan province alone, FEFA observers reported 9 instances of clerics publicly accusing women candidates of being prostitutes and apostates – accusations that can cause grave physical risks for women in Afghanistan – and calling on their congregations to vote only for men. Candidates reported similar incidents to observers in Badghis, Kunar and Takhar provinces. Targeted candidates told observers they believed mullahs in their areas were paid by male candidates to turn the electorate against women politicians. Slanderous letters about women candidates distributed in Faryab, Takhar and Sar-e Pul provinces were also believed to be the work of rivals exploiting discriminatory attitudes about women for political gain.

Weak official reactions to hate speech against women candidates during campaign season set a dangerous precedent. The handful of male candidates sanctioned by the Electoral Complaints Commission for accusing women candidates of religious infractions were made to pay only small fines and the Electoral Media Commission, the body charged with overseeing ensuring fairness and compliance with regulation in electoral media coverage, failed to counter potentially dangerous propaganda about women candidates.

The police response election-related intimidation of women was equally feeble overall. Many women candidates believed the security forces were biased against them and didn't feel comfortable enough to seek protection and those candidates who did request police protection for themselves and their teams received grudging support at best. Some women candidates told observers and human rights monitors their requests for protection were dismissed outright by the police, without consideration of the threats against them.²⁰

Mid-Campaign Electoral Violations

FEFA's observers reported on electoral violations by campaigning candidates throughout the campaigns. Between mid July and the end of August, observers submitted 583 reports of electoral violations: 310 reports of government officials unlawfully supporting candidates, 182 reports of candidates unlawfully using state resources in their campaigns and 91 reports of uniformed members of the Afghan security forces taking part in campaigns.

²⁰ See also Human Rights Watch's September 8, 2010 press release, 'Afghanistan: Unchecked Violence Threatens Election,' <http://www.hrw.org/en/news/2010/09/09/Afghanistan-unchecked-violence-threatens-election>



The top provinces that reported unlawful support of candidates by government officials were Baghlan (33 reports), Helmand (27 reports), Badakhshan (24 reports), Ghazni (23 reports) and Takhar (20 reports). For abuses of state resources, the most affected provinces were Helmand (24 reports), Nangarhar (20 reports), Ghazni (14 reports), Kabul (11 reports) and Laghman (10 reports).

The first category of violations often enabled the second, as officials from local school principals to district and provincial governors publicly campaigned for candidates and used their positions to channel state resources into candidates' hands and coerce lower-ranking civil servants into colluding. FEFA observers reported candidates using government vehicles for campaign travel, distributing government property to supporters –even running their campaigns out of ministerial buildings.

The worst provinces for the unlawful involvement of security forces in campaigns, according to observer reports, were Helmand (14 reports), Baghlan and Kabul (8 reports each), Ghazni (7 reports), Zabul (6 reports) and Badakhshan, Laghman and Takhar (5 reports each). In these provinces, FEFA observers reported police commanders publicly backing candidates and assigning officers to guard these candidates while others went unprotected. This subjective provision of security gave favored candidates an unfair advantage, especially in the most insecure areas.

Part V: Election Day and Ballot Tabulation

Observation

On Election Day, September 18, 2010, nearly 7,000 FEFA observers (6,600 STOs and 400 LTOs) were present in 3,538 polling centers in 34 provinces. Observers arrived at the centers just before opening to assess the initial conditions of the centers and continued their observation through voting and counting, filling in detailed checklists throughout the day and reporting to their superiors in FEFA's cascade reporting system.

In the week after Election Day, the checklists were returned to FEFA headquarters in Kabul. Later, they were digitized and the data analyzed with the assistance from the University of California San Diego. Visualizations based on the data are included in the annexes of this report. Additional information about conditions at polling centers was gained from phone reports called in by district coordinators and provincial coordinators and recorded in forms and notebooks by FEFA headquarters staff.

Findings

Opening and Closing of Polling Centers



Eighty five% of all polling centers observed by FEFA opened on time, according to observer reports. Only three provinces – Nuristan, Paktika and Uruzgan – reported that more than half of all polling centers opened late. Both Nuristan and Paktika reported more the 80% of centers opened late.

About half (47%) of voters nationwide still waiting in line at 4 pm were permitted to vote before IEC officials closed the polling centers. Ballot boxes were locked by IEC officials in nearly all (97%) of polling centers observed by FEFA nationwide when the centers closed.

Turnout

Given the vast differences in security among Afghanistan's 34 provinces and 398 districts, voter turnout was similarly varied across the country, according to phone reports from observers. The regions with the lowest reported voter turnout were those experiencing the most intense conflict, the south and southeast.

Observers reported higher turnout in administrative centers – where security forces were concentrated in the greatest numbers – than in the rural areas, where insurgents could stage more attacks against under protected populations and powerbrokers could compel the electorate uninhibited.

However, these trends were not universal. A few very insecure provinces saw pockets of high voter turnout. Observers in relatively secure Jaghori district in Ghazni province reported moderately high voter turnout in sharp contrast to the extremely low voter turnout reported in much of the rest of the province. Observers in Helmand also reported greater than expected turnout in the provincial capital.

The highest levels of voter turnout were reported by observers in the central region and in the more secure provinces of the north and east. Provinces such as Badakhshan and Bamiyan, with relatively good security in most urban and rural areas, saw large numbers of confident voters, as did less secure Laghman, Nangarhar and Takhar.

Women voters were fewer than male voters almost everywhere, though the ratios skewed most dramatically in the most insecure southern and southeastern provinces, such as Paktika, where observers reported a virtual absence of women voters at many polling centers

Intimidation

Intimidation was reported at 15% of all polling centers covered by FEFA observers nationwide. The provinces that experienced the most intimidation at polling centers covered by FEFA were Zabul (over 90%), Farah (90%), Kunar (48%), Paktika (49%) and Uruzgan (48%). The provinces that produced the fewest reports of polling center intimidation were Ghor, Nimroz, Nuristan, Faryab and Kabul, where



observers reported intimidation at less than 10 % of polling centers covered. These figures should be understood as *reported* incidents of intimidation; anecdotal evidence suggests many incidents of intimidation went unreported on Election Day.

Violence

Observers in 32 provinces phoned in reports of 276 security incidents at and around voting places that directly affected the proceedings of the election by forcing polling centers to close and limiting voters' movement. The majority of these incidents occurred in Badghis, Baghlan, Ghazni, Kandahar, Khost, Kunduz, Kunar, Logar, Nangarhar, Maidan Wardak and Zabul.

Insurgents blew up polling centers in Kunar, Khost and Kandahar and captured centers in Badghis, Baghlan, Kunduz and Laghman, shutting down voting in the communities those centers served. Rocket attacks against polling centers in populated areas of Nangarhar and Kunar killed several civilians and sent others fleeing for their lives. In Badghis, Balkh and Logar, Taliban kidnapped election workers and observers.

A spate of political kidnappings further marred security on Election Day. In Badghis, Balkh, Ghazni, Logar and Nuristan, insurgents kidnapped election workers and observers. Several IEC employees were held for multiple days before being released alive and the bodies of 3 abducted IEC staff from Balkh were found on September 19. Assistance from local intermediaries secured the peaceful and unconditional release of the 10 FEFA observers who were regrettably among those kidnapped for political reasons between September 17 and September 19. Because the observers had not yet been released by the time FEFA released its preliminary post-Election Day report, on September 20, FEFA chose not to disclose the kidnappings at that time.

As during earlier phases of the electoral process, violence was not the handiwork of insurgents alone. According to phone reports from FEFA observers, powerbrokers and their supporters carried out more than 100 serious acts of violence in 28 provinces, with the highest number of incidents reported in Badghis, Daikundi, Faryab, Ghazni, Ghor, some districts of Kabul province, Maidan Wardak, Paktia, Paktika, Takhar and Zabul. In some districts of Daikundi, Ghor, Herat and Nangarhar, gunmen reportedly disrupted voting and seized ballot boxes.

Missing or Misplaced Essential Materials

Multiple polling centers in at least 5 provinces – Balkh, Ghazni, Herat, Kabul and Nangarhar – ran out of ballots while voters were still queuing to vote, forcing some affected centers in those provinces



to close early. Voters in areas that experienced severe ballot shortages expressed concern that their constituencies were being deliberately disenfranchised for political reasons.

Unauthorized Persons in Polling Centers

Unauthorized persons were present at 17% of all polling centers observed. Again, Zabul led the most affected provinces with positive reports from more than 90% of polling centers covered, followed closely by Farah (90%), Uruzgan (69%), Laghman (37%) and Takhar (35%). Ghor, Maidan Wardak, Nimroz, Panjshir and Faryab were the provinces least affected, each reporting unauthorized persons at less than 10% of observed centers.

Obstruction of Voters

Voters were obstructed at 12% of polling centers nationwide, according to observer checklist reports. Farah led the most affected provinces this time, with more than 90% of polling centers affected, followed by Uruzgan (77%), Zabul (70%), Paktia (35%) and Daikundi (18%). More than 50% of all provinces reported voting obstruction at less than 10% of centers.

Unlawful Proximity of Campaign Materials to Polling Centers

Campaign materials were observed within 100 meters of 36% of polling centers covered nationwide. The most affected provinces were Zabul (approximately 95% of centers), Farah (90%), Helmand (80%), Logar (78%) and Nangarhar and Khost (70% for both). The least affected provinces were Nuristan, Badghis, Panjshir, Faryab and Ghor, where observers reported campaign materials within 100 meters of less than 20% of polling centers covered by FEFA.

Necessary Materials Lacking at Polling Centers

Every observer fielded by FEFA reported that her or his observed polling center lacked at least some of the materials necessary for the smooth running of Election Day.

Absence of Female Election Workers



FEFA's observed reported a complete absence of female IEC staff at 1,062 polling stations across the country, with the largest number of cases called in by observers in Paktia, Paktika and Uruzgan.

Presence of Political Agents

Political agents (representatives of candidates and political parties) were present at 84% of polling centers observed by FEFA nationwide on Election Day. The presence of these individuals was reported by observers in all polling centers observed in the provinces of Sari Pul, Parwan, Paktika, Laghman, Khost, Kapisa, Jawzjan, Ghor and Badghis and most other provinces had political agents present in at least 80% of polling centers covered by FEFA. Four provinces –Samangan, Nuristan, Daikundi and Bamiyan– had observers and political agents present in less than 25% of observed polling centers and observers in Zabul reported a total absence of political agents at covered polling centers.

Official Stamps on Ballots

IEC officials stamped voters' ballots at 86% of all polling centers covered by FEFA on Election Day. This was done in at least 80% of polling centers in 29 provinces. In Kunduz and Baghlan provinces, ballots were stamped in approximately 65% of centers. Observers in Takhar, Samangan and Balkh provinces reported that IEC officials stamped ballots in less than half of all observed polling centers.

Ink

Voters' fingers were dipped in ink to prevent repeat voting in 86% of polling centers observed by FEFA nationwide. Observers in 29 provinces reported inking of voters' fingers in at least 80% of observed centers. Inking was carried out in less than 50% of observed centers in Takhar, Samangan and Balkh provinces. However, according to observers nationwide, the ink used to mark voters' fingers washed off in 59% of polling centers covered by FEFA. Ink was washable in 80% or more observed centers in 18 provinces from every region of the country.

Ballot- Stuffing

Ballot-stuffing was reported in 280 polling centers in 28 provinces, with the highest number of reports in the provinces of Baghlan, Faryab, Ghazni, Ghor, Herat, some district of Kabul, Kandahar, Khost, Kunduz, Logar, Nangarhar, Nuristan, Paktika and Uruzgan.

Proxy voting

A problem nationwide, proxy voting was most concentrated in the extremely insecure provinces of the south and southeast, where few women voted but women's ballots were commonly cast by their male



relatives. Observers in 390 polling centers in 24 provinces reported large numbers of proxy votes for women cast by men. Most of these votes were cast in sites where female poll workers were absent. The most serious reports of proxy voting came from Badakhshan, Daikundi, Ghor, Helmand, Kabul, Kandahar, Kapisa, Khost, Laghman, Logar, Maidan Wardak, Paktika, Uruzgan and Zabul.

Underage Voting

Voting by persons under age 18, illegal under Afghan law, occurred in 29% of polling centers observed by FEFA on Election Day. Observers reported underage voting at more than 80% of covered polling center in the provinces of Zabul (100%), Uruzgan (100%), Nimroz (100%), Logar (100%), Kandahar (100%), Helmand (100%), Ghazni (100%), Daikundi (100%), Bamiyan (100%) and Farah (81%).

Family Group Voting

Families were permitted to vote as groups in 24% of polling centers covered nationwide by FEFA on Election Day. This irregularity was reported at more than 80% of all observed polling centers in 10 provinces: Zabul, Uruzgan, Nimroz, Logar, Kandahar, Helmand, Ghazni, Daikundi, Bamiyan and Farah. Family group voting was reported at less than one third of all observed polling centers in most other provinces.

Reports of IEC Staff Bias

Observers reported that IEC staff violated the principle of non-partiality in their work again. Examples ranged from relatively minor infractions, such as providing greater access to agents of favored candidates, to the extreme examples of IEC workers closing polling centers and stuffing hundreds of ballots for local powerbrokers. According to observers' phone reports, biased conduct on the part of IEC staff was most prevalent in Badakhshan, Badghis, Baghlan, Faryab, Ghor, Herat, Kabul, Kunduz, Laghman, Nangarhar, Parwan, Takhar and Uruzgan. Also troubling was the reported refusal of IEC staff in many affected polling centers to provide complaint forms to voters and candidates.

Delayed Counting

In accordance with the procedures enacted by IEC, counting was supposed to be performed at the polling stations promptly after voting ended. The decision whether to proceed with the counting of ballots was decided on center-by-center basis, with no single schedule or procedure applied throughout the country. While counting got underway shortly after the closing of polls in some areas,



it was postponed until the next day in others. FEFA's observers reported that in 243 polling centers in 25 provinces the counting process did not go ahead in accordance with the guidelines set out by the IEC. Among observers and candidates, cases of delayed counting raised fears of ballot tampering, as many of the affected ballot boxes were stored overnight unauthorised locations.

Comparison of Results Sheets with Results Published by the IEC

According to electoral regulations, IEC staffs are required to prepare at least 4 results sheets at each polling station immediately following the counting of ballots. One sheet is to be placed in the document pouch of the Tamper-Evident Bag (TEB), another is to be stored in the IEC provincial warehouse, a third sheet is to be posted near the polling station for general viewing and a fourth sheet is to be given to observers and candidate representatives. However, in more than half of all polling stations covered by FEFA observers, IEC staff prepared only 3 copies of the results sheet and did not give any to observers or candidate representatives. According to observers, most of the posted results sheets were immediately seized by candidates, preventing voters from checking the results immediately after counting.

Nevertheless, observers were able to send 782 results sheets to FEFA headquarters and FEFA compared these sheets with the results later published on the IEC website. Of the sheets FEFA obtained, 248 were blank, 28 were altered in some way (for example, some had the results erased or crossed out) and 81 did not match those published online by the IEC.

Intimidation of Observers

Following their observation of Election Day, several FEFA observers were threatened by candidates, candidate representatives and powerbrokers. Observers involved in submitting evidence of fraud received threats in at least 6 provinces. A powerbroker candidate in one province sent gunmen to the home of a FEFA observer and threatened the observer in person. In another province, agents of a senior national political figure made threatening phone calls to a FEFA district coordinator.

FEFA reported these incidents to the local police in areas where it was safe to do so and to the security institutions at the provincial and national levels where necessary.



Submission of Information and Evidence

After verifying hundreds of serious reports of Election Day irregularities, FEFA headquarters staff prepared packages of evidence and observer reports and submitted these packages to the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC) for follow-up.

FEFA's first evidence package went to the IEC and ECC on September 23 and contained information regarding cases involving 400 polling centers in 28 provinces. The second package went out on October 6 and contained information regarding 490 cases in 31 provinces. The third package included 693 detailed, written accounts from observers and 13 CDs of video and photographic evidence of irregularities. In total, FEFA submitted evidence on 890 serious cases of fraud and irregularities in 31 provinces to both electoral bodies, but neither the IEC nor the ECC was willing to comment on whether FEFA's information was used for official investigations.

Tallying and Recounting

FEFA observers were present in the tally center to witness the inspection of 5,583 Tamper-Evident Bags (TEBs) from across the country. Article 57 of the Electoral Law states that the IEC "can include or permanently exclude the quarantined ballot boxes from the counting process after inspection in the presence of observers and representatives of political parties and candidates." However, IEC staff granted observers only limited access to the processes of phases 2 and 3 of tallying and observers were not able to determine whether tallying proceeded according to the electoral regulations for every TEB.²¹

From the incomplete observation they were able to conduct, FEFA observers reported serious problems with 442 TEBs, including TEBs returned to the tally center out of their original boxes, tally sheets and complaints forms missing from TEBs and TEBs returned without identifying documentation. When observers asked IEC staff present to explain the absence of tally sheets, the electoral workers refused to provide explanations.

²¹ Four phases comprise the tallying process. In phase 1, TEBs are delivered and opened. In phase 2, suspicious and incomplete shipments are inspected. In phase 3, decisions are taken to quarantine suspicious TEBs. And, in phase 4, the results sheets are scanned, databased and uploaded to the IEC website.



FEFA observers monitored recounting of 1,828 problematic ballot boxes from 29 provinces. Observers reported serious recounting problems with ballot boxes from at least 23 provinces, including: missing reconciliation sheets and complaints forms, obvious discrepancies between tally sheet totals and votes contained in recounted ballot boxes, candidate representatives blocked from observing recounts, ballot boxes recounted without IEC authorization, ballot boxes kept in quarantine after being ordered recounted, ballot boxes recounted without representatives of the ECC present and observers barred from signing reconciliation forms. Hundreds of ballot boxes were affected in most of these categories.

Additional serious concerns were raised by observers over the IEC-ordered recounting of at least 181 ballot boxes – some of which had already been recounted – after the announcement of the preliminary election results on October 20. FEFA submitted the identifying information for these ballot boxes to the ECC on November 1.

Part VI: Post-Election Disputes

The Special Election Court

Controversy

Upon recommendation from the Supreme Court and approval of the President, a special elections court was formed on December 15, 2010 to investigate issues after the Wolesi Jirga elections. The Court's members consisted of five Supreme Court justices and 10 administrative personnel. In its first press conference on December 20, 2010, the chairperson of the Court called it a special court and said it was a legal entity based on Article 32 of the Law on the Organization and Jurisdiction of Courts. The formation of the Court elicited varying reactions. The members of the Wolesi Jirga called the formation of the elections court against the constitution and electoral laws, while the objecting candidates welcomed its establishment.

Keeping in view the preservation of the integrity of the electoral system in the country, the Free and Fair Elections Foundation of Afghanistan (FEFA) expressed its deep concerns in a press release on December 16, 2010. FEFA called any form of interference or decision from the judiciary about the election's process and results as contravening the law and electoral guidelines, asserting that the legal authority to investigate electoral concerns and announce election results lies only with electoral bodies. FEFA asserted its position through active participation in television and radio panels in the national and international media and called on the judicial organs to respect the country's electoral system.



Immediately after the Special Court began its work on January 14, 2011, the Supreme Court, through letter no. 108 dated January 18, 2011, requested a number of offices to send representatives to participate in the work of the Special Court and strengthen its functions. Recipients of this letter included the electoral institutions (IEC and ECC provincial offices), FEFA, the provincial governor's offices, the Ulema Council, the Directorates of the Provincial Councils, the directorates of *pilgrimage and endowment*, directorates of Education, the provincial Police Chief's offices, National Directorate of Security, the Appeal Prosecution offices, provincial justice directorates, the AIHRC, UNAMA, and the Provincial Appeal Courts. In an official letter dated December 23, 2010, FEFA declined to join the group because of the nature of the group's work, but expressed its willingness to participate in an exchange of ideas on solving the crisis.

Accordingly, in a meeting between the chairperson of the Special Court and FEFA's executive director, FEFA presented its recommendations, which were premised on respect for the electoral system and limiting the Court's decrees only to cases with clear evidence of criminal misconduct. FEFA stressed that it would support the Court's decrees if the nature of its work does not harm the electoral framework but instead focuses on investigating instances of criminal misconduct during the elections.

In a press conference on January 6, 2011, the Special Court's chairperson Sediqullah Haqeeq said that the Court received a total of 430 cases from the Attorney General and the objecting candidates. He said that upon examination, the Court had placed 30 of the cases in the Priority A category, 65 cases in Priority B and 127 cases in Priority C. The cases included non-responsiveness to candidates' complaints, widespread irregularities during the election process and not counting the votes cast in favor of some candidates.

Recounting Begins

After the press conference, the Court was expected to continue, despite pressures, to work on its original mandate: the investigation of criminal misconduct. But soon enough, on January 14, 2011, pursuant to an order from the Court, recounting of votes began in Takhar, Jawzjan, Paktia, Paktika, Sar-e Pul, Logar, Laghman, Kapisa, Parwan, Kunar, Nuristan and Khost. Recounting then extended to all provinces except Panjshir.

FEFA called this action by the Court illegal, expressing that the Court's jurisdiction is only limited to investigation of criminal misconduct during the elections. FEFA said the recount was a clear interference in the electoral process. FEFA expressed its deep concerns about the beginning of a



wrong precedent that could severely undermine the legitimacy of elections in the future, calling once again upon the Court to cease its illegal work.

FEFA's Observation of Recounting in the Provinces

Since FEFA had declined to participate in the work of the Special Court, it was extremely difficult to directly observe the recount. In spite of this, FEFA made efforts to indirectly observe the process by speaking to representatives of the candidates and other parties involved in the recount.

FEFA devised a special interview format, instructing its observers to follow special procedures in collecting information from candidates' representatives and officials involved in the recount. The format included a standard set of questions about the nature of the recount in the provinces.

The findings of FEFA's observers did not include figures or statistics because observers did not witness the recounting firsthand, but the findings paint an overall picture of the process characterized by disorganization and lack of transparency. Procedures for the recount were not established beforehand in any of the provinces and those involved in recount were not trained. In most provinces it was observed that representatives of the organs forming the provincial recount staff constantly changed. For example, a representative attending the recount today was replaced by another the next day.

It was also observed in most provinces that a final, official copy of the tally of votes from a specific ballot box was not provided to the representatives of candidates and others involved in the recount.

In some provinces, serious discrepancies were observed between the votes cast and the tallies of votes on the results sheet, indicating that some fraud occurred in favor of the objecting candidates during the recount. The most conspicuous instances of this occurred in the city of Maimana and Belcheragh District in Faryab; in the city of Cheghcheran and Doleina District in Ghor; in the city of Zaranj in Nimroz; in the districts of Wozah Zadran, Zurmat, Haji Aryub and Ahmadaba in Paktia; and in the districts of Pachira Gam and Hisarak Ghilzai in Nananhar.

During recounting, it has been repeatedly observed that the discrepancies between the recount numbers and the number of votes in the ballot boxes of those objecting candidates who did not have complaints or representatives present during recounting, were not tallied and recorded. The most conspicuous examples of this occurred in Ghor, Nangarhar, Takhar, Khost, Kabul, Baghlan, Paktia, Jawzjan, Balkh, Badakhshan and Faryab.

Information also indicates that ballot boxes disqualified or quarantined by the Electoral Complaints Commission or the Independent Elections Commission due to clear fraud were not kept separate from



ballot boxes deemed suspect by the Special Court. Similarly, ballot boxes that were disqualified due to clear fraud were counted and included in the results. Notable examples of this occurred in Maimana City and districts of Qaisar, Shirin Tagab, Pashtun Kot and Khwaja Sabz Posh in Faryab; Ajristan District in Ghazni; districts of Darra-e Souf-e Bala and Darra-e Souf-e Payeen in Samangan; Achin District in Nangarhar; Wozah Zadran District in Paktia; Zaranj City in Nimroz; and Khost Province.

Nonetheless, with the exception of Panjshir – which was not part of the original list of provinces to be recounted – the recount is complete in 32 provinces. Recount in the Kabul Province is near completion. The recount continues despite calls from Wolesi Jirga that the Special Court be dissolved based on article 127 of the Constitution.

On March 22, 2011, Wolesi Jirga called the Attorney General for a question-and-answer session on the Court's illegal work, calling him subsequently for interpellation. However, the Attorney General refused to come to Wolesi Jirga and deemed the interpellation unconstitutional.

Part VII: The Post-Election Context

The New Parliament

Comparisons with the 2005-2010 Parliament

The parliamentary elections of the 2010 saw the nomination of 223 of the incumbent MPs, from among them 81 were re-elected. Those who won seats into the new parliament comprise a mix of independent and affiliated individuals. As mentioned before, the SNTV system in place does not go much in favor of the parties in terms of getting their members seats into the parliament, there is no significant number of members from the political parties.

From the registered political parties, there are 20 parties who have their members holding seats in the current parliament a combined 43% of the MPs. Having this large number of parties sharing less than 50% of the overall seats, it is hard to infer any of these parties, if at all, to be dominant. The largest representation is of Hezb-e Jamiyat Islami (Islamic Society) almost 17 members have either membership or background of the mentioned party. The small number of representation by the political parties shows that there will not be any party dominating the proceedings in the parliament.

The ethnic composition of the new parliament is not clear at the time of writing since no official information have been released, however as per the unconfirmed information available there are 35% (95 MPs) Pashtuns, 21% (74 MPs) Tajiks, 25% (48 MPs) Hazaras, 6% (20 MPs) (others are 12%)



Uzbeks, 4% (10MPs) Nomads , 3% (8 MPs) Aimaqs, 3% (8 MPs) Arabs, 1% (3 MPs) Turkmen, 2 Nuristani MPs , 1 Baloch, 1 Pashaye and 1 Turk. The majority, though small in% age, remains Pashtuns with 85 compared to 106 in the previous parliament.

Out of the 68 women MPs from the last parliament, 56 ran for re-election from among whom 32 retained their seats while the other 24 lost to challengers. The number of women who won their seats outright saw a reduction from last parliamentarian elections. In this current parliament 12 won outright compared to 17 in the last. The reduction in the number of women winning their seats outright shows that the supports for women and cause of women have dwindled. With the 69 of women sitting in the seats of the parliament this term, the% age is 27.7% exceeding the 25% quota by a slight margin.

The new parliament has 16% of its members at age bracket of 25-35. The parliament is fairly young with more than 36% below the age of 40. The young% age though not the majority, is going to be important in tabling the issues the youth of the country is facing. The lack of information on the campaign agenda of most of the candidates and the winning candidates, it is hard to tell whether human rights and women's rights be high on their agenda.

The New Parliamentarians

The new parliamentarians come from a mixture of backgrounds. Some of them (81 MPs) were incumbent MPs and they included, a majority is those who were formerly working in the branches of the government. Looking at the new parliament, there are former provincial officials, civil servants to police officers. This large number of members with affiliations with one or more of the branches of the government, concerns over misusing of power and public resources on their way to winning their seats cannot be nullified. There are a small number of business people entering the new parliament besides those who occupied governmental seats. Their winning seats also is argued by some in the civil society and referred to as buying votes.

The background and sectors the MPs worked before winning their seats raises the question of whether the parliament be able to come into consensus over critical issues especially human rights and women rights that being said in view of the month long deliberation and agreement over election of the spokesperson of the parliament in the recent month.

Effects of the Elections on the Political Environment

Public perceptions



The results of the parliamentary elections and the new parliamentarians, who just sworn into office after a hiatus shrouded in controversy over alleged fraud and thus their legitimacy, had created a stir among the civil society and invited concern and criticism from public and international community. The Independent Elections Commission, the only entity defined by law, to manage the elections affairs was under scrutiny following the last years near calamitous presidential elections. Members of public, civil society and the international community became increasingly concerned over the transparency and autonomy of the IEC as news of widespread fraud and vote rigging broke during the counting of ballots.

The subsequent complaints and grievances of the losing candidates, vetted by the Electoral Complaints Commission, also part of the IEC, did not provide the satisfaction they needed. Their constant protests and sometimes rebellious actions, in instances blocking traffic on highway and threatening remarks alleging side taking and corruption inside the IEC and ECC further dented the trust and transparency of these entities. Two weeks after the elections final results were announced by the IEC, the Attorney General's Office (AGO) brought the validity of the results under question and called for revoking of the election results citing the widespread fraud.

The IEC released a press release calling the comments and intervention of the AGO irresponsible and unconstitutional. The increasing tug of war between the AGO and the IEC kept the public wondering about the inauguration of the new parliament and the legitimacy of the candidates to take office. The creation of the special court to address the grievances and complaints pertaining to the elections came as the culmination of weeks of tense negotiations and deliberation of the government on coming to a resolve over this issue. The special court was created through a decree of the President. Creation of the special court, not foreseen the constitution, met a mix of criticism, outrage and concern from different circles. The involvement of the President was seen by many as interference in the otherwise deemed independent and autonomous IEC.

What is imminent has been the cloud of ambiguity cast over public by the many events unfolding in the span of weeks following the elections. The unpredictable results for some candidates kept the public pondering who have won until the final list were released, some echoing their disbelief and concern over transparency. Political parties are not many in number and not strong in composition; however, one notable bloc, the coalition for hope and change which is led by the former minister and presidential candidate Abdullah Abdullah, voiced their concerns over vote rigging and fraud criticizing the IEC's handling of the issues.



The political parties have limited presence and influence in the lower house. The single non transferable vote system (SNTV) implied in the elections for Afghanistan is not assisting the political parties. The political parties in Afghanistan lack the required capacity as well as the organization to enable them affect the polling processes. At the time of this writing there are 38 parties registered in accordance with the new political parties' law (the number is 110 for the parties who registered before the new law came to force). The political parties' law which was amended just before the parliamentary elections may have affected the registration and eventually participation of the political parties. The confusion on the registration process and missing deadlines resulted in many parties having no official candidates and the candidates appearing on the ballot were, by default, put as independent.

International Community

International community has been involved and perceived entangled in the electoral processes. International community's involvement and mediation, in most recent account, goes back to the deadlock in the presidential elections of 2009. The events surrounding the parliamentary elections results, the delays in announcement of the results, the inauguration of the parliament and the creation of the special court have caused concern amongst the international community.

The last issue, refusal of the President to inaugurate the parliament before the verdict of the special court was out and the subsequent concern the international community raised over the crises that will come as a result urged the Afghan President to reverse the initial decision. The decision to uphold the inauguration was stated in a press release through President spokesperson's office, and upon the reversal of the decision earlier made the same entity in a press release and in a shrouded statement talked about what they deemed as interference stating at the end "some foreign countries showed concern about our decision and they tried to create disruptions in the country".

Reform

The election process and its contested outcomes only highlight the deficiencies and needs for reform in the overall electoral framework and systems. The ambiguity and obscurity over the voter registration, in absence of a census data can be named among the chief areas where reforms were required. The complaints about the ECC's lifespan (ad-hoc and only when there is an election), its way of handling the complaints and the creation of the special court have increased the consensus that reforms in the electoral system and framework are necessary.



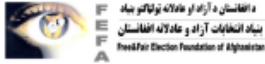
The civil society organizations, observers both international and national have called for reforms in the legal framework as well as the apparatus of the IEC itself. The European Commission [4] for instance has been calling for the reforms especially the appointment of the IEC officials and the registration of the voters. FEFA also have raised its concerns over the reforms and thinks that the electoral institutions should conduct their work with greater transparency, the procedure for vetting candidates for ties to illegal armed groups should be overhauled, observers and candidates' representatives should be given greater access to all processes of elections, greater protection must be provided to threatened individuals involved in the electoral process at all stages of the process and the independence and technical capacities of the electoral institutions must be strengthened.

Unresolved Issues

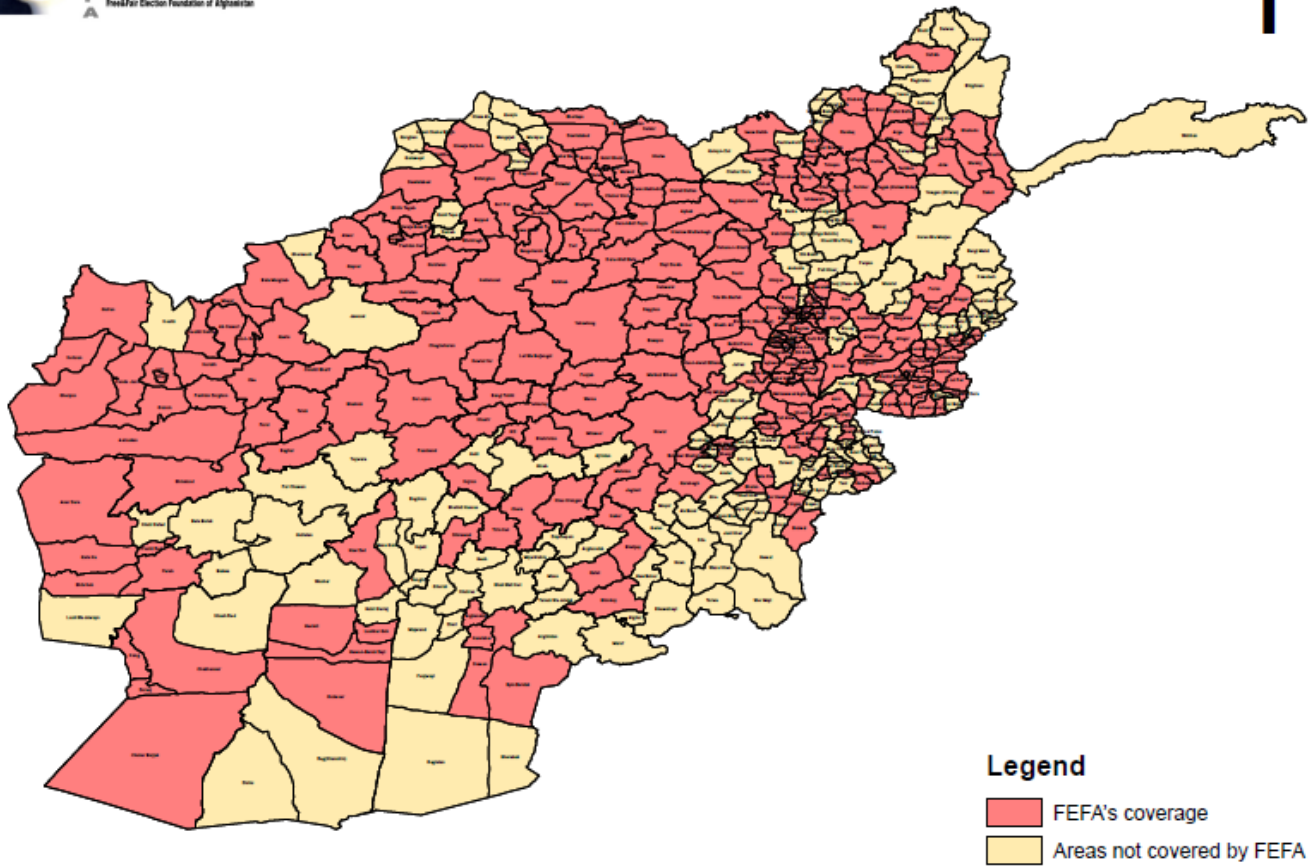
At the time of this writing, there are a number of issues still unresolved. The controversial Special Court still remains with many maintaining its unconstitutionality. The IEC and ECC handling of the complaints and the losing candidates' continues outrage at being the victims of fraud remains another of the unresolved issues. The parliament, in session now, is trying to persuade the President to abolish the special court, which they reason is unconstitutional and have not released a verdict as of this writing though it promised will resolve the complaints in matter of few weeks. Another of the issues which had the retribution of IEC with it has been the ceasing and sealing off of the ballot boxes in the IEC premises and banning the officials of the IEC from leaving the county.

Appendix

2010 Observation Coverage Map



FEFA's Coverage Map in Parliamentary Election 2010





2010 Deployment Plan

#	Province	Districts + Center Under Coverage in each province	Total number of long term Observer			Total number of short term Observer		
			Total	Male	Female	Total	Male	Female
1	Badakhshan	13 + Center	11	9	2	200	100	100
2	Badghis	4 + Center	6	5	1	100	67	33
3	Baghlan	8 + Center	18	9	9	288	144	144
5	Balkh	15 + Center	27	17	10	400	250	150
4	Bamyaan	5 + Center	10	4	6	160	113	47
6	Daikundy	6 + Center	7	6	1	112	60	52
7	Farah	4 + Center	8	6	2	128	84	44
8	Faryab	10 + Center	13	11	2	215	138	77
9	Ghazni	6 + Center	9	7	2	150	110	40
10	Ghor	7 + Center	14	12	2	224	174	50
11	Helmand	4 + Center	9	7	2	146	106	40
12	Herat	15 + Center	20	13	7	360	216	144
13	Jowzjan	3 + center	8	6	2	135	69	66
14	Kabul	14 + Center	50	25	25	812	432	380
15	Kandahar	4 + Center	12	11	1	192	156	36
16	Kapisa	4 + Center	7	4	3	112	62	50
17	Khost	3 + Center	6	5	1	100	80	20
18	Kunar	6 + Center	12	9	3	200	147	53
19	Kunduz	3 + Center	12	7	5	200	112	88
20	Laghman	4 + Center	11	6	5	220	120	100
21	Logar	5 + Center	6	4	2	100	60	40
22	Maidan	3 + Center	5	5	0	80	79	1



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	Wardak							
23	Nangarhar	19 +Center	27	22	5	450	375	75
24	Nimroz	3 + Center	6	6	0	96	43	53
25	Nuristan	3 + Center	5	5	0	88	76	12
26	Paktika	4 + Center	5	5	0	100	100	0
27	Paktia	4 + center	6	6	0	100	97	3
28	Panjshir	3 + Center	5	2	3	80	40	40
29	Parwan	9 + Center	18	12	6	288	152	136
30	Samangan	6 + Center	8	7	1	128	83	45
31	Sar-e Pul	6 + Center	8	7	1	128	80	48
32	Takhar	12 + Center	18	13	5	300	150	150
33	Uruzgan	4 + Center	8	7	1	128	118	10
34	Zabul	3 + Center	5	4	1	80	70	10
222 Districts + 34 Center = 256			400	284	116	6600	4263	2337



List of Partner Organizations

Province	Name of Partner ORG	Name of Org Director	Contact No	Email Address
Baghlan	NSRDO (New Society Reconstruction and Development Organization)	M. Wasim Moman	0799039410	nsrdo.org@gmail.com
Balkh	Better AFGHANISTAN	Dr. Khalilullah	0775525588	Better.afg@gmail.com
Bamyan	Shuhada Org	Eng. Hussian Matin	0799306494	shuhadabamyan@yahoo.com
Faryab	ASM (Afghan Sisters Movement)	Nabila Matin	0785983661	faryabasma@gmail.com
Khost	AYNSO (Afghanistan Youth National & Social Organization)	Dr. Sayed Ahmad Yakanwal	0775415775-0706461120	Dr.sayedahmad@gmail.com
Kunduz	MCDO (MARWA Reconstruction & Development Org)	Fowzia Yaftali	0799564904	fawzia.1361@yahoo.com
Nangarhar	AAYR (Association	Sultan Aziz	0700006363	Jal.aayr@yahoo.com



	for Advocacy of Youth Rights)			
Kabul, Parwan and Panjshir	ANPA (Afghan National Participants Association)	Dr. Fahim Sadiq	0799 390 078	npa_or@yahoo.com
Uruzghan	AYNSO (Afghanistan Youth National & Social Organization)	Abdul Raziq Karimi	0700929966-0793636216	raziqsto@gmail.com

Election Day Observer Checklist (Slow Track)

A. Details About Polling Station and Observer											
1	Polling Center Code										
2	Polling Station Name										
3	Province										
4	District										
5	Observer Name										
6	Observer Mobile Number	0	7	9	9	3	1	0	6	6	4
7	Starting of observation (Time)	H		M			AM		PM		
8	Ending of Observation (Time)	H		M			AM		PM		
9	District Coordinator name										



10	District Coordinator Telephone Number	0	7	9	9	3	2	6	3	6	0	
11	Provincial Coordinator Name											
12	Provincial Coordinator Telephone Number	0	7	7	2	3	2	9	7	4	4	
13	Where there campaign materials within 100 M of Polling station (Complete incident Form)										Yes	No
14	Was there any intimidation outside the polling station (Complete incident Form)										Yes	No
15	Were there any unauthorized people in the polling station (Complete incident Form)										Yes	No
16	Did you observe any prevention while your observation Period? (Complete incident Form)										Yes	No

B. Management assets of polling Center											
17	Polling Station Code				*	*	*	*	*		
					Male		Female				
18	Number of Polling Station Staff				Male		Female				
19	Did Polling Center open at Exact time (7:00 am)?									Yes	No
20	Were all the IEC polling staff Present?									Yes	No
21	if no, Please specify the person										
22	Was the polling station faced lack with necessary materials?	Journal	Implementation Form	Punch	Color	Complain Form	TEB				
23	Were the ballot boxes empty before polling started?									Yes	No
24	Were the ballot papers recorded in the journal before polling started? (state the number)									Yes	No
25	Were the numbers of the ballot box seals announced loudly and recorded in the journal?									Yes	No



26	Box lock No		27	Box Lock No			
28	Were any official complaints registered about the opening?					Yes	No
29	If yes who?	Complain Person		Subject of Complain			
30	Presence of observers and representative	Representative of Candidates /parties	Interior	Foreigner			

C. Voting Process (until the end of process)			
31	Did the IEC staffs check the polling cards?	No	Sometimes=1-10 More then 10
32	Did the IEC stamp the ballot before giving it to the voters?	No	Sometimes=1-10 More then 10
33	Were voter’s fingers being inked?	No	Sometimes=1-10 More then 10
34	Was it possible the inks to be cleaned form the fingers of the voters?	No	Sometimes=1-10 More then 10
35	Were the voter registration cards being entered in the journal?	No	Sometimes=1-10 More then 10
36	Did they observe secrecy of voting?	No	Sometimes=1-10 More then 10
37	If no, please fill incident form		
38	Does voting take place in absence of person (Voting more than once by same person)	NO	Sometimes =1-10 More then 10
39	Do the voting take place with under age (a child under age of 18)	No	Sometimes =1-10 More then 10



40	Do they prevent a person from voting since he/she Had voting card in his/her hand?	No	Sometimes =1-10	More then 10
41	Do voting took place as group or family	No	Sometimes=1-10	More then 10
42	Was the voting process disturbed because of any problem?			Yes No
43	If yes, Please fill the incident Form			
44	Did you observe a person to help several voters?	No	Sometimes=1-10	More then 10
45	Were any official complain registered regarding to the voting process?			Yes No
46	If yes, Please fill the incident Form	Complain Person:	Complain Them:	
47	Did you observe any threat during the voting process?			Yes No
48	If yes, (Please fill the incident form)			

D. Closing process (in the same Polling Station observed at opening)												
49	Polling station Number	*	*	*	*	*	Closing Time	*	*	*	*	*
50	Were all voters waiting in the cue at 16:00 allowed to vote										Yes	No
51	Did they lock the ballot boxes after the ending of voting process?										Yes	No
52	The presence of observers/ candidate or parties representatives	Domestic	NO	Foreign	NO	Candidates and party agents				NO		
53	Were unused and spoiled ballot papers counted and recorded on the reconciliation form?										Yes	No
54	If no, Please fill the incident form											
55	a) The number of distributed ballot papers at the beginning of process	*	*	*	*	*						



56	b) (Minus) the number of unused ballot papers	*	*	*	*	*
57	c) (minus) Number of spoiled ballots	*	*	*	*	*
58	Total number of voters issued with ballots (a-(b+c))	*	*	*	*	*

E. Counting process:					
59	Was the counting process happen at the courting place?			Yes	No
60	Were there unauthorized people in the polling center while counting?			Yes	No
61	Did they allow you to observe process without any difficulties?			Yes	No
62	If No, Please fill the incident Form				
63	Were the seals of the ballots box intact and undamaged?			Yes	No
64	Did the IEC staff read the number of the seals loudly (Enter the number below)			Yes	No
65	Number of seal		66	Number of seal	
67	Did the counting officer turn the ballots face down to display the valid ballots paper stamp?			Yes	No
68	Did they put the documents which are without stamp at different Column?			Yes	No

F. Unused ballot papers					
69	Run Votes		70	White votes	
71	Invalid Votes		72	Total	
73	The number of voter who have received the ballot papers.				

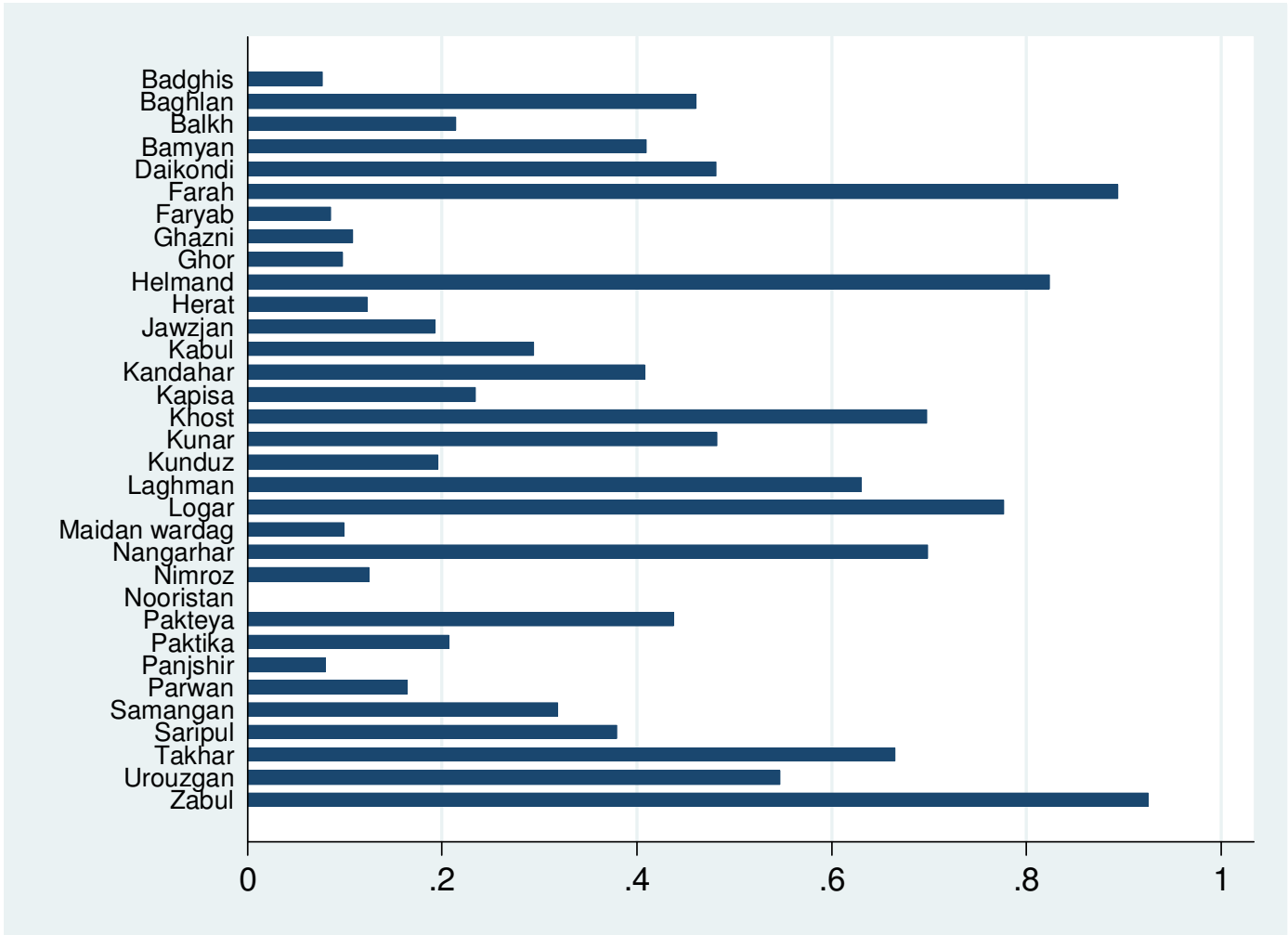


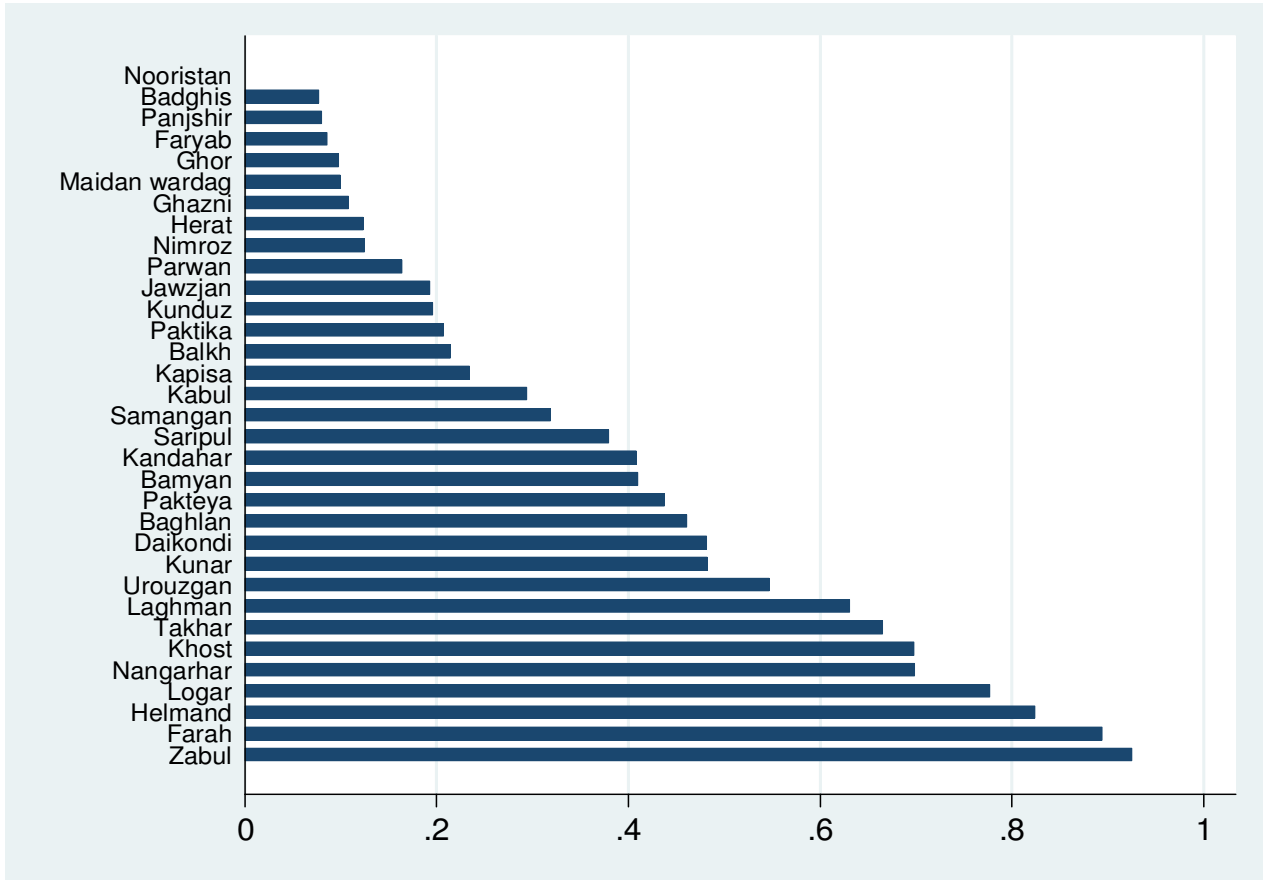
74	Differences (the difference should be by Zero)			
75	Were the counted votes reflected exactly in the final result sheet?		Yes	No
76	If No, Please fill the incident Form			
77	Did they post a copy of the mentioned list outside of the polling center		Yes	No
78	If No, Please fill the incident Form			
79	Did they distribute the result list to the observer		Yes	No
80	If No, Please fill the incident Form			
	Name of Observer			
	Observer signature			

FEFA

Question 13: Where there campaign materials within 100 M of Polling Center? (*percent polling centers recording “yes” by province*)

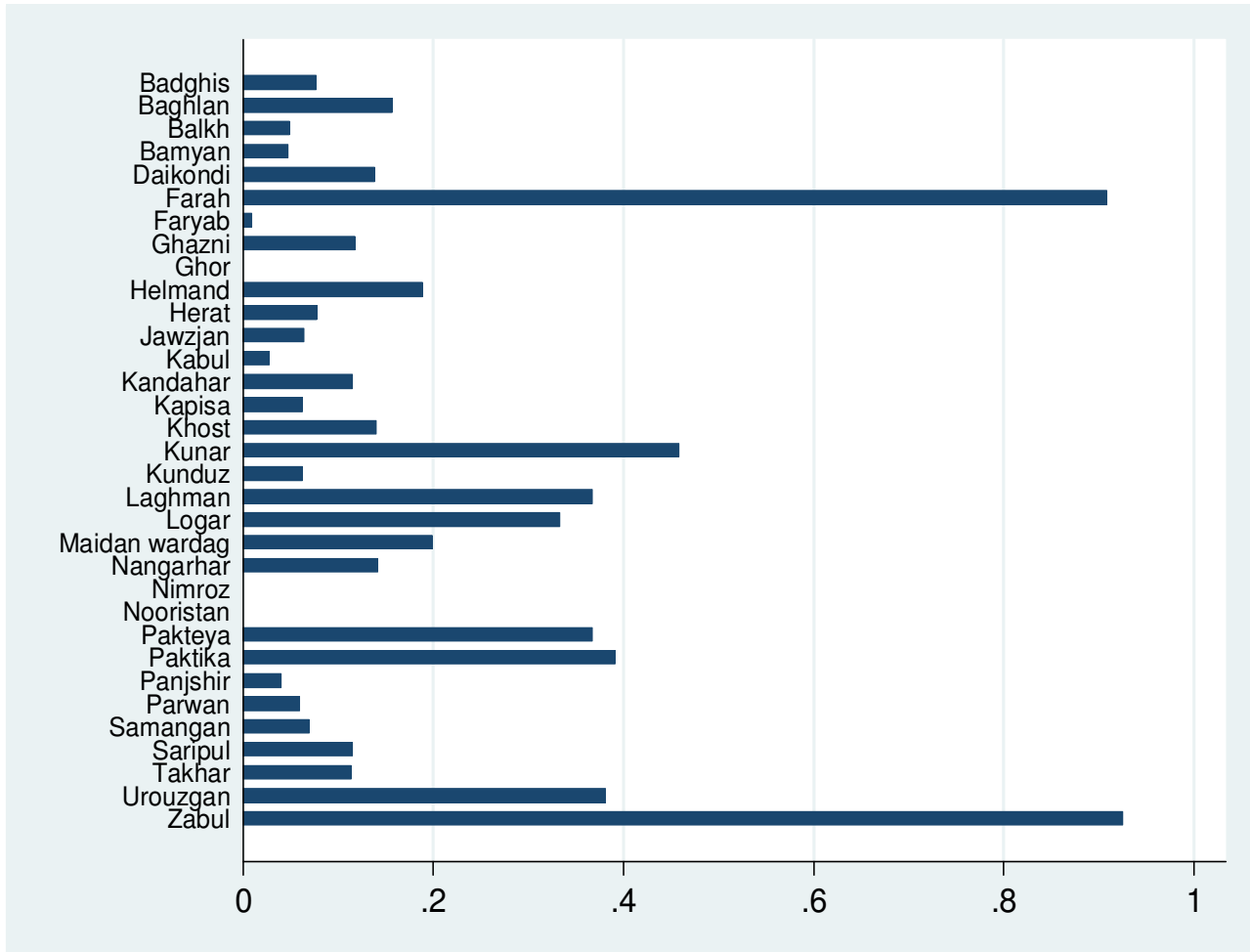
Total Nation-wide: 36%

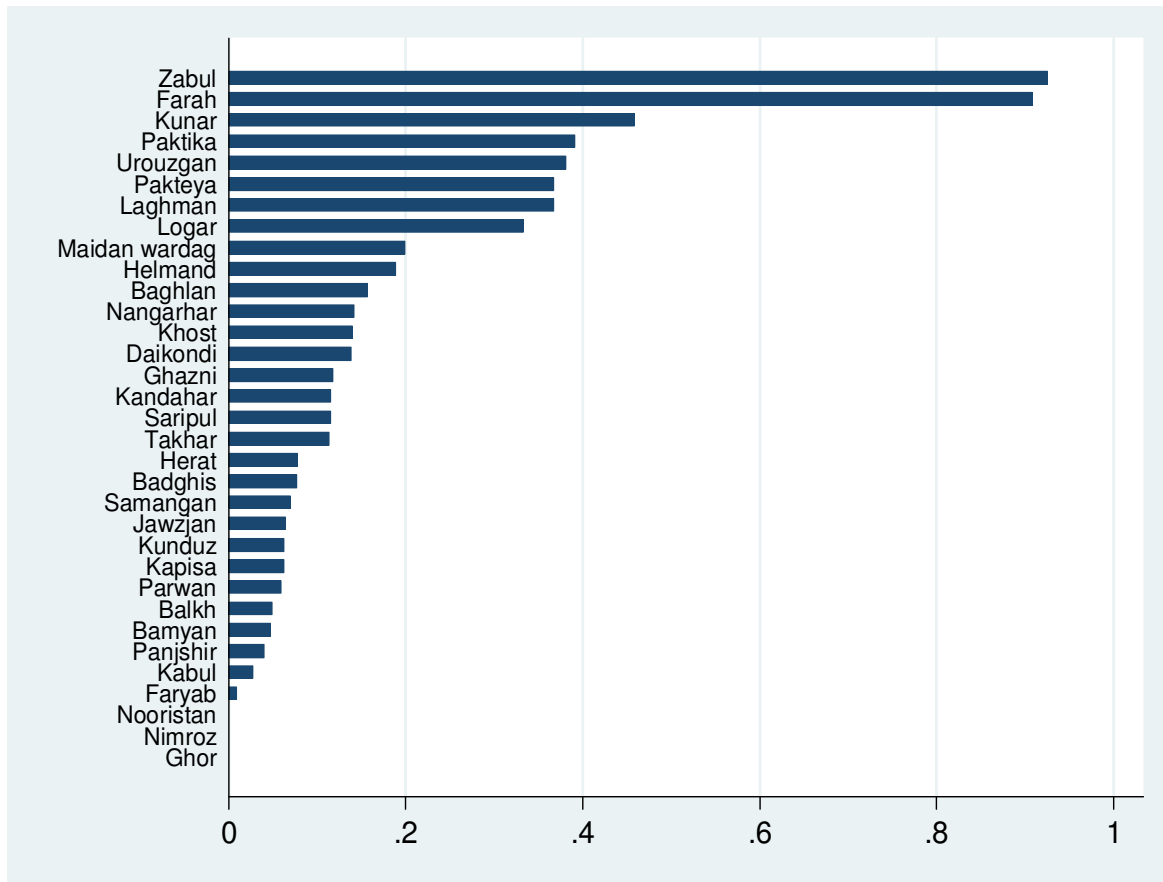




Question 14: Was there any intimidation outside the polling Center? (*Percent polling centers recording “yes” by province*)

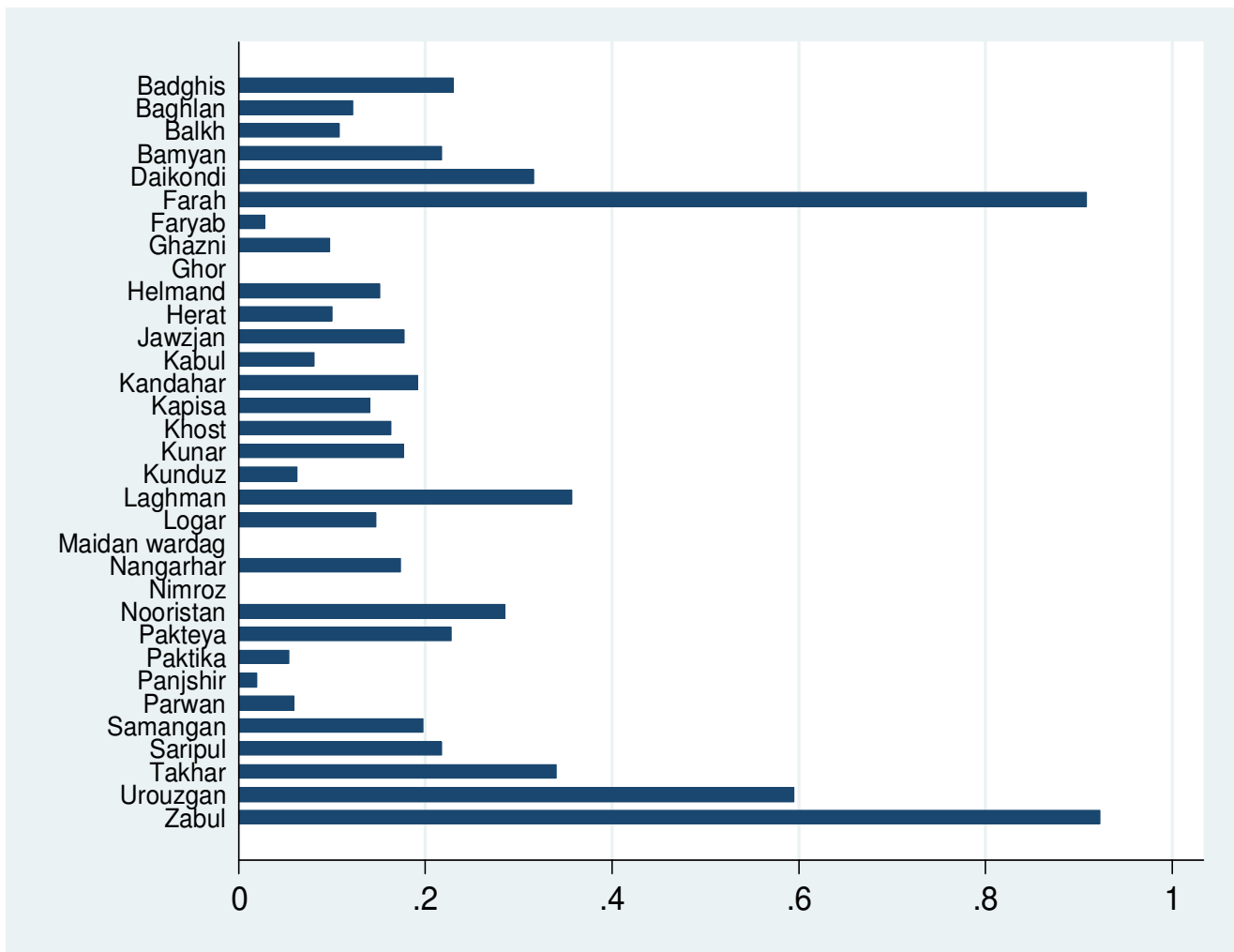
Total Nation-wide: 15%

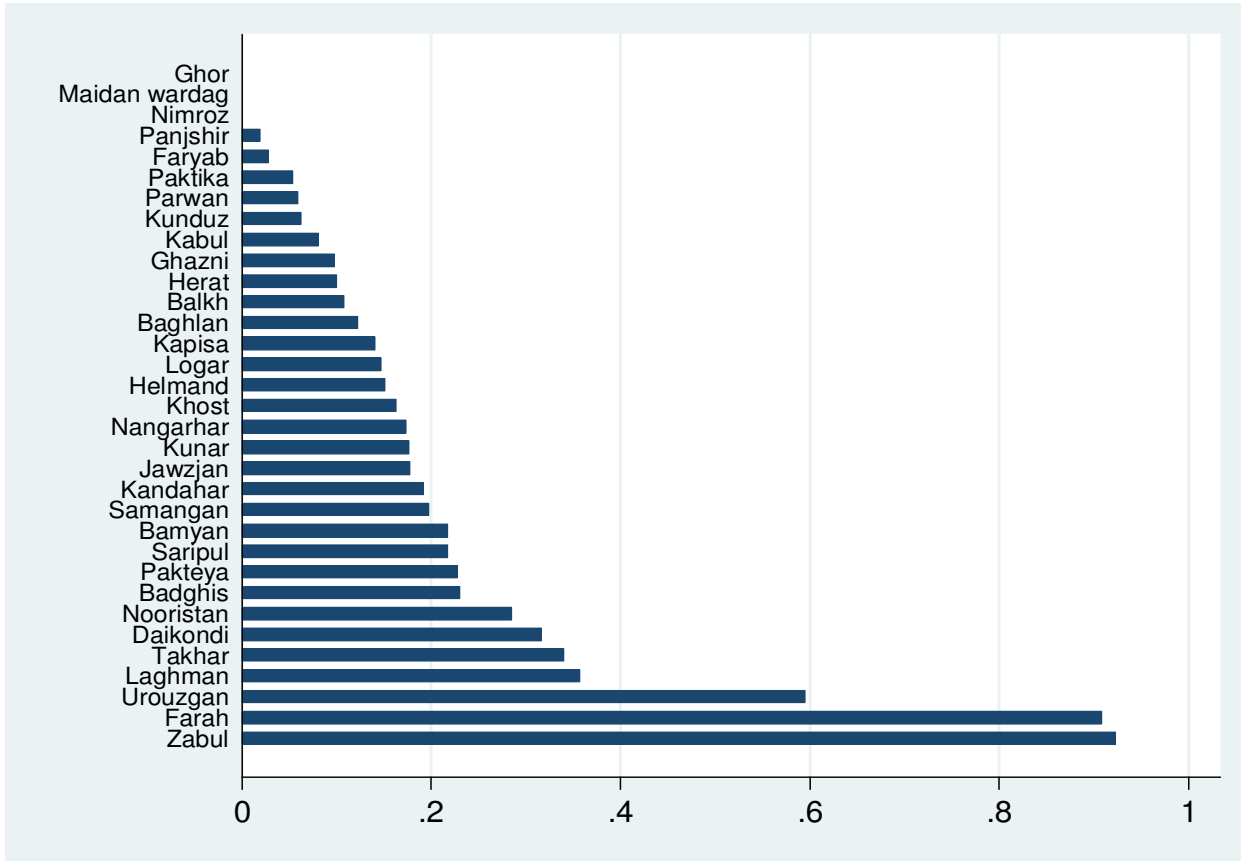




Question 15: Were there any unauthorized people in the polling Center? (Percent polling centers recording “yes” by province)

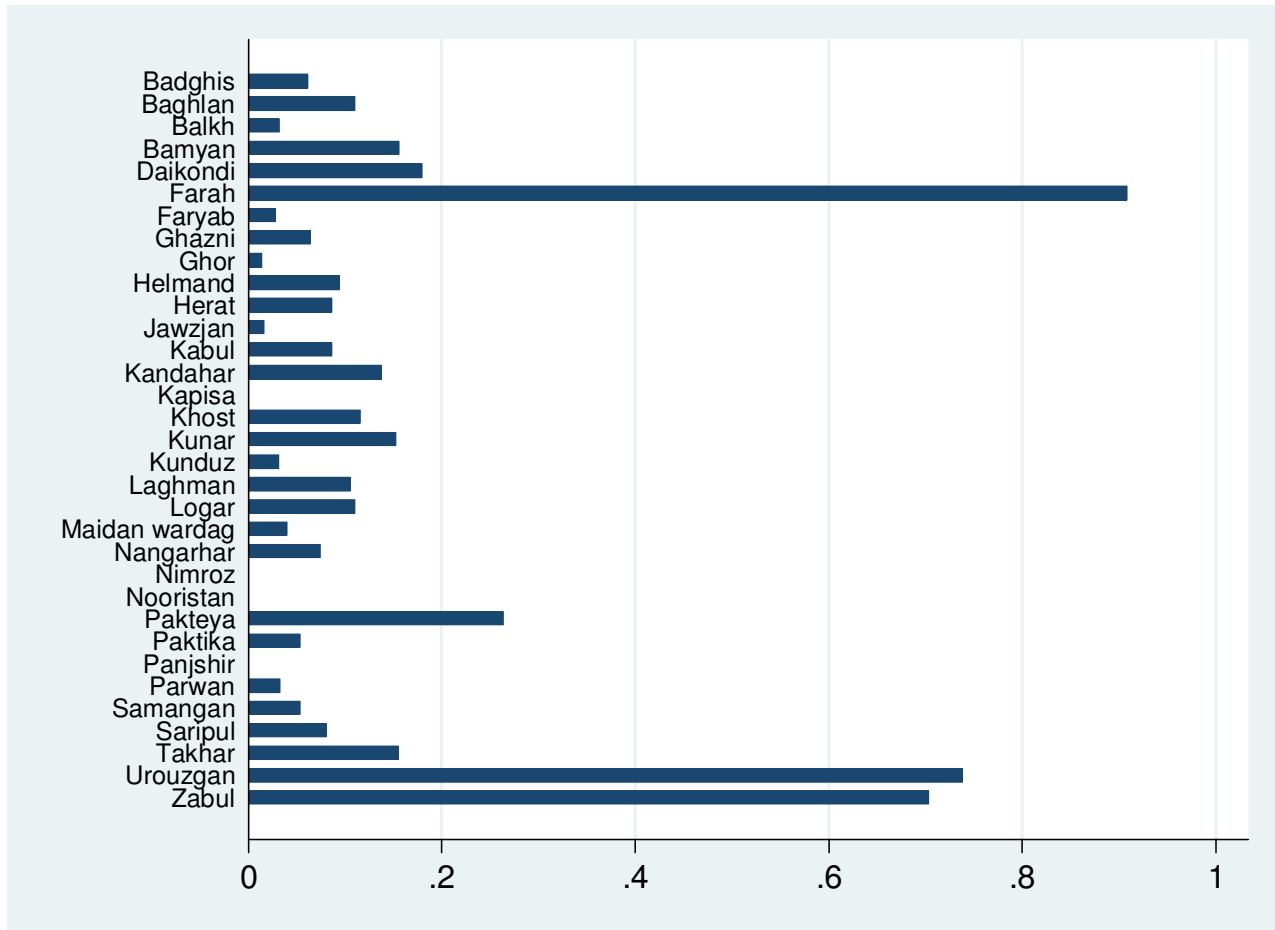
Total Nation-wide: 17%

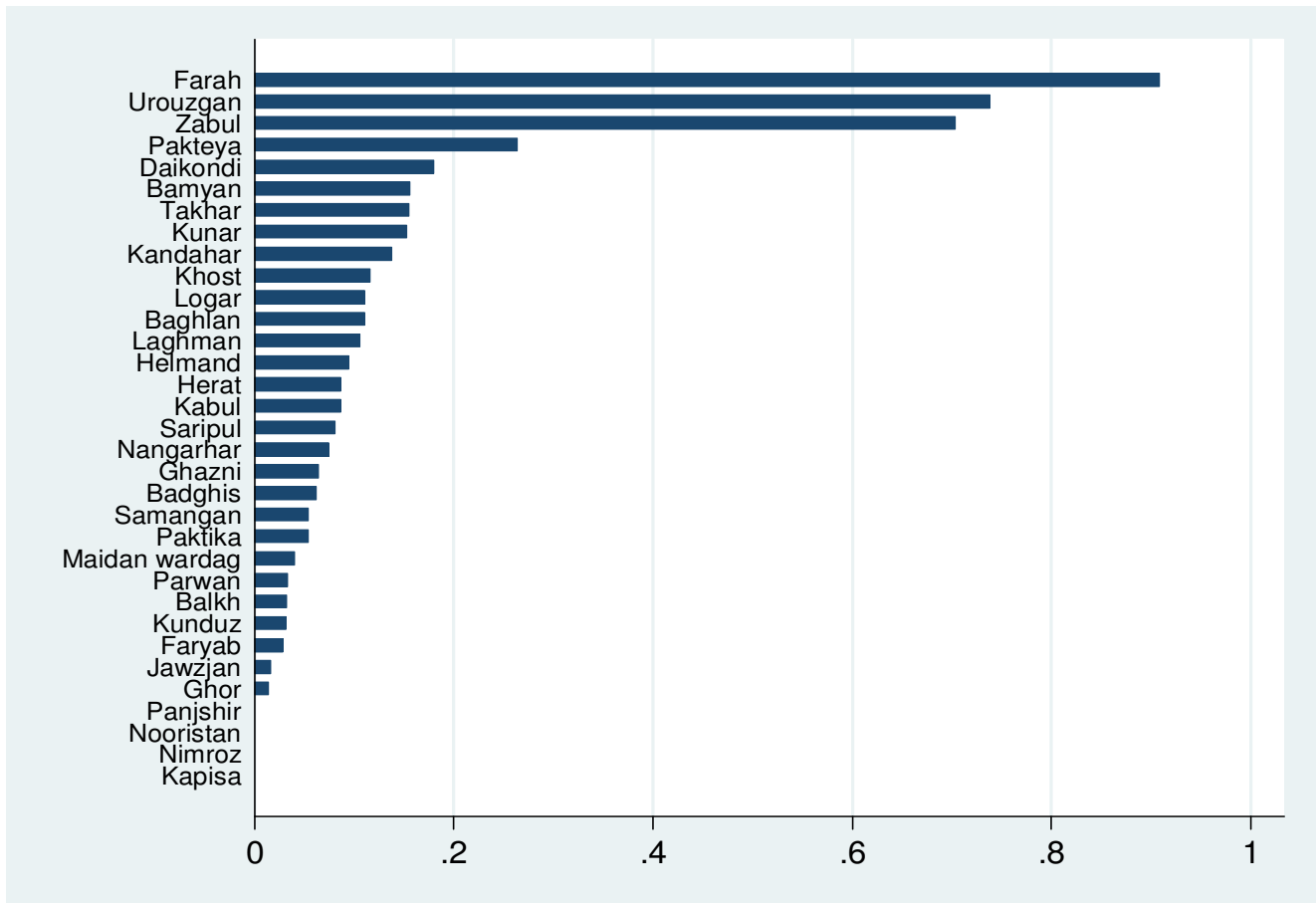




**Question 16: Did you observe any prevention [of voting?] while your observation period?
(Percent polling centers recording “yes” by province)**

Total Nation-wide: 12%

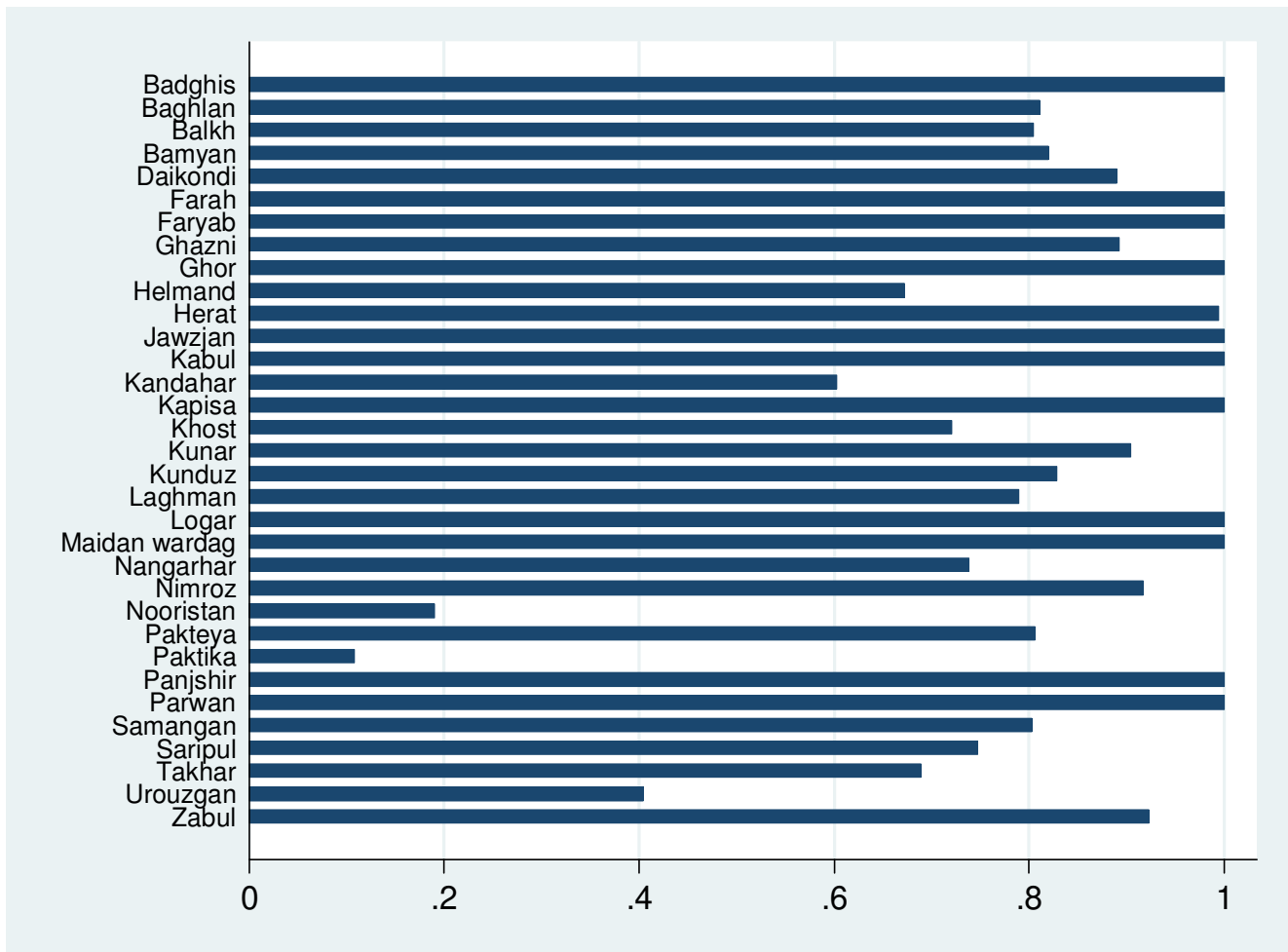


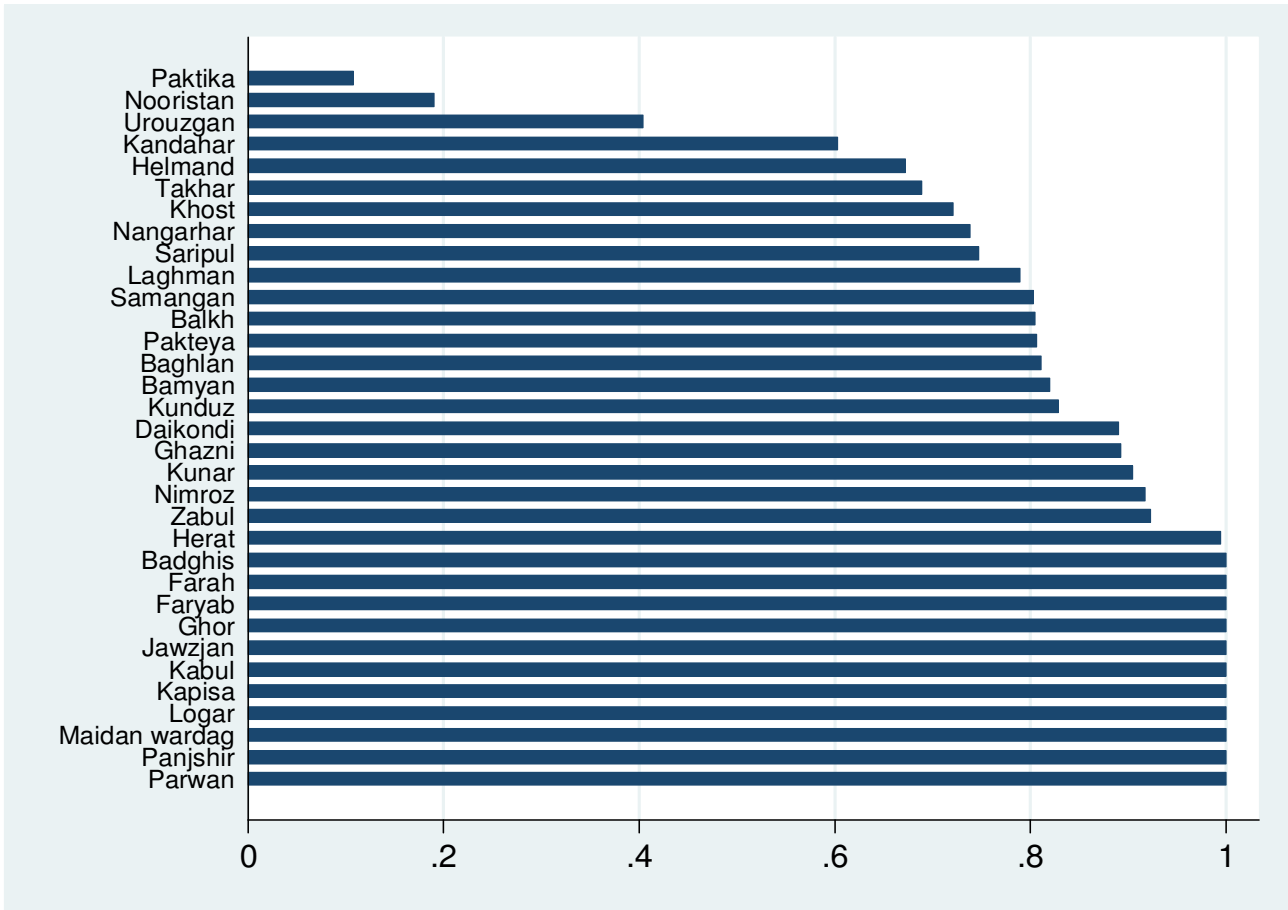




Question 19: Did the polling center open at the exact time (7:00 am)? (Percent polling centers recording “yes” by province)

Total Nation-wide: 85%





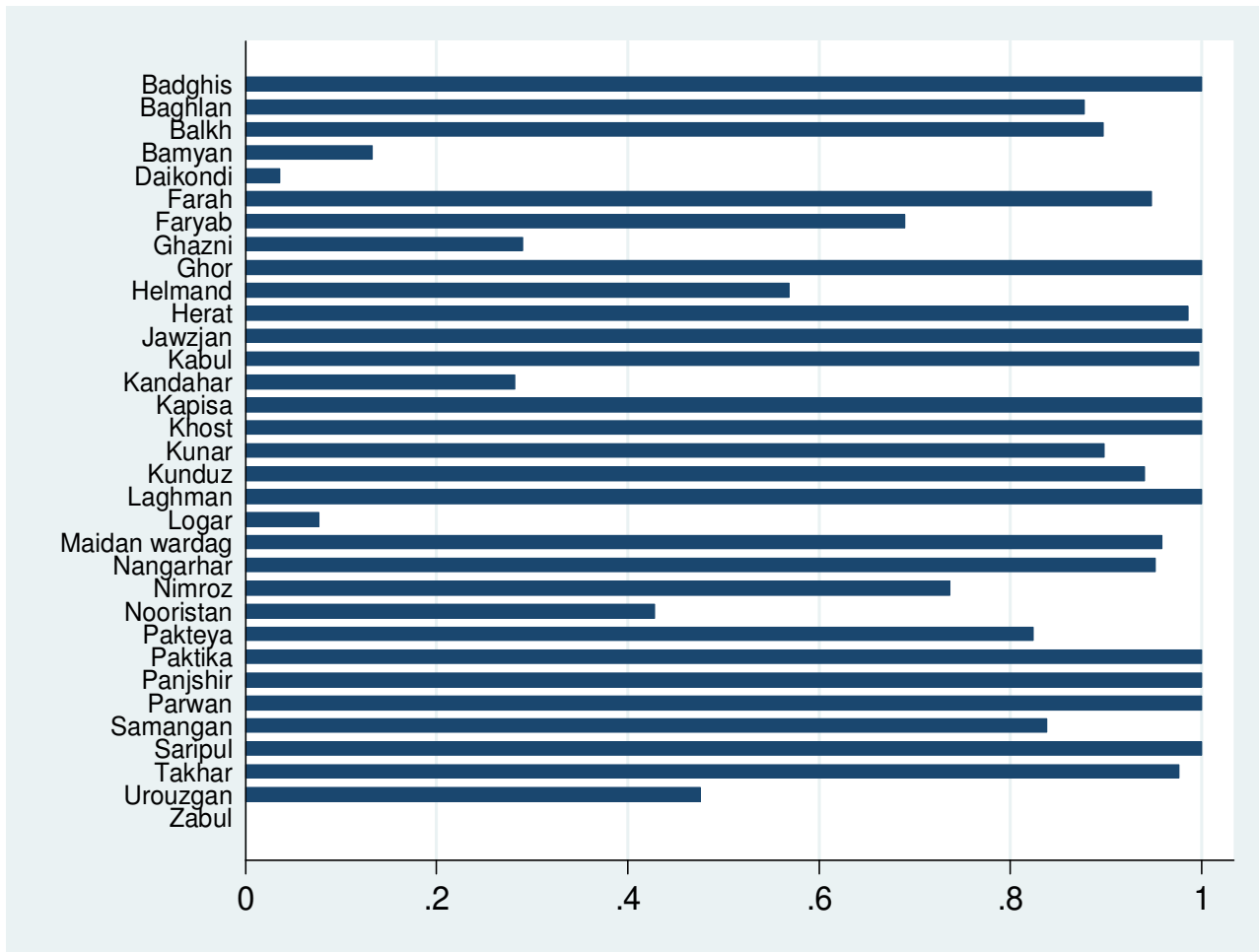


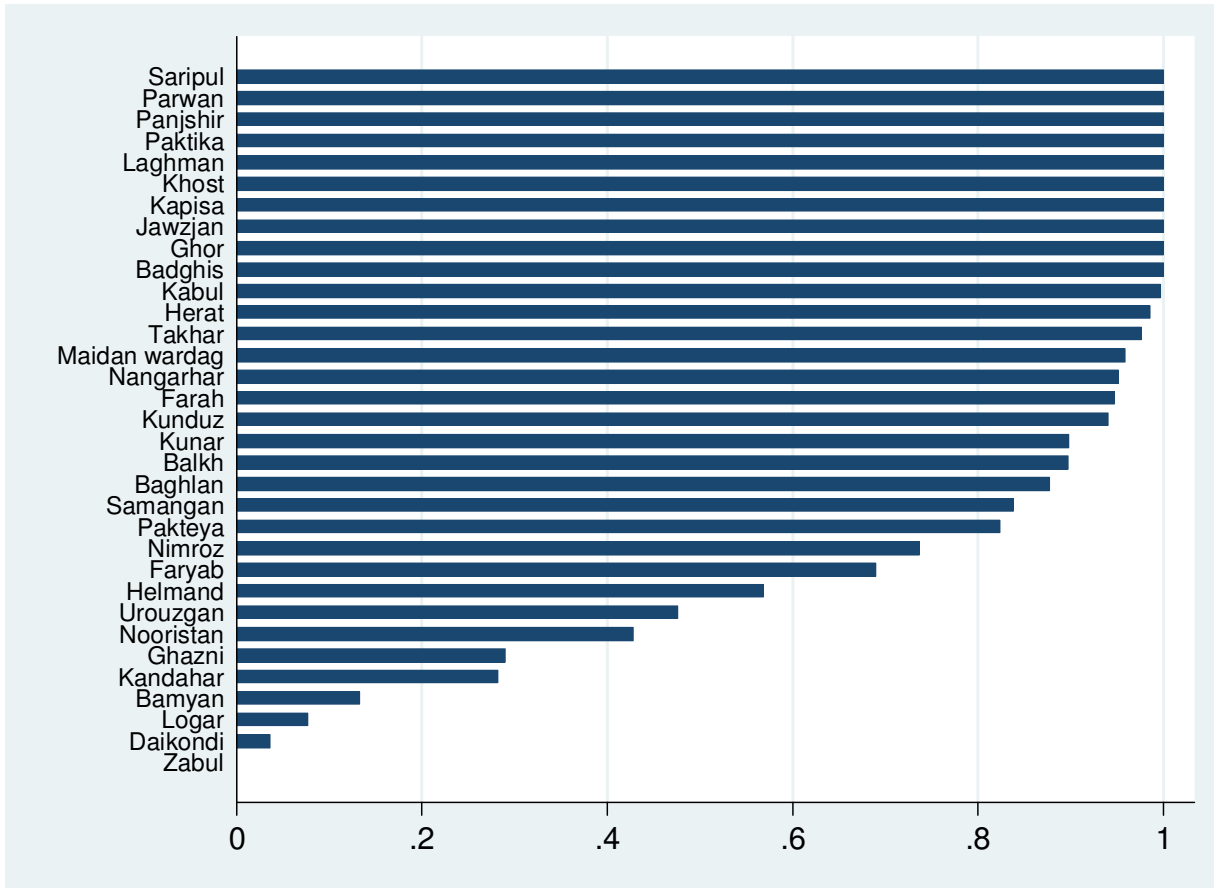
Question 22: Was the polling station faced lack with necessary materials? (percent polling centers recording “yes” by province)

Total Nation-wide: 100%

Question 30: Presence of observers and representatives (percent polling centers recording “yes” by province)

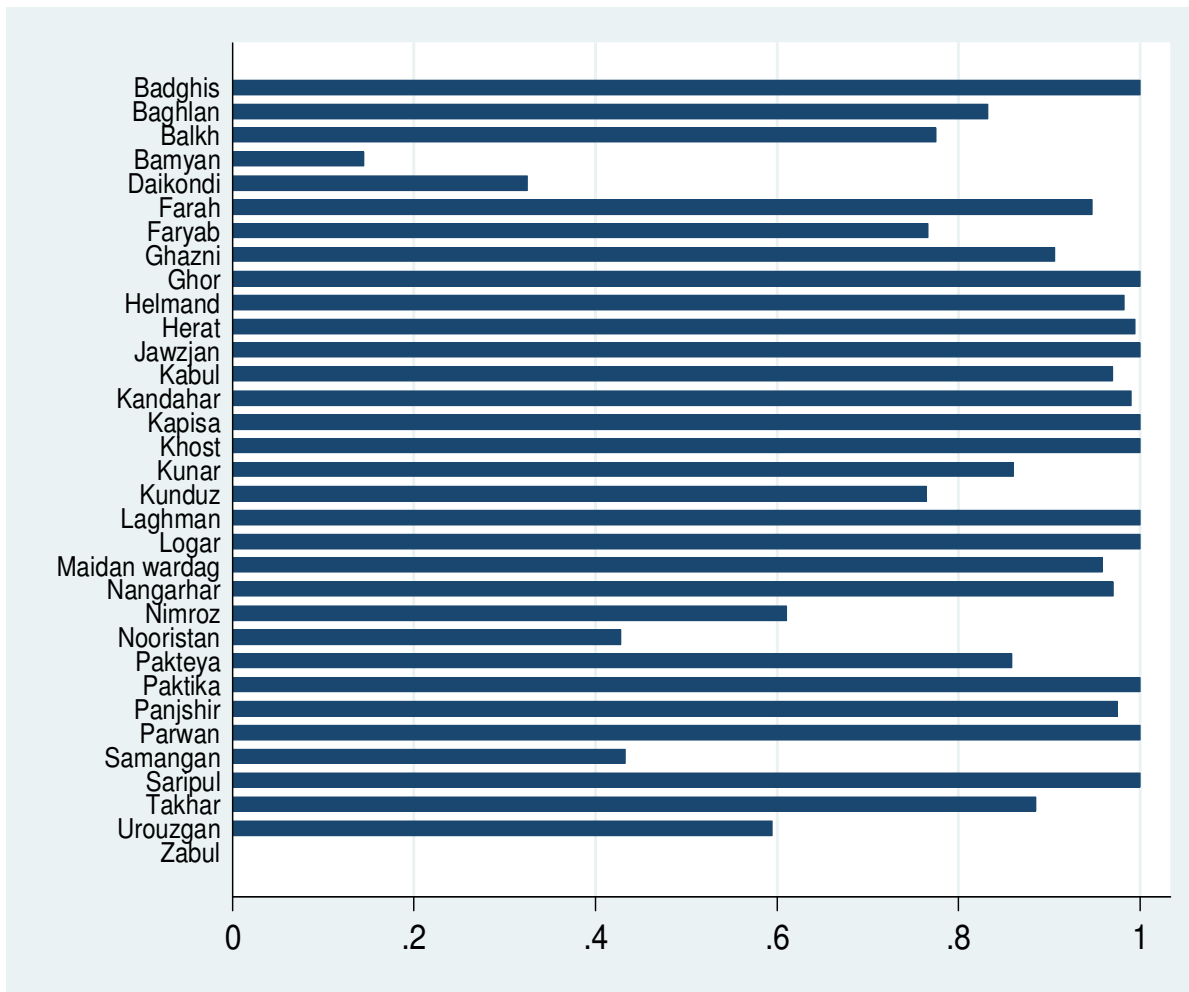
Total Nation-wide: 84%

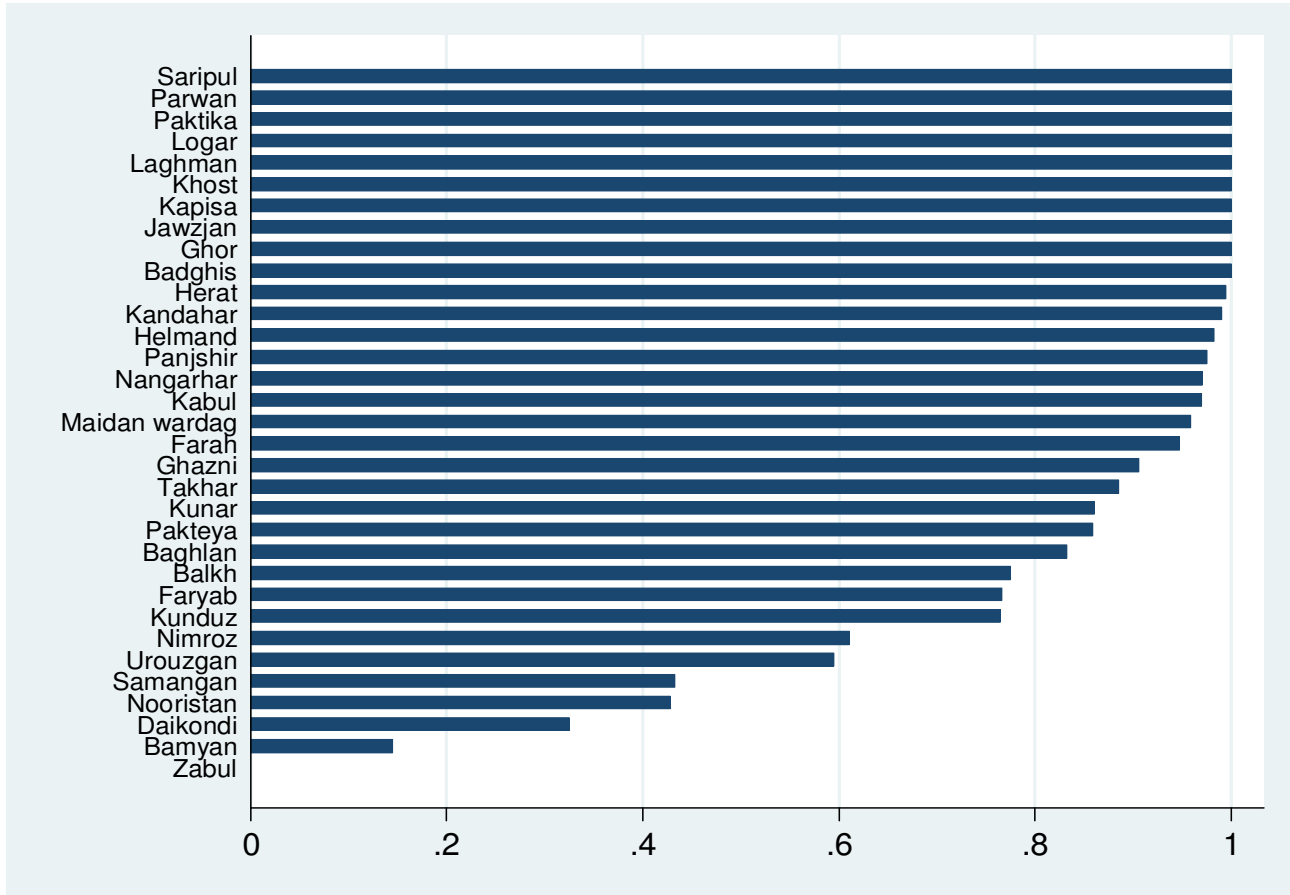




Question 30: Presence of representatives of candidates /parties (*percent polling centers recording “yes” by province*)

Total Nation-wide: 86%





Question 32: Did the IEC stamp the ballot before giving it to the voters? (Percent polling centers recording “yes” by province)

Total Nation-wide: 86%

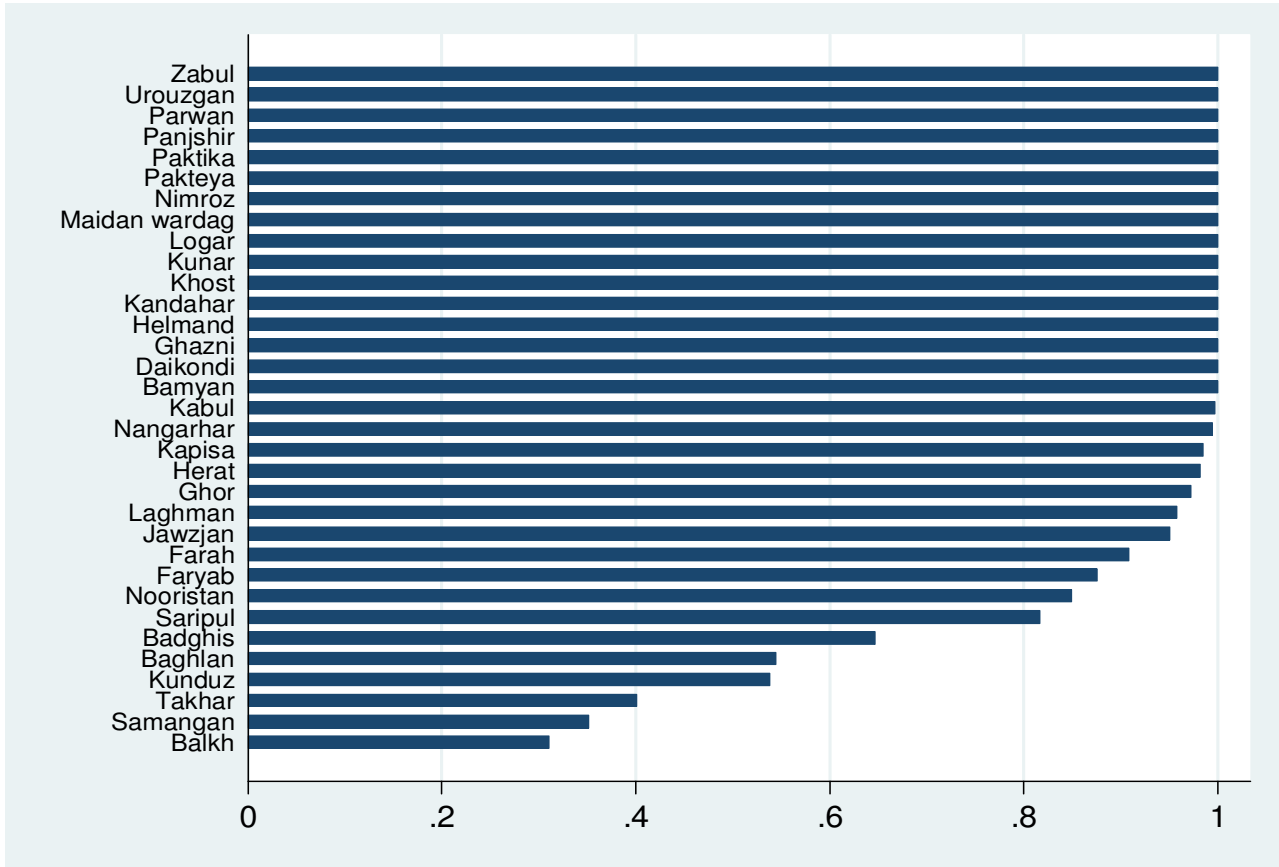




Question 33: Were voter's fingers being inked? (Percent polling centers recording "yes" by province)

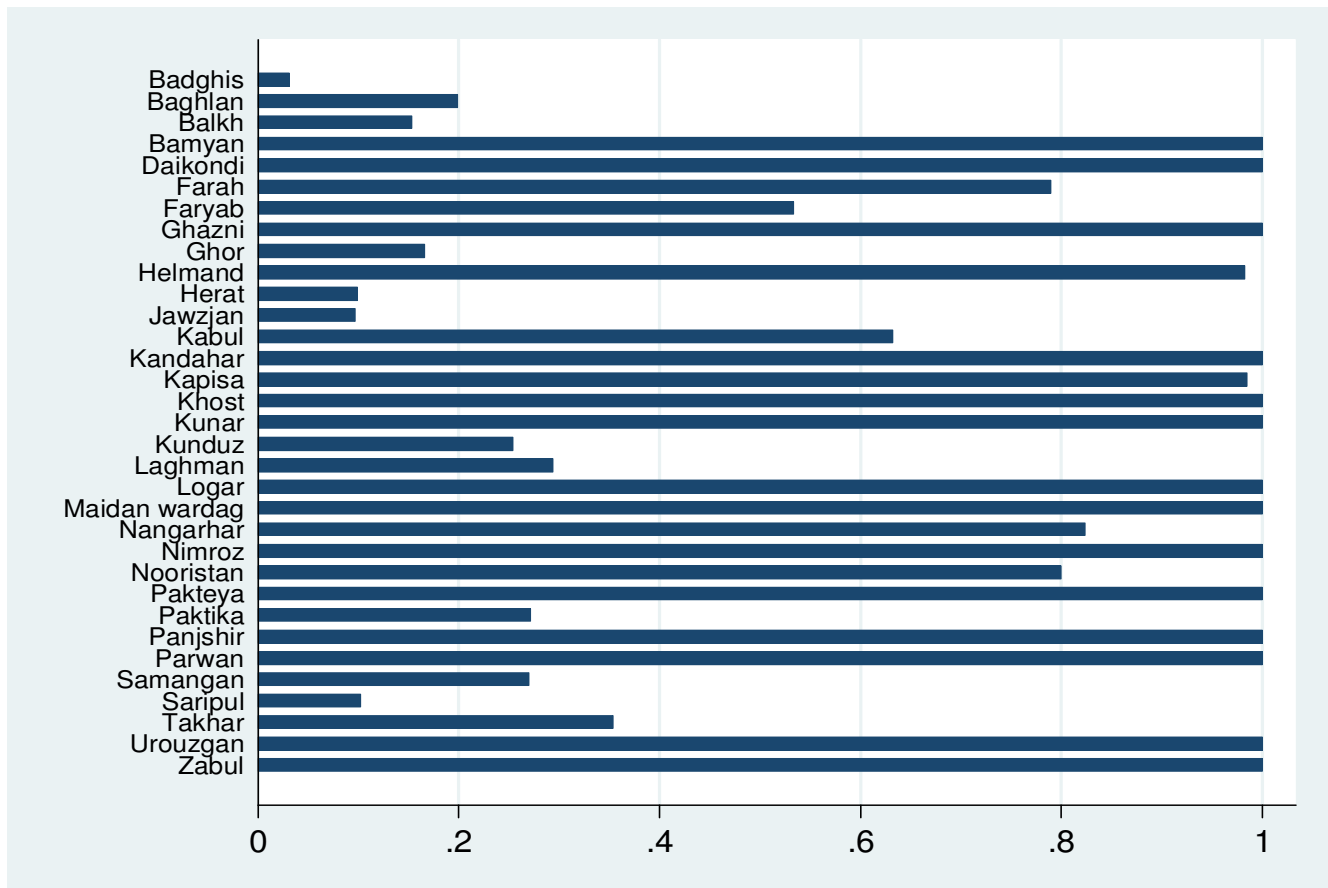
Total Nation-wide: 86%

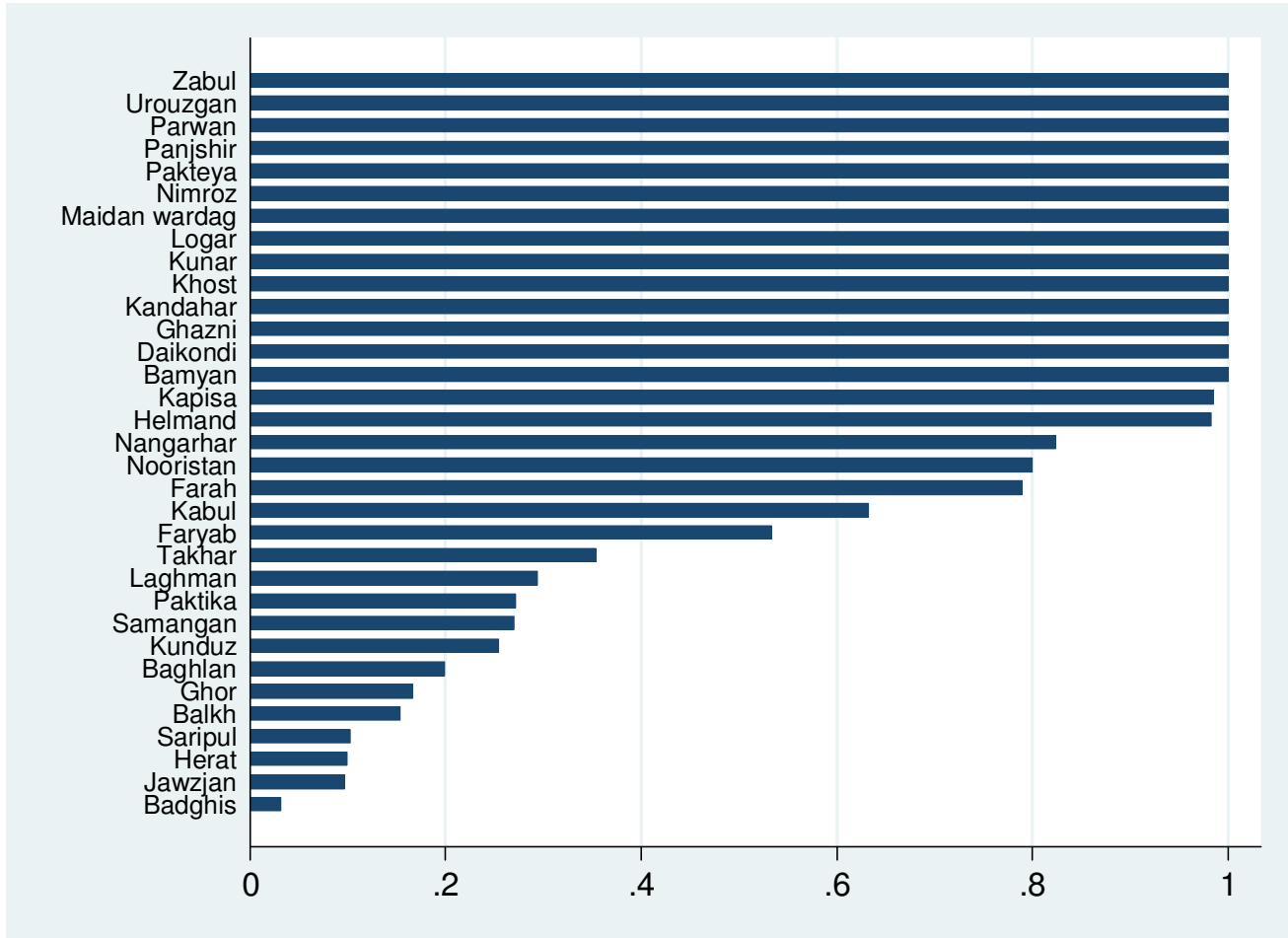




Question 34: Was it possible the inks to be cleaned form the fingers of the voters? (percent polling centers recording “yes” by province)

Total Nation-wide: 59%



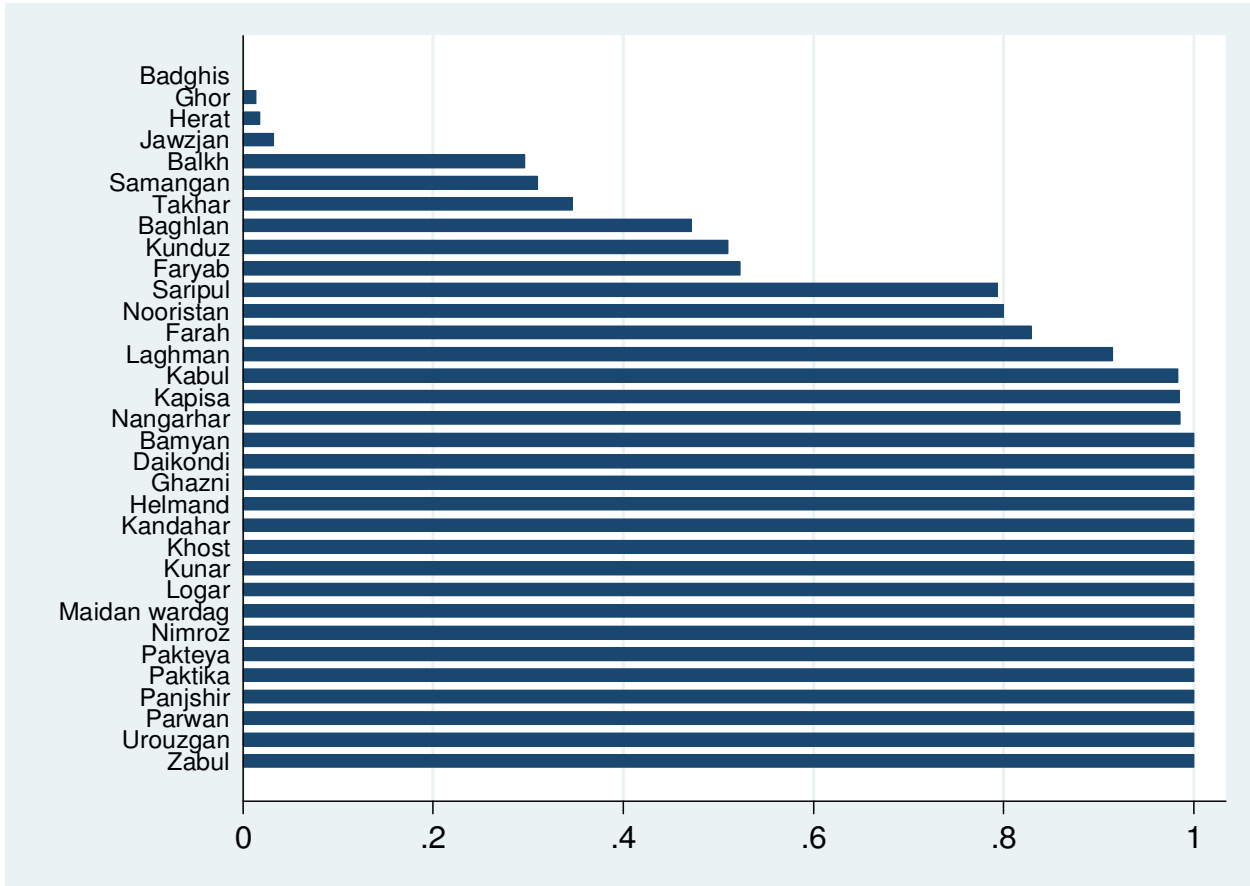




Question 35: Were the voter registration cards being entered in the journal? (percent polling centers recording “yes” by province)

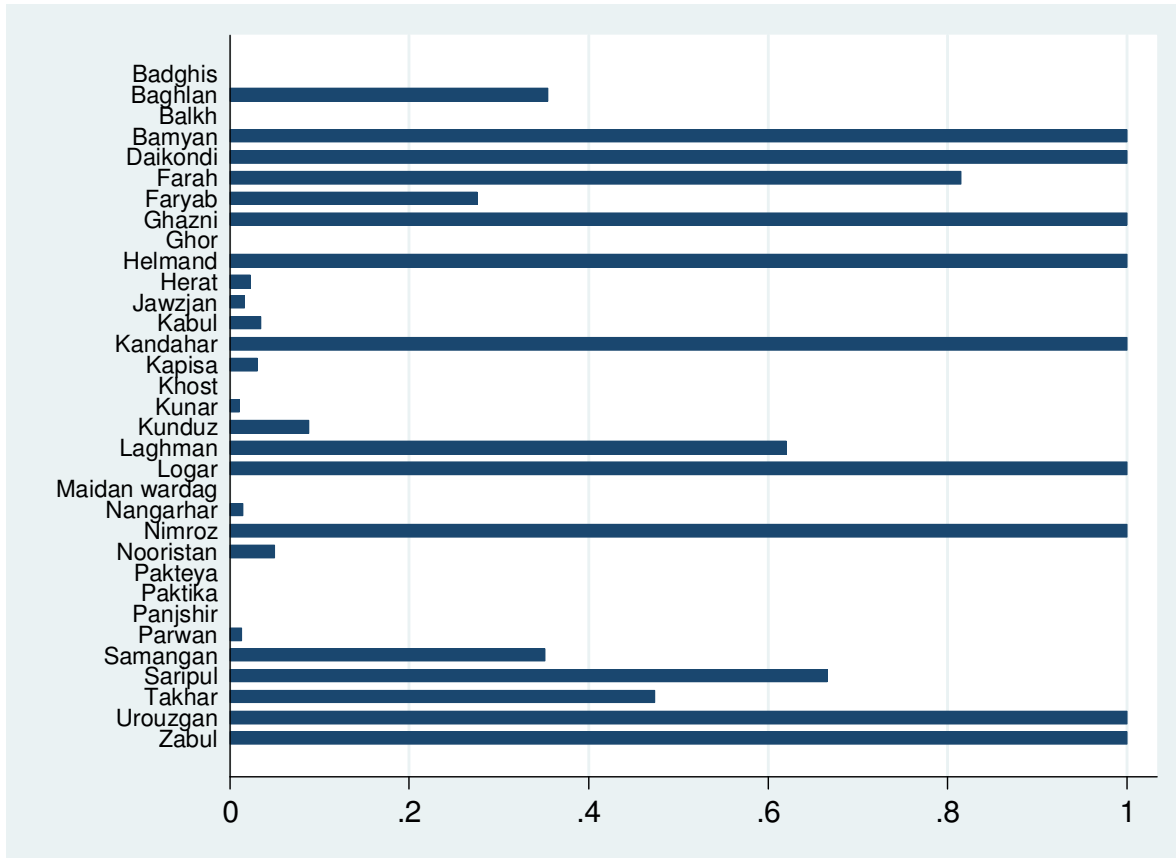
Total Nation-wide: 72%

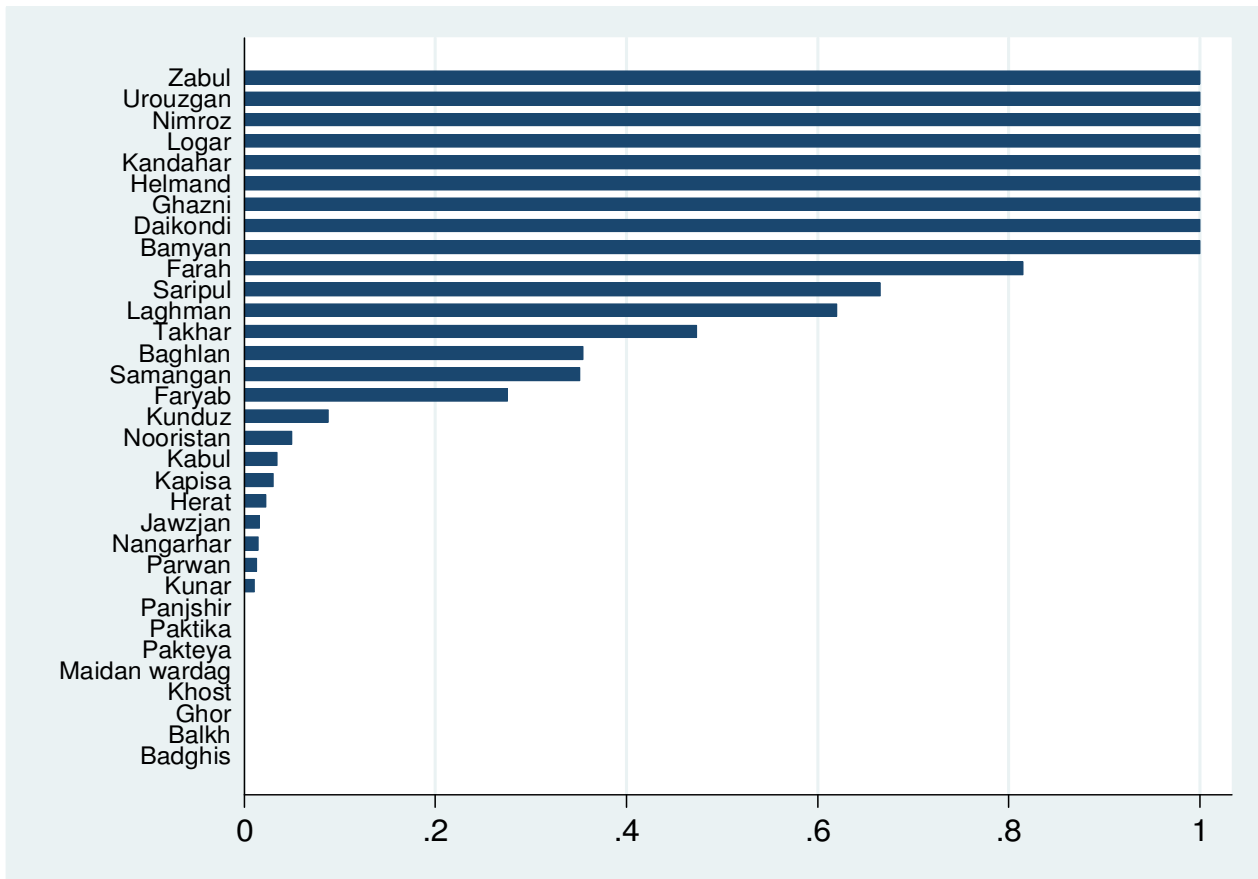




Question 39: Do the voting took place with under age (a child under age of 18)? (percent polling centers recording “yes” by province)

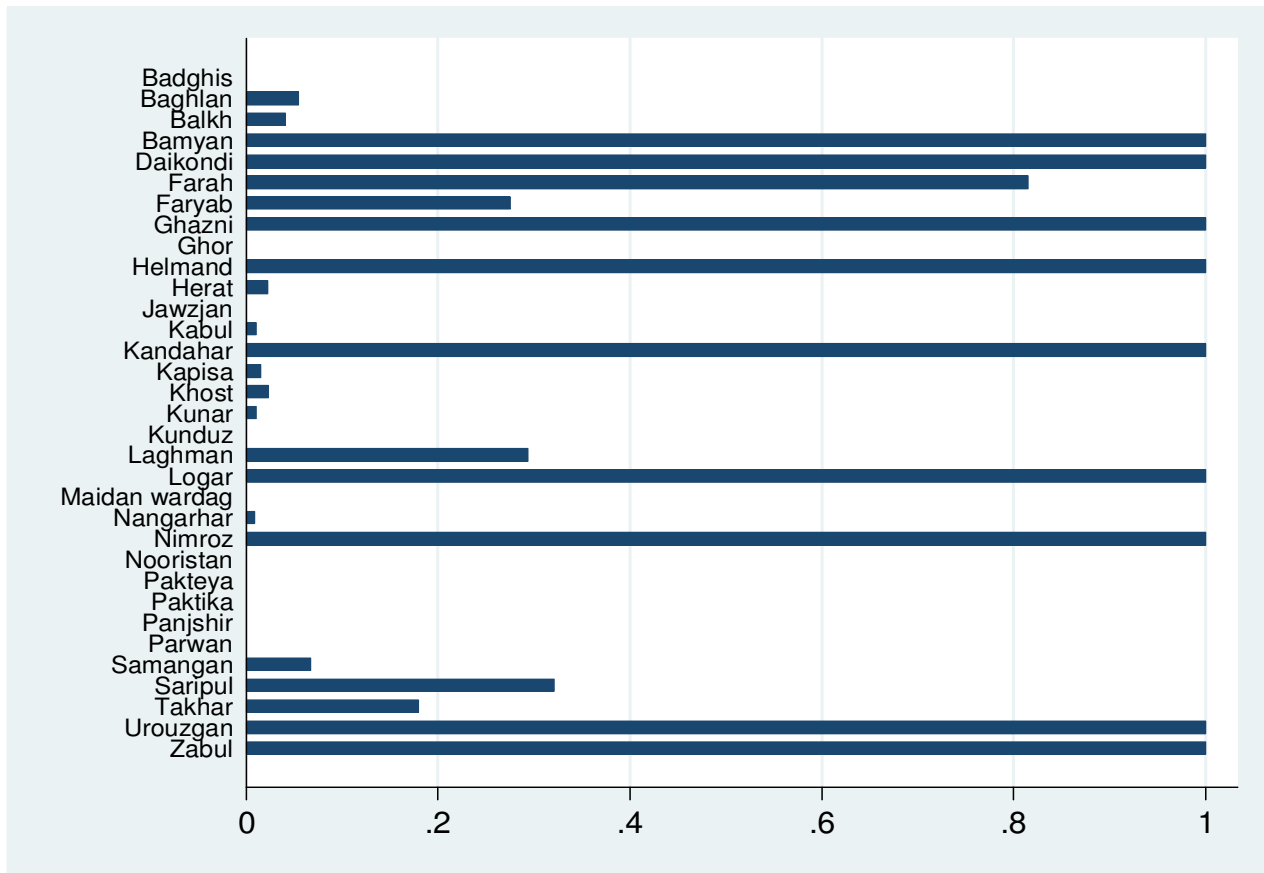
Total Nation-wide: 29%

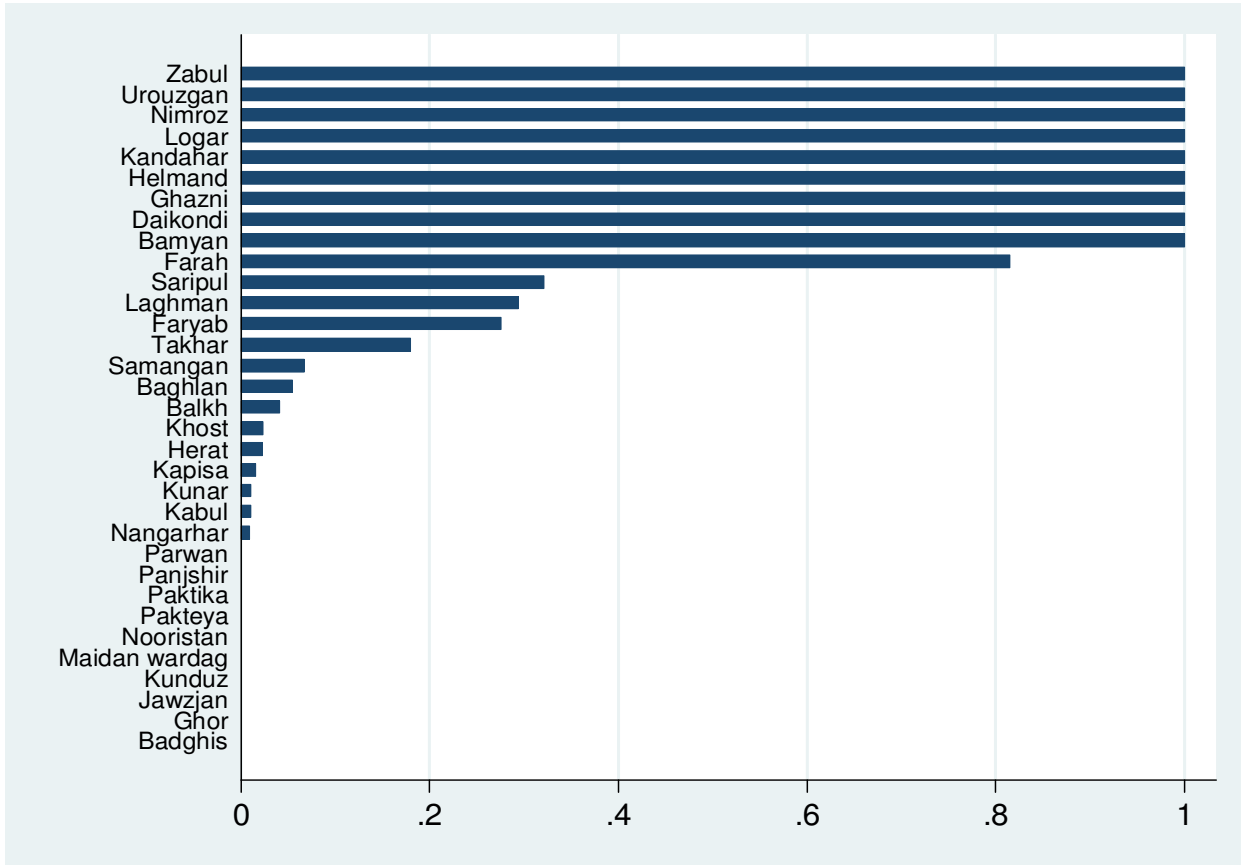




Question 40: Do they prevent a person from voting since he/she had voting card in his/her hand?
(Percent polling centers recording “yes” by province)

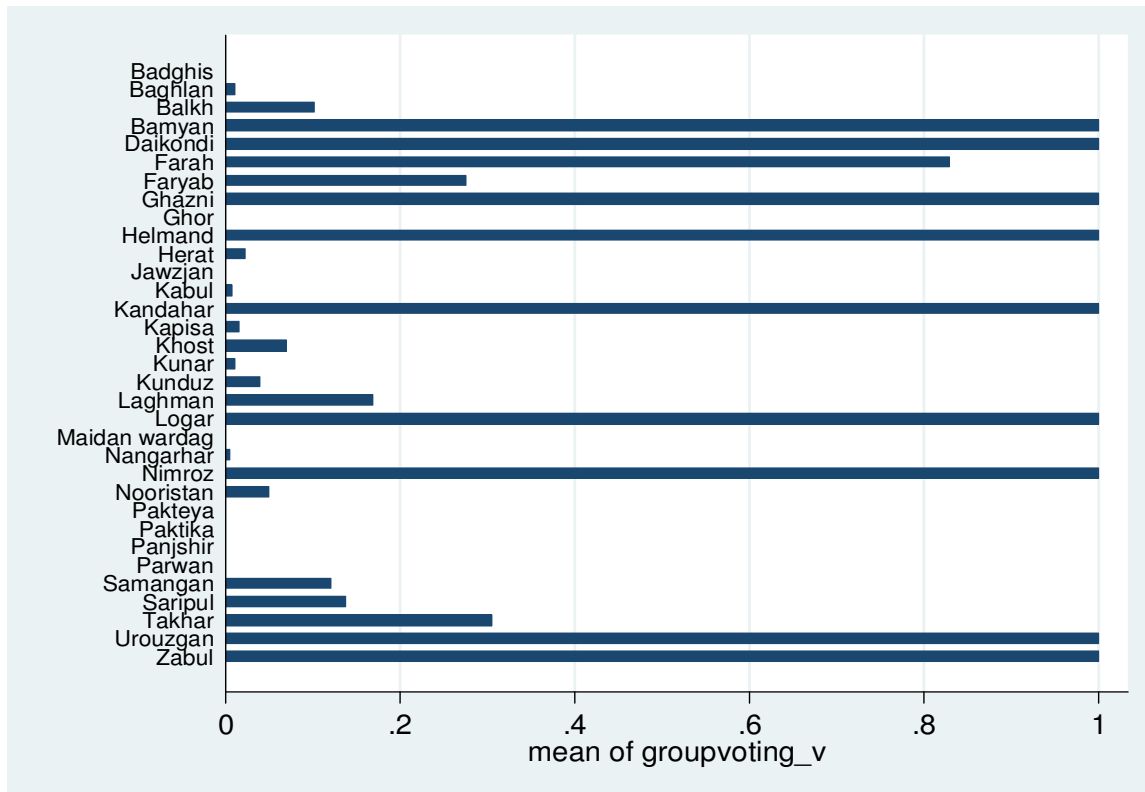
Total Nation-wide: 24%

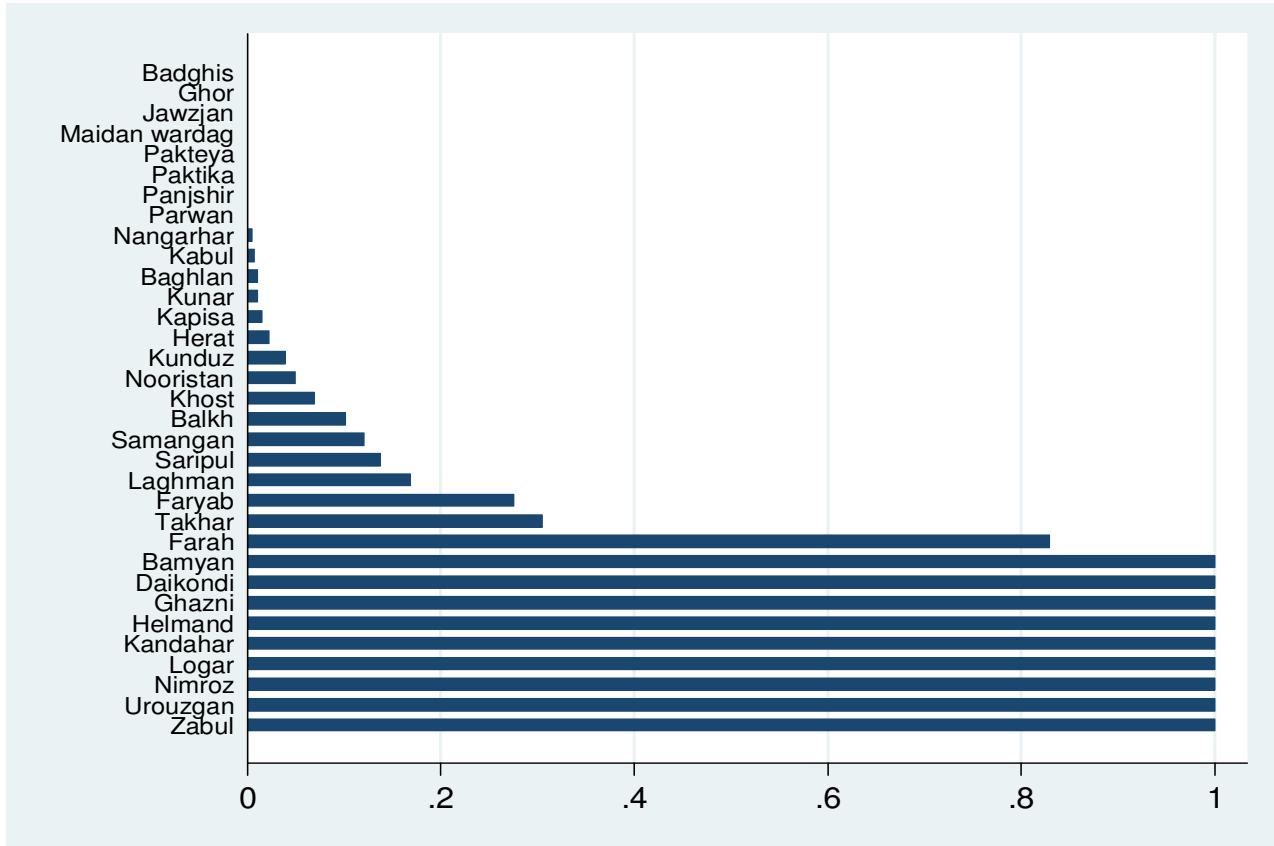




Question 41: Did voting take place as group or family? (Percent polling centers recording “yes” by province)

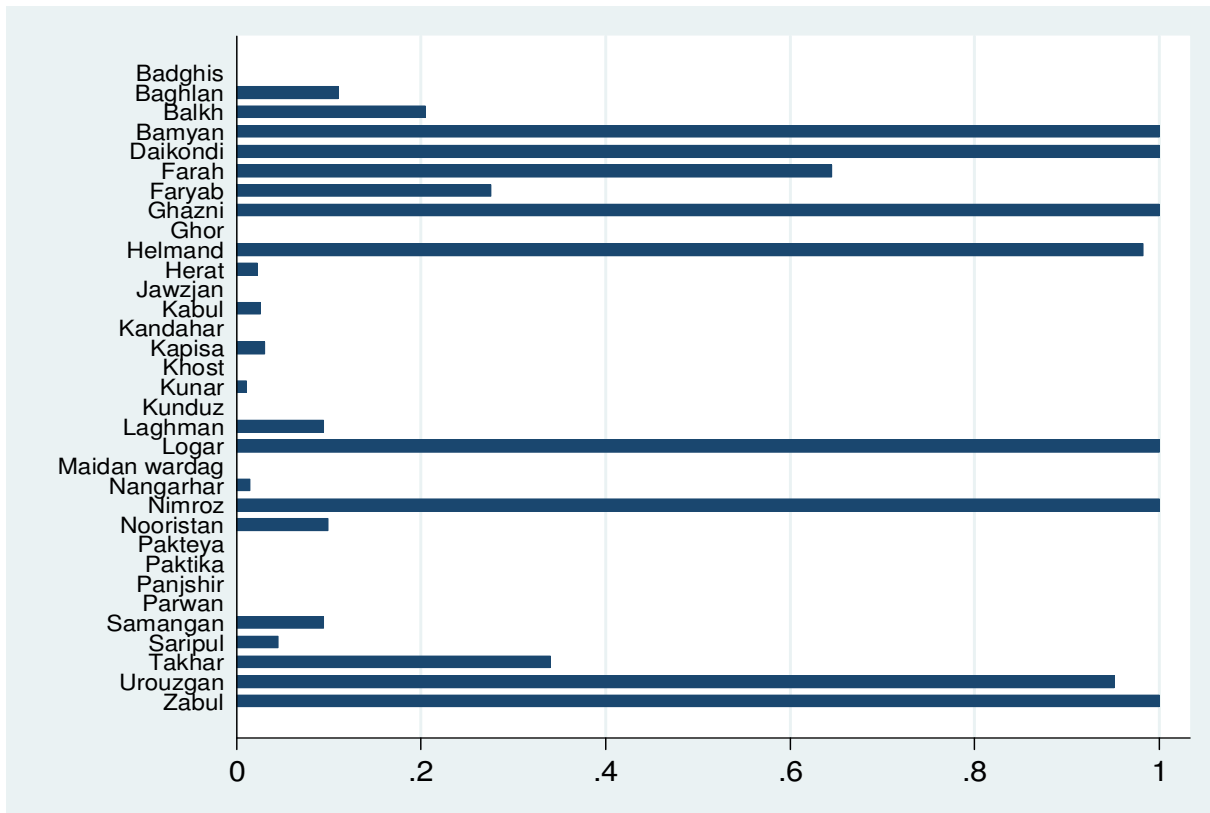
Total Nation-wide: 24%

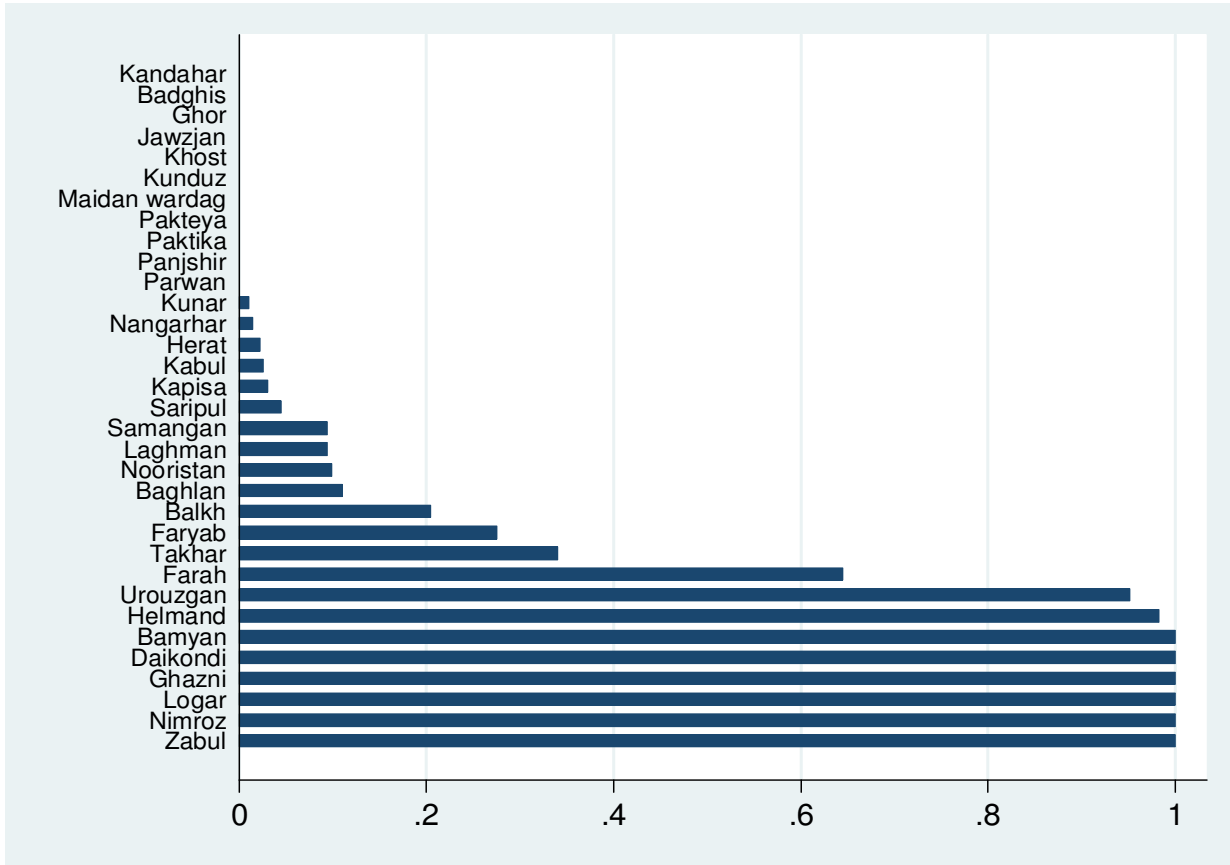




Question 44: Did you observe a person to help several voters? (*Percent polling centers recording “yes” by province*)

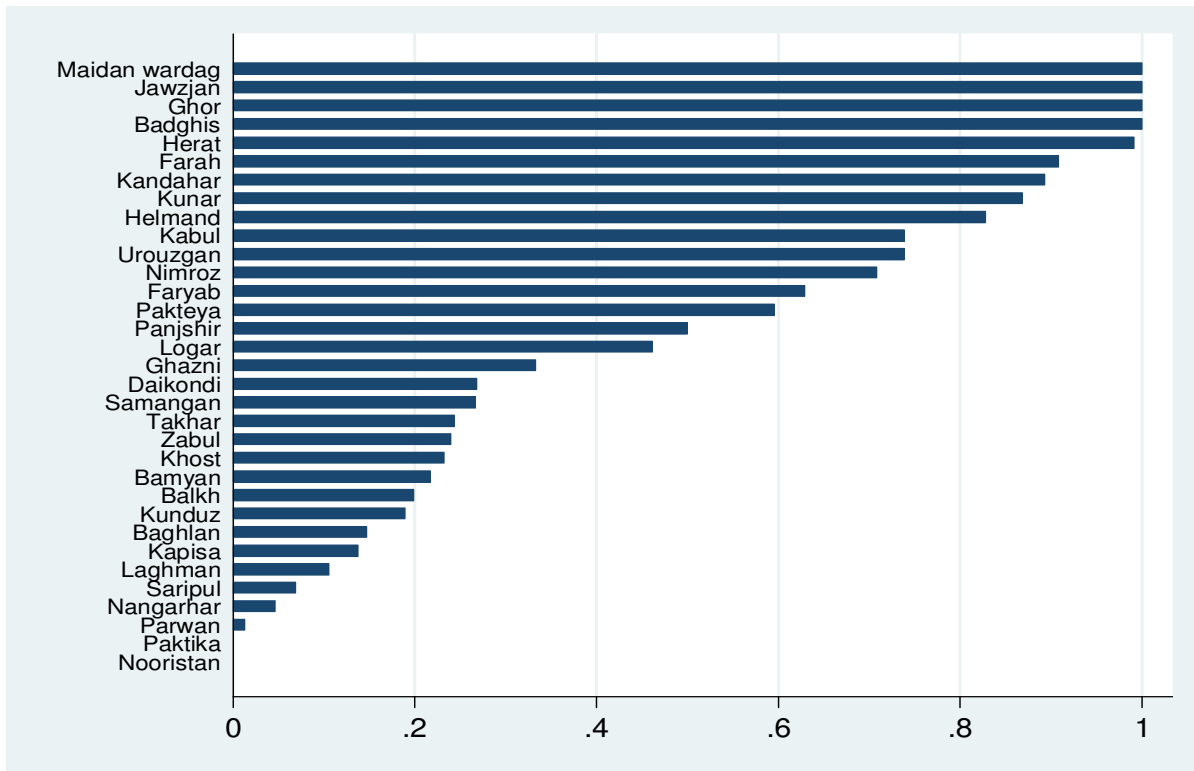
Total Nation-wide: 22%

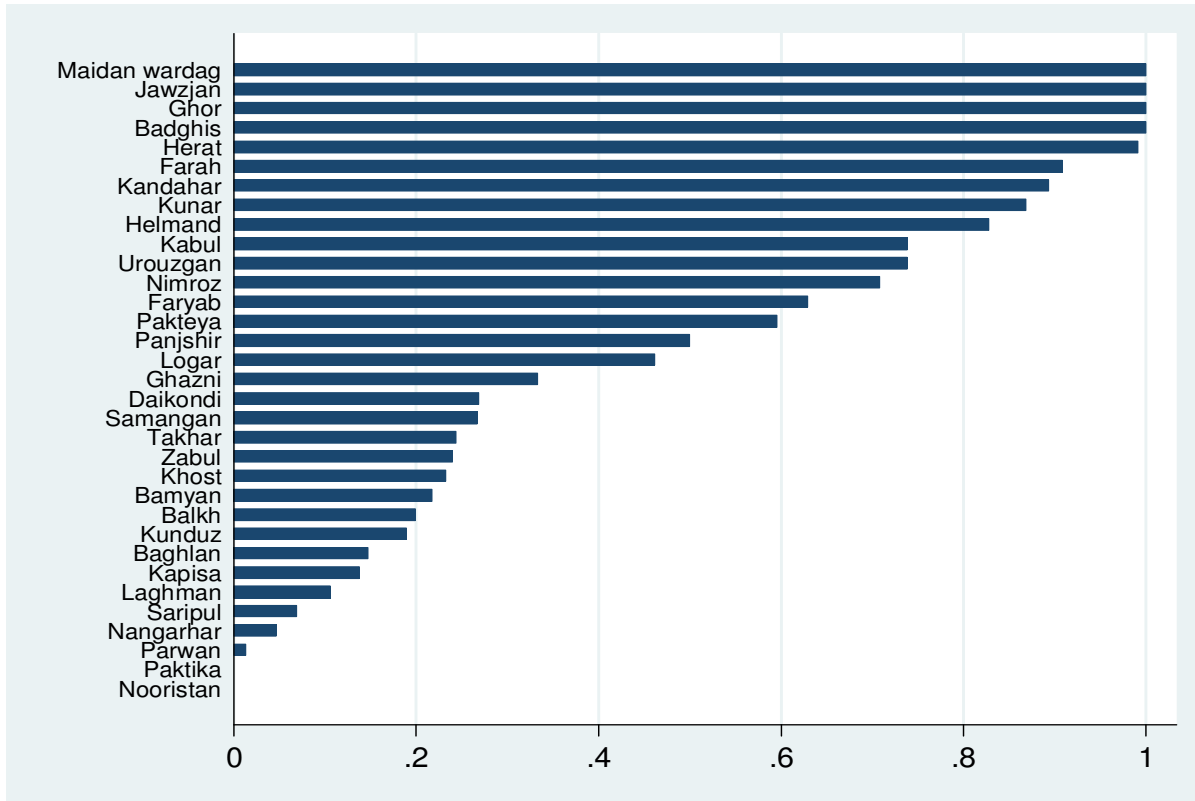




Question 50: Were all voters waiting in the cue at 16:00 allowed to vote? (percent polling centers recording “yes” by province)

Total Nation-wide: 47%





Question 51: Did they lock the ballot boxes after the ending of voting process? (Percent polling centers recording “yes” by province)

Total Nation-wide: 97%

