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مؤسسه دیده بان انتخابات و شفافیت افغانستان
Election & Transparency Watch Organization of Afghanistan



ETWA Preliminary Report

(2018 Parliamentary Elections Observation Mission)

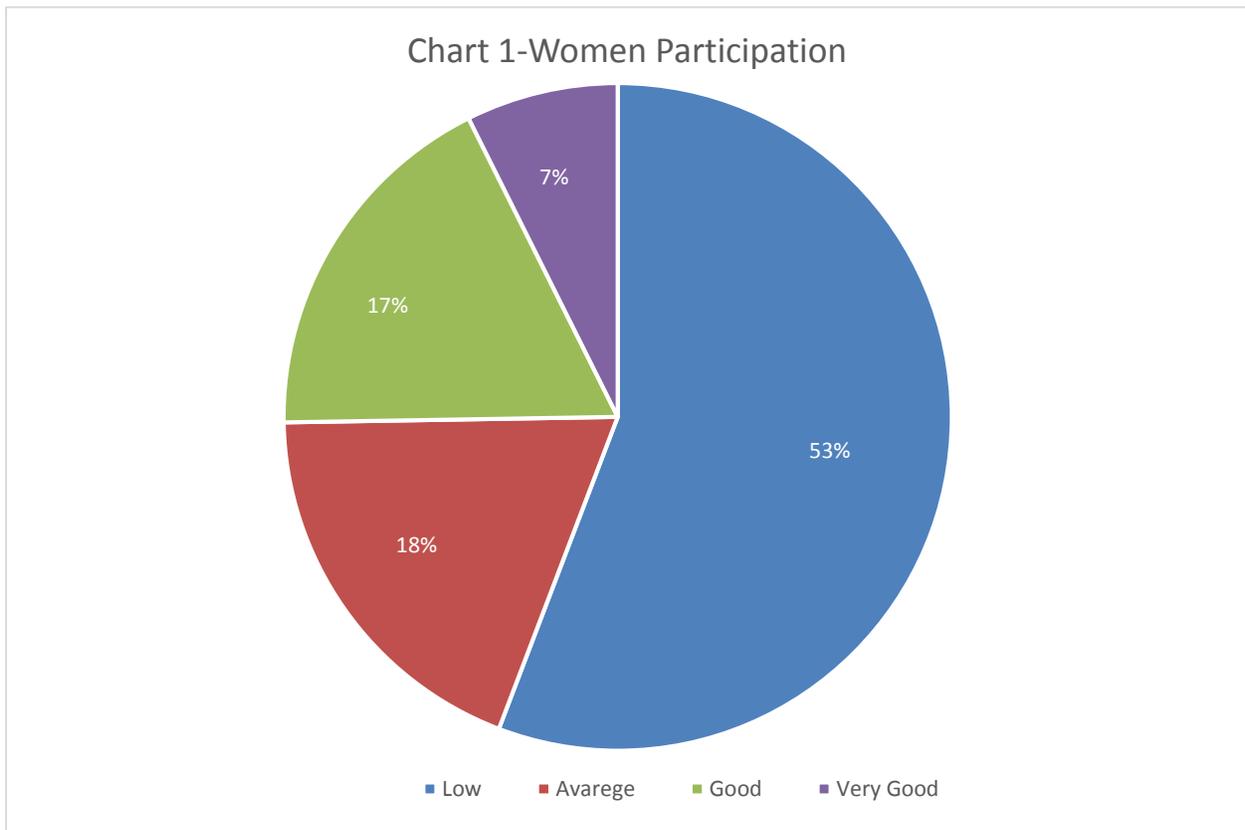
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Introduction

Conduct of 2018 Parliamentary Election was not only a test for the Afghan Government and electoral management bodies, but also an experience for the people to practice democracy and determine their political destiny through electing representatives.

According to the IEC, around 4 million citizens participated in 2018 elections of which 33 percent was women. Widespread and meaningful participation of people on Election Day to defend democratic values and the achievements of recent decade, security forces tireless efforts to ensure safe environment for voting and active engagement of agents, observers and media to support a transparent, free and fair election are commendable.



However, ETWA observation and reports from other observer groups and media show that women participation was perceived not to be as considerable, in particular in remote and insecure areas. ETWA findings in relation to women participation from 12 provinces covered are summarized in chart (1).

Based on the information provided by the IEC, around 8 million citizens who registered were supposed to partake in elections but IEC reports of Election Day demonstrate only 4 million voters casted their vote creating doubts about accuracy of the above mentioned statistics.

In total, 4900 polling centers were planned by the IEC for voting including around 19 thousand polling stations of which 4567 PCs, according to the IEC, actually opened on Election Day. Further, IEC issued over 400 thousand accreditation letters for national and international observer groups including candidate agents apparently demonstrating its will for holding transparent and fair elections in the country.

There has been a number of factors which risked timely and successful implementataion of current elections in Afghansitan such as the lack of political will for electoral reforms which caused 3.5-year delay in hodling elections, political interference in electoral reforms process, disagreeemnt of main stakeholders on the way of holding elections, techncial capacity of electoral bodies, IEC decision to use biometric systmen without conducting a comprehensive feasibility study disregarding resources, capacity and ground realitiels of Afhgan context as well as secutity threats and bitter experiece of pervious elections.

ETWA preliminary report on 2018 Parliamentary Elections entails findings of its field observers collected through direct observation of polling centers from 12 provinces covered as well as through media monitoring program. The main focus will be highlighting major challenges and irregularities including those relating to management and administration facing the process and to provide preliminary information with numbers of polling centers affected. It should be noted that ETWA findings will be shared with ECC along with the supporting documents for better and effective adjudication of related complaints.

Unfortunately, a wide variety of electoral violations and irrregularities have been observed during this election which could potentially damage the credibility of IEC as well as the process. Therefore, all the efforts should be directed toward electoral compalints adjudication process, effective and transparent audit and recounting of votes and separating valid votes from invalid ones to ensure fairness of adjudication and obtain satisfaction of all the stakeholders. This requires impartial performance and functionality of electoral bodies.

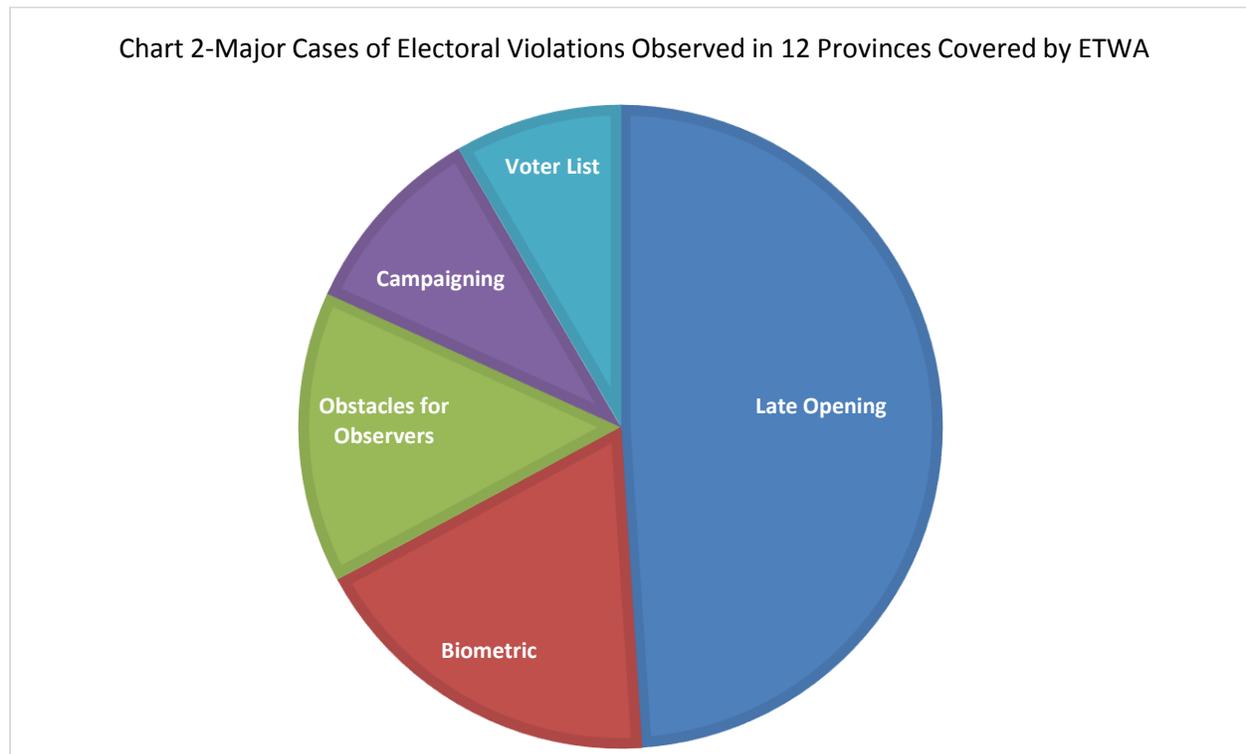
Methodology

ETWA deployed 1200 observers on election day to observe voting process in 12 provinces of the country covering 43 provincial districts and 715 polling centers. ETWA provincial coordinators, HQ stff and call center actively supported field observers in collecting, processing and clasiffying election day reports and data.

ETWA provincial coordinators and district coordinators collected data from their field observers on election day. ETWA HQ team and call center dividing into teams were responsible for collecting data from provincial and district coordinators through contacting them and filling out a pre designed form. Data was entered into a specific database developed for this purpose by the data entry team and after analysis, was reflected in the current report.

The current report reflects on preliminary findings of ETWA from election day irregularities and challenges. Such data and the relevant information will be authenticated and cross checked for accuracy forming the basis for ETWA final report to be shared with electoral bodies, CSOs, Political Parties and the public.

ETWA Main Findings on Election Day



1- Security

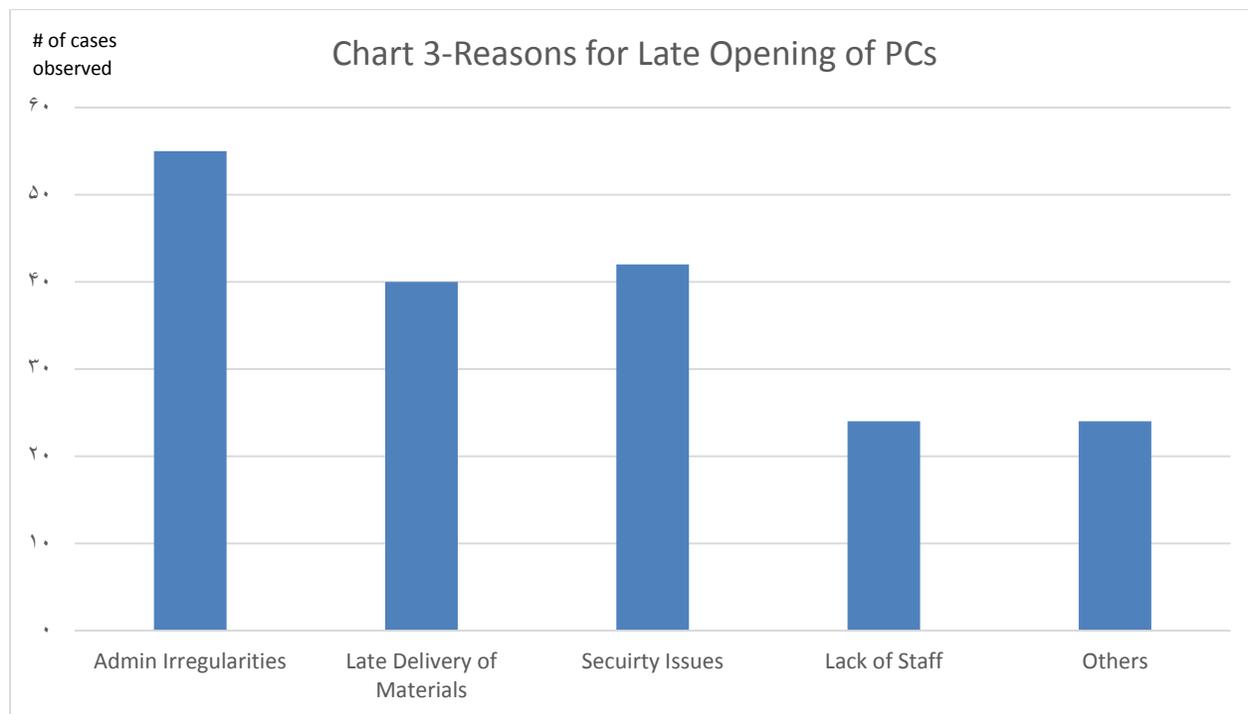
2018 Parliamentary Election was held in a safer environment than previous elections as it experienced less security incidents than before. This is mainly due to devotion and commitment of security forces in maintaining security of polling on election day. Effective measures adopted by security forces and widespread participation of people foiled the insurgent groups' schemes to sabotage or disturb the process.

In total, 333 polling centers remained closed on election day due to security reasons. Likewise, some cases of late opening of polling centers or disturbance of voting (temporary closure) due to security issues have been reported from ETWA observers on election day from Kabul, Helmand, Ghor, Herat, Nangarhar and Takhar provinces. Security incidents included going off mines and other explosives placed near or inside the polling centers.

2- Management and Administration

ETWA observers reported a wide range of irregularities resulting from the IEC mismanagement and weak administration of the process. This has already raised questions about management ability and technical capacity of the IEC. According to the relevant procedures, all the polling centers shall open at 7 am on election day ready for casting votes by the voters.

ETWA primary findings show that 2487 polling stations in almost all the covered provinces opened late on election day of which 32 percent was female polling stations. The reasons for the issue were reported to be administrative irregularities, late delivery of electoral materials, security threats, lack of IEC staff, etc. This has caused the voters to encounter problems (waiting for a long time in queues to vote) while voting.



3- Biometric System

The main purpose of using biometric system in elections is adhering to the principle of one person, one vote to avoid multiple voting and other types of fraud. ETWA observers noticed problems with the biometric system in 969 polling stations of 265 polling centers in the vast majority of covered provinces. The problem arose because either the system was not working or staff did not know how to use it.

In some centers, biometric devices were working at the beginning but stopped working during voting. As a result, voters casted votes using this system for the first few hours on election day but later on manual system was used instead. This would create big challenge for counting and distinguishing valid votes from invalid ones.

4- Obstacles for observers

Impartial election observation is a significant part of an open and democratic election impacting its transparency and inclusiveness. Electoral Law, Art 83 permits all the observers and agents being accredited by the IEC to observe election process including all the stages in election day. According to IEC, over 400 thousand accreditation letters have been issued for candidates' agents and national and international observer groups.

In spite of being accredited by IEC, ETWA observers faced various types of obstacles while observation in 782 polling stations including 287 female stations. Major cases are noticed in Kabul, Helmand, Ghor, Herat and Takhar. Some ETWA observers were barred from observing or threatened either by polling center security personnel or by warlords and candidates' agents or supporters. There are reports of polling staff mistreatment and refusal to cooperate with our observers whose details will be shared in the final report. Notable impediment facing our observers was ban, against relevant procedures, on carrying cellphone or cameras in a considerable number of polling centers which limited observers' ability to authenticate or collect supporting documents for observed cases of fraud and violation.

5- Campaigning in Polling Center

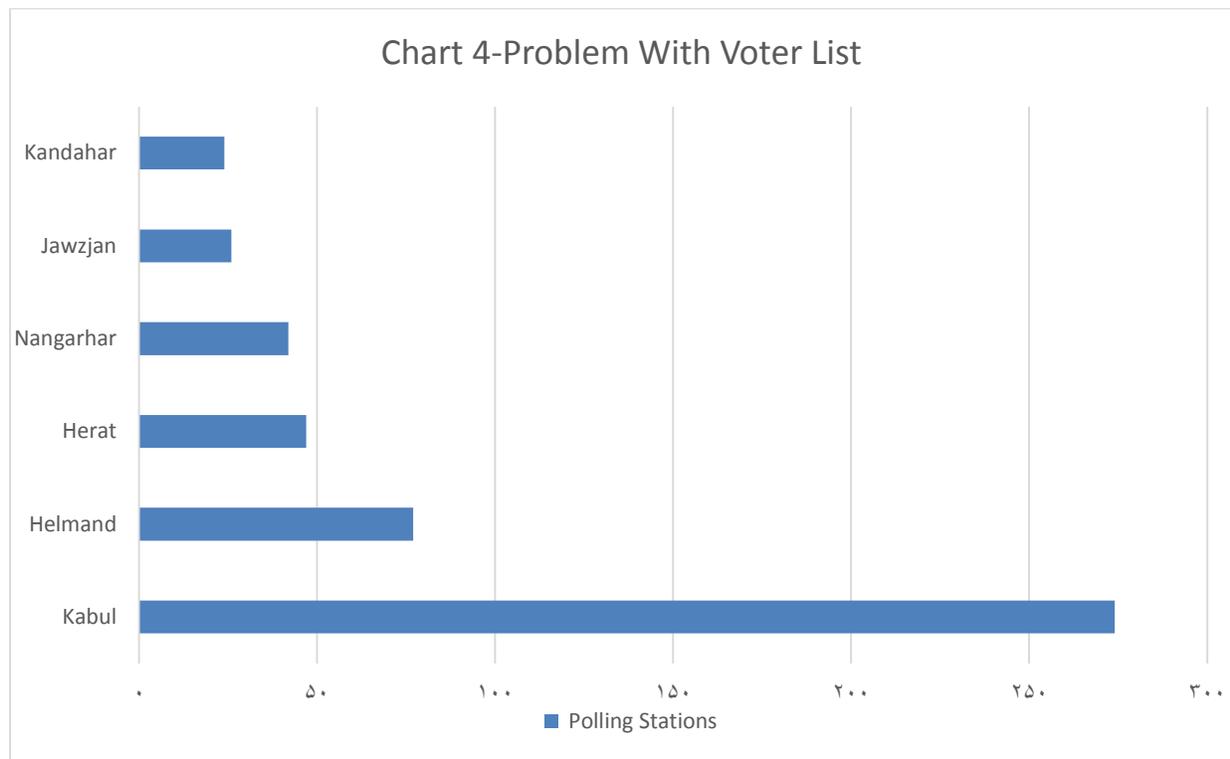
Per Electoral Law and the relevant procedures, any type of campaigning including voters encouragement through installing signs and posters particularly near polling centers (closer than 100 meters) is considered to be an electoral violation. ETWA preliminary findings showed that campaigning continued in 517 polling stations including 173 female stations which included many cases of installing candidates' posters inside or near polling centers. In some cases, candidates' agents were seen in the center distributing cards to the voters and encouraging them to vote to specific candidates. There are cases of candidates being present at the centers campaigning and providing speech to the voters. Such cases have been observed mainly in Kabul, Takhar, Kapisa, Nangarhar, Laghman, Kandahar and Herat).

6- Voter List

Preparation of voter list is a critical component of election process and under Electoral Law, Art 37, the eligible voters whose names are in the voter list can vote on election day. Based on this list, IEC announced 8 million registered for 2018 Parliamentary Elections. However, accuracy of this number was doubted and questioned by political parties and CSOs.

ETWA observers found that 444 polling stations including 137 female stations had problems with voter list. The issue was observed in most of the covered provinces (Kabul, Helmand, Herat, Nangarhar, Jawzjan and Kandahar) and included cases where voters could not find their name in the list or list of a center was delivered to another center either in the same province or even to other province. The IEC

has not provided justification for this problem but should give clarification on the issue since it has been constantly noticed in a notable number of polling centers and provinces.



7- Extension of Voting and Second Day Election

Based on the voting procedures, voting starts at 7 am and ends at 4 pm on election day. The IEC inability to manage and administer voting well in 28 Mizan caused delay in the opening of a great number of polling centers (Some opened later than 1 pm) and elections were not conducted in some polling centers across the country. Therefore, IEC decided to extend voting time to 6 pm (voting and counting continued until midnight in most centers) and conduct election in those centers that were not able to open on election day (401 centers). Midnight voting and counting as well as remaining of electoral materials in most of polling centers raised concerns over transparency of the overall process which, according to observer groups and electoral experts, could provide a change for manipulation of votes.

Although, relevant organs gave different and contradictory information about the number of polling centers opened in the second day (29 Mizan), the previously observed irregularities and shortcomings were commonly noticed by ETWA observers in that day. According to ETWA findings, no election was conducted in most of the above centers due to the lack of materials or security issues, although people were seen in queues waiting to cast their votes (Helmand, Nangarhar, Khost, Ghor).

8- Partiality of Polling Staff, Security Personnel and Government Officials

According to Electoral Law, Art 18, Election commissioners and staff shall remain impartial while discharging their duties and in case of violation, shall be punished under Art 98 of the same law.

ETWA primary findings indicate varying types of interference by polling staff, local government officials and security personnel in the process. Partiality of polling staff has been the case in 290 polling stations of 95 polling centers that involved encouraging the voters to vote to specific candidates, ballot stuffing and change in result sheets. Cases of interference by the government officials, such as campaigning in favor specific candidates and ballot stuffing were also reported.

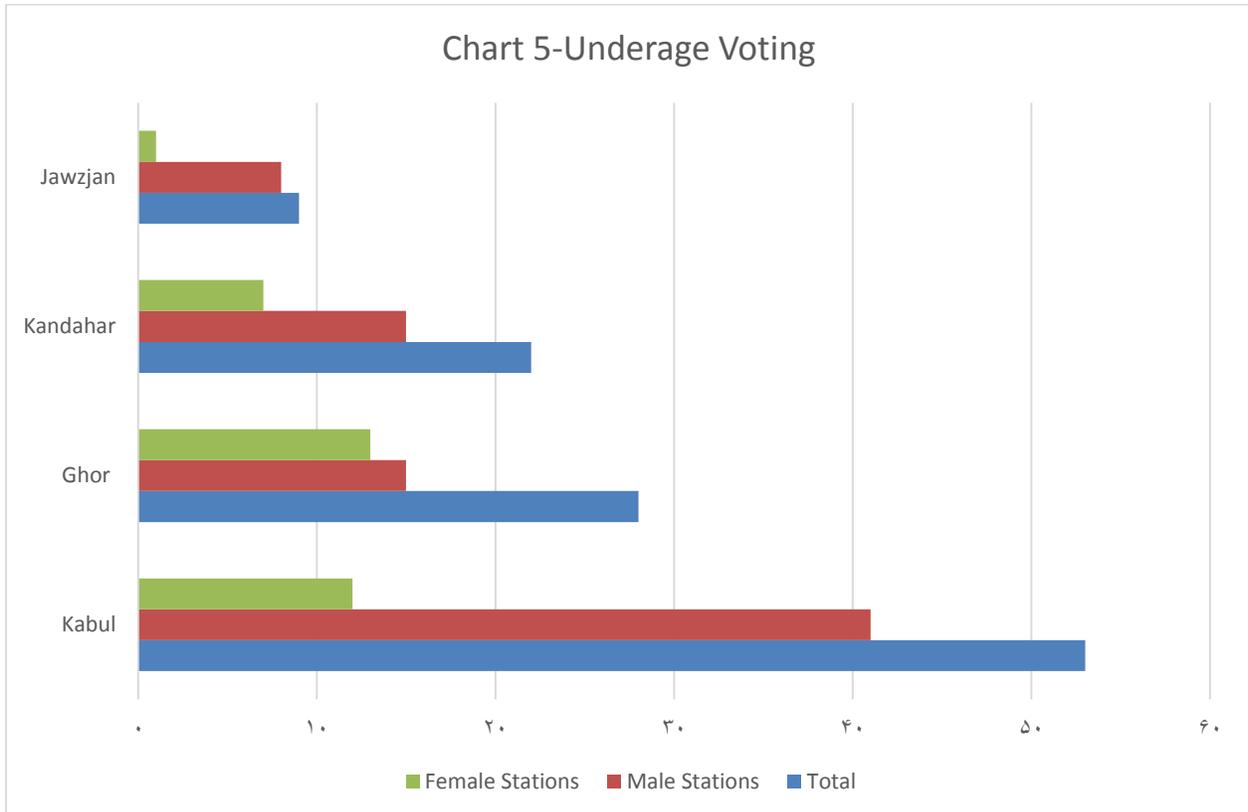
In some centers, security personnel were observed campaigning in favor of specific candidates or preventing observer from entering polling centers. These cases have been seen mainly in Kabul, Helmand, Takhar, Nangarhar and Kandahar.

9- Underage Voting

Underage voting (Under 18) was a major issue during previous elections due to the lack of precise mechanisms for identification of underage voters. According to the Electoral Law, those under the age of 18 are not allowed to vote. IEC relevant procedures also require polling staff to avoid underage voting on election day. ETWA observers reported cases of underage voting from 183 polling stations of 78 polling centers, mainly observed in Kabul, Ghor, Kandahar and Jawzjan. Such voters were identified either by checking out their ID or through their physical appearance.



Takhar Province, Hazarsamoch



10- Voting Using Fake Documents

Usage of fake document for voting is an electoral crime under the Electoral Law. The degree of committing this act was expected to lower comparing to previous elections considering the IEC measures to mitigate its impact in 2018 Parliamentary Election through using voter list, biometric and stickers on the national IDs. However, it is early to reach a conclusion on the issue unless documentation of violations happened in the process is completed. ETWA observers shared primary reports of using fake documents for voting in 154 polling stations of 50 polling centers, occurred mainly in Kabul, Herat, Nangarhar, Kapisa and Laghman. Cases of fake IDs with the IEC stickers and usage of fake stickers have been observed.

11- Closing of Polling Centers

Under voting precedures, polling stations shall close at 4 pm on election day ready for counting unless exeptional circumastances state otherwise.

ETWA preliminary findings demonstrate that 274 polling stations (71 polling centers) covered by its observers either remained closed or closed after a while on election day due to security issues, managerial irregularities, lack of materials, absence of staff, etc. of which 36 percent was female stations. It is anticipated that the above stations could be prone to manipulation.

12- Closing and Counting

Counting of votes is viewed as an important stage on election day needed to be undertaken according to the counting procedures with the presence of agents and observers with full transparency.

Reports of ETWA observers show that the IEC decision to extend the voting time on election day caused continuation of voting and counting until midnight in over 70 percent of polling centers covered. Lack of infrastructure and required resources, security threats and limited access of agents, observers and media to the process raised serious concerns over its transparency.

Consequetnly, most of the female observers and those residing in insecure areas lost the opportunity to observe the process. Further, remaining of electoral materials in polling centers whose elections were supposed to be conduced in the second day made them prone to manipulation and fraud (401 centers according to IEC).

13- Result Sheets

Giving result sheets to candidates is crucial for defending their clean and valid votes, and helping adjudicating their complaints and objections. Per counting procedures, polling staff have to post a result sheet in each station for public access and give two result sheets to agents of top two candidates in that station.

Preliminary findings of ETWA indicate that polling staff in a considerable number of stations did not give result sheet to the candidates' agents. Details of such cases will be shared in ETWA final report.

14- Other cases of violations observed

ETWA observation of election day and media monitoring highlighted other cases of violations and irregularities in a number of polling centers as follows:

- Unfamiliarity of polling staff with polling procedures
- Weak coordination of IEC and ECC on election day in particular disallowing ECC observers to enter polling centers by polling staff
- Not allocation of specific location for ECC observers in polling centers
- Overcrowding of candidates' agents in polling centers that created disorder and even resulted in fraud
- Vote buying by candidate's agents near or inside the polling centers
- Distribution of food and money to polling staff by candidates
- Breaking ballot boxes and biometric devices by candidates' agents
- Biometric devices went missing in some provinces

Recommendations:

ETWA calls on the IEC as the administrator of election process and the Electoral Complaints Commission as an institution which could play a vital role in ensuring justice in the process through identifying and adjudicating electoral complaints to adopt transparent and fair measures in close coordination with candidates, CSOs and media to resolve noted problems and irregularities. By doing so, not only will contentment of parties to the process be obtained, it also helps recover public confidence in elections process.

Section 1- To ensure voting rights of citizens and electoral justice considering the principle of "one person, one vote" as well as electoral laws and relevant procedures, it is recommended that:

- 1- Electoral bodies make sure to strictly consider the principle of "one person, one vote" enshrined in the International Covenant on Civil and Political Rights (Art 25) and the Electoral Law (Art 6) when quarantining, inspecting and recounting of ballots.
- 2- Since voter list and biometric system have not been used in a notable number of polling centers at all and/or used ineffectively, IEC should take comprehensive and precise measures for counting and consolidation of votes in order to separate valid votes from invalid ones, ensure citizens' sufferage, and gain satisfaction of candidates.
- 3- To identify valid votes using voter list, biometric system and manual recording of voters' stickers, electoral bodies should consider protecting the citizens' right to vote and being voted and consult with the Supreme Court and the Constitution Oversight Commission when making decision given the Constitution, electoral laws and the relevant procedures.
- 4- IEC quarantine, inspect and recount those polling centers whose election was planned for the second day in a precise and transparent manner in close conjunction with ECC to identify perceived cases of fraud, manipulation and ballot stuffing there.

- 5- Electoral bodies identify cases of fraud and irregularities (crossed out result sheets, discrepancies between counting and recounting, and other indications of fraud) using reports and evidence provided by observer groups and media.
- 6- Given the numerous violations and irregularities observed in the process, ECC should take full preparations to review electoral complaints and through professional, impartial and fair adjudication of complaints and objections, help not only revive credibility of the process but also ensure electoral justice. In particular, it should pay close attention to complaints received from those centers whose election was planned for the second day.
- 7- Electoral bodies should take advantage of reports and evidences provided by observer groups when adjudicating complaints and objections.

Section 2- In light of the right of access to information set out in national and international standards and to ensure transparency of election process, it is recommended that:

1. IEC and ECC facilitate sharing timely, precise and complete information on election process with public, observer groups and media. ETWA observation and that of other observer groups reveal shortages in information sharing by electoral bodies and it is expected that take the necessary measures in this regard due to high demand for information by candidates, observers and media in the next stages of the process.
2. Electoral bodies should facilitate the presence of observer groups and media in next stages of the process and conduct open sessions to media and observer groups.

Section 3- Considering the principle of avoiding any type of pressure or threat in election process which limits voting rights of the citizens and to support free and inclusive election, it is recommended that:

1. The Government and responsible institutions live up to their commitment to ensuring the safety of voters before, during and after election day and to adopt specific measures to prevent from any threat or pressure on the voters because of participating in elections or voting to specific candidates.
2. Electoral bodies preserve confidentiality of reports provided by observer groups, people and media so that possibility of being threatened by affected candidates and parties will decrease.
3. Political parties and candidates are requested to prevent from prejudgment and persuade their supporters to stay calm and submit their complaints through legal channels given the current political and security situation of the country.

Section 4- Considering the principle of avoiding any type of discrimination when reviewing complaints and inspecting votes, it is recommended that:

- Electoral bodies pay special attention to this principle when quarantining, inspecting and recounting votes as well as adjudicating complaints where all candidates should be treated equally irrespective of their ethnicity, language, sect and political affiliations.