

The National Democratic Institute (NDI) is conducting an analytical mission following Afghanistan's electoral process before, during and after the April 5 presidential and provincial council elections. This mission involves more than 100 international and Afghan analysts and observers throughout the country.

## Presidential and provincial council elections – what has changed?

On April 5, Afghanistan will hold elections for a new president and 458 provincial councilors. This is the fifth national election since the fall of the Taliban and the only presidential poll to be held on the constitutionally established electoral schedule. There have been significant administrative changes since the first-post Taliban election in 2004, which was managed by the Joint Electoral Management Body, a hybrid United Nations-Afghan mission that also oversaw the 2005 *Wolesi Jirga* elections. In 2009, an Independent Electoral Commission (IEC) was formed to oversee presidential and provincial council (PC) elections. This body was composed of commissioners appointed solely by President Hamid Karzai. The current IEC is made up of nine commissioners selected by President Karzai from 27 candidates proposed by a committee of representatives from the National Assembly, the Supreme Court, the Afghan Independent Human Rights Commission and civil society. The Electoral Complaints Commission also has changed from a temporary body set up to oversee previous elections, to a permanent entity.

### 2004 Presidential Election

- This was the country's first direct election (there were indirect legislative elections in 1965 and 1969).
- 10.5 million voter cards were distributed. Over-registration occurred in various regions and some individuals had multiple cards.
- 18 candidates, including one woman, were on the ballot.
- 8.1 million votes (about 77% of the number of distributed cards) were counted.
- Hamid Karzai, then-president of Afghanistan's Transitional Administration appointed by the 2002 *Loya Jirga*, secured more than 50% of the vote. A runoff was not required.

### 2009 Presidential Election

- A voter registration update generated more than 4 million additional voter cards, bringing the total number of cards in circulation to over 15 million.
- 41 candidates, including two women, were on the ballot.
- Preliminary results indicated that Karzai secured 54.6% and Dr. Abdullah Abdullah 27.8% of the vote. Electoral complaints and fraud allegations led to an audit and recount. Final results based on 4.6 million valid votes had Karzai's share below 50%, requiring a runoff between Karzai and Abdullah.
- Days before the runoff, Abdullah announced that he would not participate in a second round election. Following his announcement, the IEC declared Karzai the victor of the 2009 polls.

### 2014 Presidential Election

- Hamid Karzai is unable to run as a candidate due to constitutional term limits.
- Candidates are required to pay a deposit of 1 million Afghanis, down from 2.5 million in 2009.
- 11 male candidates are on the ballot.
- Ongoing voter registration has generated an additional 3.6 million voter cards to date. Registration will continue until March 22; the IEC may extend the process if it deems it necessary.

### 2005 Provincial Council Elections

- A voter registration update generated another 1.7 million voter cards.
- Elections were postponed from spring to September.
- There were 3,025 PC candidates.
- At least 25% of 420 seats were reserved for women. In three provinces, not enough women ran to fill the reserved seats.
- Candidates needed to be at least 18 years old; there was no minimum education requirement.
- 6.4 million votes were counted.

### 2009 Provincial Council Elections

- There were 3,196 PC candidates.
- At least 25% of 420 seats were reserved for women. In two provinces, not enough women ran to fill the reserved seats.
- Candidates needed to be at least 18 years old; there was no minimum education requirement.

### 2014 Provincial Council Elections

- The IEC's final list of candidates included 2,713 PC candidates.
- At least 20% of 458 seats are reserved for women. Currently, there are enough candidates to meet the quota in all provinces.
- Candidates must be at least 25 years old and have completed the 12<sup>th</sup> class (high school graduate equivalent).
- Per the electoral calendar, these polls were to be held in 2013. They were postponed until 2014 due to logistical challenges and funding issues.

## New laws present challenges for female candidates



*Female PC candidates at an NDI session in Kabul, November 2013*

Although the Afghan Constitution guarantees equal rights for women and many candidates express support for women's political participation, new regulations and deteriorating security have further limited the role of women in the country's political life.

While the number of women running for the 2005, 2009 and 2014 provincial council elections has steadily comprised about 10% of all candidates, the number of seats reserved for women councilors has decreased. Previously, 25% of council seats were reserved for women; the electoral law passed in July 2013 lowered that figure to 20%.

In addition, female candidates are disproportionately affected by the requirement for candidates to have graduated the 12<sup>th</sup> class (the equivalent of a high school graduate). The stipulation affects women in particular, as women have had less access to education than men. Only 18% of women are literate compared to 50% of men, according to Afghanistan's Ministry of Education.

Female candidates surveyed in the run up to this year's campaign period told NDI that lack of funds and insecurity were their major challenges.

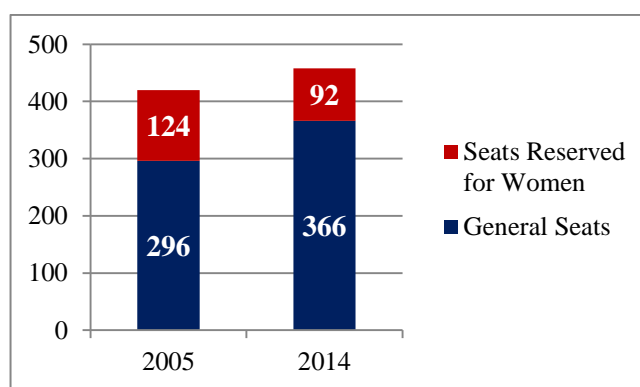
Developments related to the ongoing voter registration process indicate that women in less secure regions are less likely to apply for voter cards. The percentages of women who have registered to vote in the relatively secure provinces of Badakhshan, Balkh and Daykundi are 41%, 38% and 48% respectively. In the less secure provinces of Helmand and Uruzgan, only 9% of newly registered voters are women; in Zabul, women make up only 4% of newly registered voters.

The 2013 Independent Election Commission (IEC) and Independent Electoral Complaints Commission (IECC) Structure Law states that two of the IEC's nine commissioners and one of the IECC's five commissioners must be female. This has helped ensure the participation of women in the leadership of these bodies. However, both commissions have had difficulty meeting their targets for recruiting female personnel across the country.

The IEC has been able to recruit women to comprise 21% of its 3,200 District Field Coordinators, slightly higher than previous elections but significantly short of its 50% target. The IEC also sought to recruit women to make up half of its 1,428 Civic and Voter Educators but reached only 33%, with the numbers varying from 40% to 50% in northern and western provinces to as little as 8% to 19% in southern and eastern provinces.

The IECC aims to have women make up 30% of its staff; to date, they have hired about 10%. To help its recruitment of female provincial commissioners, the IECC eased the requirement that commissioners be posted outside their home provinces. Only six of the 102 provincial commissioners sworn in are women.

The Ministry of Interior plans to recruit at least 13,000 women to search female voters before they enter polling centers. In 2010, the ministry planned to recruit 10,500 female searchers but was only able to hire 4,750 by election day.



*The 2013 electoral law reduced the number of PC seats reserved for women.*

## SPOTLIGHT: The Independent Electoral Complaints Commission

The 2013 IEC/IECC structure law provides for the establishment of the Electoral Complaints Commission as a permanent and independent body. Previously, this commission was constituted 120 days before an election and dissolved shortly after the announcement of final election results.

As noted by domestic and international groups that observed previous Afghan elections, the complaints commission has been hindered by not being a permanent entity – it often lacked time to prepare its provincial operations and carry out effective public outreach, and was unable to retain institutional knowledge. The decision to make the IECC a permanent body was a welcome development.

The IECC's spokesman, Nader Muhseni, said he was confident the commission would be able to carry out its duties, although he pointed out that a lack of resources allocated to the organization meant it was getting off to a late start. For example, the commission is scrambling to set up provincial offices and staff worked for four months without getting paid. "We started from zero," he said.

Office space has now been secured in all provinces, in the form of containers supplied by UNOPS in 24 provinces. In 30 of the 34 provinces, IECC offices are co-located with the IEC, raising some concerns about their ability to function independently.

The IECC has deployed the 98 provincial commissioners to most provinces (three are required per province), but needs to recruit four new commissioners as three resigned while another was dismissed. In addition, the IECC conducted training in Kabul from March 9 to 11 for additional staff for provincial offices. These members are scheduled to begin their duties next week. IECC officials have processed more than 1,500 objections related to the eligibility of candidates. Some candidates not included on the preliminary list were added before the campaign period started once their qualifications were verified. IECC officials will continue to examine candidates' eligibility throughout the campaign period.

The IECC has already announced that at least 89 PC candidates were disqualified for failing to meet age or educational requirements. Neither the IEC nor the IECC have made public the names of disqualified candidates,



*IECC spokesman Nader Muhseni (center) at an NDI election mission briefing in Kabul, March 2014*

their provinces or gender, or the rationale for individual disqualifications. The IECC's announcement that disqualifications may continue up to election day prompted concerns that voters would not be informed about such disqualifications before going to the polls.

To date, the IECC has issued verdicts and dealt fines, including on cases where government vehicles were used by campaign teams.

### Brief Updates

- The **Taliban** has issued statements on its intent to disrupt the April polls and has warned Afghans not to participate in the elections.
- The faction of *Hezb-e-Islami* led by **Gulbuddin Hekmatyar** has endorsed long-time associate and presidential candidate **Qutbuddin Hilal**. Another *Hezb-e-Islami* faction has fielded a vice-presidential candidate on another presidential ticket.
- At least eight members of presidential and PC campaigns have been killed since the campaign period began. The campaigns have also experienced the abduction of staff and attacks on offices and convoys.
- There have been at least five security-related incidents, including abductions, targeting **IEC** staff in Baghlan, Balkh, Faryab, Kapisa and Nangarhar.
- **Qayum Karzai**, the brother of President Karzai, announced on March 6 that he was withdrawing from the presidential race and supporting former foreign minister **Zalmi Rassoul**.
- Vice President **Mohammad Qasim Fahim**, a key leader of the Northern Alliance and *Jamiat-e-Islami*, died of natural causes on March 9.