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بنیاد انتخابات آزاد و عادلانه افغانستان

Free & fair Election Foundation
of Afghanistan

Observation Report of the Presidential and Provincial Council Candidate Registration Process

An observation report (may 2009)

Introduction

The candidate registration process commenced, as announced by the IEC on the electoral calendar on the 18th of April 2009. The process consisted of two phases: the first phase was the provision of information to candidates. This phase took place from 18th April 2009 to 24th April 2009. Second phase was candidates' registration, which was between 25th April 2009 and 8th May 2009.

Based on the IEC's plan the candidate registration process for presidential candidates was held at the IEC headquarters (HQ) and provincial council registration took place at the IEC's provincial offices.

As FEFA has official authorization and mandate to observe the electoral process, the organization observed the registration process. FEFA observed the residential candidates' registration from its HQ and the registration of the candidates' provincial council candidates through provincial observers.

Observation Methodology:

FEFA provided its 40 provincial observers with observation skills as well as knowledge of the processes and procedures related to candidate registration process in a special three-day training. FEFA observers were provided with checklists designed by the FEFA in Kabul, national and international advisors. Provincial observers were familiarized with the checklists.

Provincial observers then conducted interviews with 1176 candidates including 30 presidential candidates as well as filling in checklists to ensure appropriate procedures were being followed throughout the process. This report is compiled from the analyses of data collected through observation of the process and candidate interviews in Kabul and provinces.

The primary findings with the amendatory recommendations were shared with the IEC on the 28/4/2009.

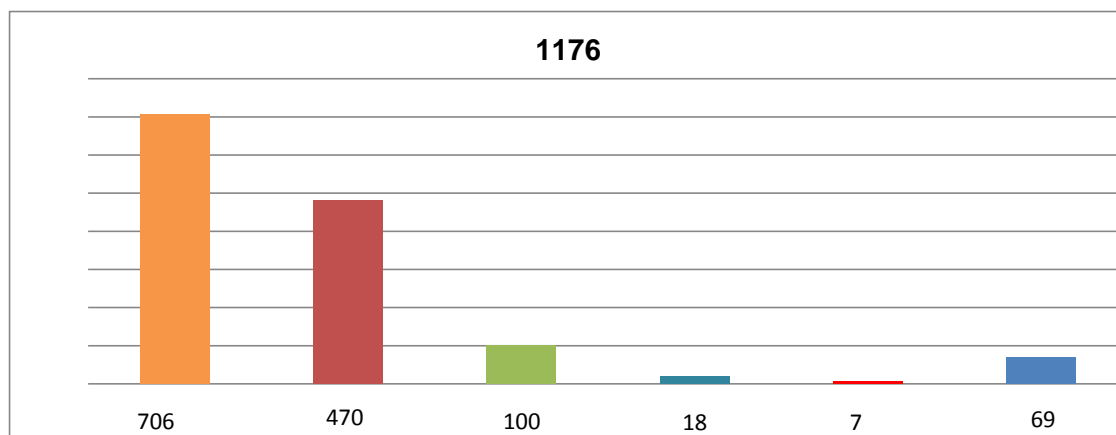
Main Findings:

Following are details of some of the misuses that FEFA observers noted taking place across the country.

Provinces	Date the registration package received		Misusing government resources	Candidates Threaten cases	The lack of impartiality of IEC staff	Candidates accused of supporting powerful or armed groups
	Prior 25 th of April	After 25 th of April				
Badghis	5	31	5	2	1	4
Bamyan	10	26	1		1	
Ghor	12	24	5	1		3
Jouzjan	15	26				1
Khost	7	29	1			
Kunar	10	26				
Nemroz	6	30	1			2
Panjsher	19	17				
Samangan	20	16				
Takhar	25	11	12	3		13
Baghlan	19	17	8		1	2
Farah	15	21		1		3
Ghazni	20	16	7			
Herat	14	22	12		1	3
Qandahar	15	21				
Kundoz	16	20	5	1		
Balkh	28	8	12	2		
Paktiya	13	32	6		1	
Parwan	10	26	3	3	1	6
Sar-e Pul	14	22	4	2		1
Zabul	20	16				8
Laghman	15	21	1			4
Badakhshan	20	16				1
Paktika	7	29				
Faryab	15	21	4			
Nooristan	15	21	2		1	
Logar	4	32				6
Oruzgan	6	30		3		

Kapisa	15	21				
Nangarhar	25	11	5			12
Kabul	15	30				
Helmand	10	26				
	470/40%	706/60%	100	18	7	69
	1176					

Violations observed through the observation process and interviews conducted with 1176 candidates of presidential office and provincial council



Registration package received after 25th of April



Registration package received prior 25th of April



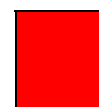
Misusing government resources governmental vehicles, security guards official time



Candidates threaten cases



The lack of impartiality of IEC staff (intimidation) during providing registration services



Candidates accused of supporting powerful or armed groups



Equality of Access:

Alongside filling checklists, the FEFA observers conducted interviews in 34 provinces with 1176 candidates, including 30 presidential candidates.

The first indication of the lack of equal access for candidates was noted after the interviews. The indicators of this violation include the fact that some candidates did not receive the information package when they should have. The interviews revealed that 40% of the candidates or their representatives received the registration package prior to 25th of April, in the week of information, and the remaining 60% were only able to receive the registration package after 25th of April, which is officially the registration period.

This difference in access make candidates' resulted in some candidates have more time than others to prepare their application.

The response of the IEC to the question of this double standard has been that those candidates or their representatives that have requested to receive the registration package during the information phase. The rest who had not requested the package had not received it. Some had not been able to access the forms on the IEC's website. Based on the interviews of some candidates a number of candidates have received the forms due to personal relationships prior to the 25th of April.

Some provincial council candidates have started printing posters and public campaigns soon after registering. Two provincial council candidates in Nangarhar province have distributed their printed posters even in the registration office, which caused some of the other candidates to complain. They said that no one has the right to distribute posters or campaign prior to the candidate list being finalized by the IEC, which will legally occur after the complaint phase. Disrespecting the electoral calendar announced by the IEC will damage the importance of the process. This takes place at a time when the IEC announces that it can not prevent such violations due to a lack of clarity in the electoral law.

Participation of female candidates

FEFA observation indicates that the number of female candidates has been very low compared to the last election in most provinces.

When talking about their experience of approaching centers to register, female candidates said that although the electoral law guarantees female participants but it is not put into practice. The continuation of security problems and inappropriate traditions has made equal practical participation of female candidates difficult in the process. Female candidates complained about the lack of female staff in the registration process, especially at the provincial offices of IEC, and they believe that this issue has affected the participation of female candidates in the process.

Considering all the problems, it is concerning that female participation will be lower compared to the last election in remaining phases.

The participation of party political candidates

FEFA observation indicates that although the quality of the participation of party political candidates and independent candidates were the same there were little participation of the party political candidates.

All of the party political candidates interviewed by FEFA observers indicated that a lack of development in the electoral system and regulations is the reason behind low participation of the political party candidates. They added that efforts to develop political institutes in the country have been inadequate and more attention needs to be paid to this issue.

Misusing government resources and applying pressure

FEFA's observation in 100 individual cases indicated that candidates used government vehicles and guards to attend registration centers. Alternatively, they were escorted by government officials.

The majority of offenders in this group consist of current representative in the provincial council and district governors. This problem was observed in the following provinces: Nemroz, Laghman, Takhar, Badghis, Faryab, Paktiya, Khost, Parwan and Herat.

Furthermore, during the last three days of the candidate registration phase, separate gatherings with the participation of community elders were held in Nangarhar and Kandahar by government officials in support of specific candidates. These gatherings were broadcast by the national TV.

On the 6th of May the registration process was stopped for 2 hours due to the potential entrance of Mr. Karzai and no other candidate was able to register. Also, on 7th of May during Hamid Karzai's registration it was observed that all the roads to the IEC were closed for 5 hours and no other candidate could go to the IEC for registration.

It is worth mentioning that a president who candidates for a second term needs security arrangements, but these arrangements must not block access of other candidates to the registration centers.

Violation of the principle of impartiality by IEC staff

On separate occasions IEC staff was accused of supporting a specific candidate in Parwan, Baghlan, Paktiya, and Nooristan provinces. On 27th April a candidate accompanied by an IEC staff member persuaded other staff that he/she should be allowed to jump the queue for registration.

Also, in Badghis province an IEC staff member was accused of facilitation for a candidate (his brother-in-law). Based on Article 10, sub-article 3 of the Electoral Law the close relative of a candidate can not be recruited as an IEC staff member.

On Thursday 30th April in Baghlan province a senior IEC official allowed the registration of a candidate to take place after official hours due to an existing personal relationship, while other candidates were sent away for the reason that official hours were over.

On the 7th May in Nooristan province a candidate who had completed the supporters' forms, but with incomplete finger prints, was registered due to having connections with one of IEC staff.

Intimidation of candidates

15 provincial council candidates have indicated in their interviews that they were somehow intimidated by powerful local officials and individuals to give up their candidacy.

Interviews conducted with candidates and local people indicate intimidation and influence by powerful local officials and individuals, even in areas fully controlled by the government. Three provincial council candidates, two of them women, have given up their candidacy due to intimidation by powerful local individuals in Takhar province.

A female candidate in Kundoz and another in Parwan claimed that they were intimidated by unidentified individuals which has resulted in them giving up their candidacy. In Sar-e Pul province a male candidate claimed to have given up his candidacy due to intimidation by a current provincial council representative.

A potential female candidate who had previously announced her candidacy gave it up one day prior to the commencement of the registration process because her two sons were kidnapped. Other candidates have also indicated that the kidnapping was the reason she chose not to be a candidate.

In Bala Murghab district of Badghis a candidate was forced to give up his candidacy due to intimidation by Taliban¹.

235 provincial council candidates in various provinces have indicated in their interviews that some candidates (named) have links to armed groups and government officials. These candidates are concerned that if there are no regulations and specific organizations to prevent the influence of armed groups and local government officials, they will not be able to campaign and compete with those candidates who have the ability to intimidate candidates and voters.

Late establishment of Electoral Complaint Commission (ECC)

¹ **The identities of candidates are not disclosed due to the threat of future retaliations**

It has been observed that the late establishment of the ECC and the Media Commission may have contributed to have resulted in the repetition of following violations:

- not following the electoral calendar;
- using government and public resources for supporting a specific candidate in some provinces;
- using government resources to go to registration centers;
- broadcasting campaigns of specific candidates. Some candidates have used this opportunity and ignored the electoral calendar by distributing posters and organizing campaign parties prior to the campaign phase. In this regard, other candidates have complained that there is not a body to receive their complaints and prevent these candidates violating the electoral calendar.
- Lack of a mechanism for eligible candidates in prison. Individuals who are imprisoned and their sentences are less than 5 years are able to participate as candidates and voters in the process. In other countries the political rights of these people are given through a special program.

In the current election process there are 13 500 inmates and approximately half of them are eligible to be candidates. Unfortunately there has been no plan by the IEC to ensure their participation, indicating the inability of the IEC to provide equal opportunity among candidates in the process.

Recommendations:

FEFA believes that if the IEC provides the necessary information about the registration process to candidates in a clear manner prior to the commencement of the process, it will give all candidates equal opportunity in terms of time and preparation.

FEFA believes that establishing and implementing an evaluation and control mechanism in the process by the IEC HQ would minimize the impartiality of IEC staff and maximize equal opportunities for candidates.

FEFA recommends that in order to increase female candidate participation, and on top of other measures, an adequate number of females be recruited in the registration centers to obtain female candidates' trust in the process.

Prior to their registration some candidates have held government posts and for registering purposes they have used government resources, putting in to question the level playing field for all candidates. The government must establish regulations to prevent potential candidates misusing government resources and facilities.

FEFA believes that the establishment of the ECC and Media Commission on time or at least before the announcement of the electoral calendar could have played an important role in vetting ineligible candidates and also in preventing misuse of government posts, public resources and media.