



Date: 28-May-2018

## ETWA views on Right to Participate in Elections, Electoral Constituencies and Candidates' Registration

### Right to Participate in Elections:

One of the basic Principles of Election Process is to be public and inclusive, eligible voters must participate in Election Process in order to legitimize the process in the country. However, according to observation of the Election and Transparency Watch Organization of Afghanistan (ETWA) and official figures of Afghan security organs and the Election commission, (38) provincial districts of the country are completely out of Afghan Government, and the voter registration process in these districts has not been carried out. Still, with the closure of more than 700 polling centers in some provinces of the country no voter registration has been done due to high security threats, and people in the cited areas have been denied from Electoral registration and participation.

Meanwhile, article (33) of Afghan constitution explicitly gives the right to vote to eligible Afghan citizens. Similarly, according to Article (5) of Electoral Law: "The eligible voter, including man and woman, has the right to register as a voter or candidate, and to take part in Election." Whenever a qualified citizen deprived from the right to elect or being elected, has the right to sue to the relevant competent authority. "

According to this above stated Electoral Law article, in addition to other citizens of the country, Afghan refugees, political agents in Embassies, military personnel and eligible prisoners have the right to participate in Elections within separate mechanisms.

Unfortunately, the Independent Election Commission (IEC) has not announced any plans in this regard yet, while the voter registration program ends on June 12th. Therefore, ETWA proposes the following suggestions in order to maintain the right of all eligible citizens of the country to participate in Election and the principle of inclusiveness in Election process is observed:

- 1- The Independent Election Commission (IEC) with establishing a mechanism and precise planning provide the Afghan political agents in Embassies abroad, military personnels, prisoners and eligible immigrants, with the right to participate in forthcoming Elections, which is a national process. We also want (IEC) to extend the voter registration time throughout the country, the current allocated time, till 12th June, for voter registration is not quite enough.
- 2- (ETWA) calls on security institutions to maintain participation of voters by providing security of insecure provincial districts and areas of the country. If the security organs and (IEC) can not pave the ground of Electoral participation for voters of insecure areas in the timeframe until June 12, then the second proposal of (ETWA) is that, the security ministries with having a sufficient time, up to 20 October, which is polling day, should secure the cited districts, and the voters of these areas, on the same day of Election-Day can first register, then cast their votes.

- 3- Meanwhile, (ETWA) urges political parties/movements, ethnic elders, and religious scholars that, with encouraging the general public to participate in the voter registration process, help/collaborate the Election Commission accordingly.
  
- 4- In order to ensure more transparency in the preparation of "Voter List" and to address the concerns of people about fraudulent numbers and repetitive individuals on this list, we propose that, the Commission should develop a voter registration "Database" as soon as possible, since then, in a one-day session, being attended by representatives of political parties, tribal elders, civic societies and media outlets share and publicize the working circumstances of the "Database".

#### **Determination of Electoral Constituencies:**

In accordance with Article (83) of Afghanistan's Constitution, inclusive and justice - based representation must be provided in Electoral process. In this regard, the Independent Election Commission (IEC), the Independent Directorate of Local Governance (IDLG) and the Central Statistics Organization, are jointly obliged, to specify Electoral constituencies at least (180) days before the Election day. Clarity of the constituencies is voters and candidates' right in Electoral processes, so that, candidates can set their own Electoral programs in line with the limits of the constituencies. Also, voters can have quite a specific electoral constituency each to elect the best candidate among others in their respective constituencies, ensuring inclusive and fair representation of the majority of the people in the future Parliament.

Although the Independent Election Commission (IEC) issued a draft plan to subdivide the Electoral districts and has sent it to the cabinet of the National Unity Government for approval one year back. Unfortunately, the cited draft was rejected by the National Unity Government due to some unknown political considerations, opposing the observance of Article 83 of the Constitution. (ETWA) suggests in this regard:

- 1- The Election Commission, as an independent national authority, must utilize its statutory powers, Article (156) of the Constitution and Articles (35) and (36) of the Electoral Law, implement their own draft of the Electoral constituencies, which includes (12) big provinces of Afghanistan.
  
- 2- Or, for the time being, the Electoral Commission, divide the Electoral districts (in Maidan Wardak, Ghazni, Baghlan and Kapisa) provinces only, which are provinces with ethnic diversity according to the seats of each province in the Lower House of Parliament. Since determining of the electoral districts is one of the legal obligations of (IEC), and on the other hand, noticing the flaws of the current voting system, the Single Non-Transferable Voting System (SNTV), shrinking Electoral districts is a good exercise in electoral reform for preserving inclusive and fair representation in the future parliament of the country.

#### **Candidates Registration and Circumstances of Assessing Candidates' documents by IEC:**

Based on observations of (ETWA) and reports from various sources, the of forthcoming parliamentary and district council Elections are collecting and purchasing papered ID cards beforehand. Even some of the papered Tazkiras collected by potential candidates or their supporters, without sharing information with the main owners of Tazkiras, and then the collected ID cards are being registered at the desired voter registration centers by respective Election nominees.

According to article (73), of the Electoral Law, the persons candidate for Parliament are obliged to provide IEC with one thousand voters and nominees for district councils, depending on the number of population, one

hundred to three hundred voters are required to be submitted to the IEC as their supporters; list of names, number of the voter registration cards and finger prints of the voters, who confirm candidacy of a person in ballot papers, with other essential documents.

Now, the question is whether the Election Commission has a mechanism for evaluating/verifying the number of voter registration cards, list of names and finger prints that repeatedly being used by multiple in their candidacy applications or not? Because only the candidates in Kabul province are registered at the HQ office of IEC, provincial candidates are registered in provincial Election offices, so is there such a mechanism for scrutinizing the exact application documents of candidates in the provinces?

In this regard, (ETWA) offers following recommendations:

1. The Independent Election Commission (IEC) should develop a database that can accurately review the applications, submitted by all candidates, and this database should be created in 33 provinces of the country, not only at HQ office in capital Kabul.
2. IEC should recruit their foreign relations staff in the provinces as soon as possible; since the candidates' registration kicked off on in accordance with the Election Timeline of IEC, (26th -May). Our concern is that, IEC once again faces challenges in relation to its provincial staff during registration of nominees.
3. The Election and Transparency Watch Organization of Afghanistan (ETWA) kindly calls on Afghan voters to never give their ID cards or finger prints to candidates, but, noticing the lessons-learned from current parliamentarians, this time should cooperate with candidates, after a precise assessment and knowing each candidate plans/programs.

Toward transparent, free and fair Elections ...

Contact: 0706706720 - 0787301025