



Kingdom of Bahrain
**The Joint Committee of
Monitoring Elections 2006**



REPORT ABOUT

**Parliamentary and Municipal Elections
HELD ON 25TH November and 2nd December 2006**

February 2007

Acknowledgement

To His Majesty King Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain for his Appreciation and Support for the role played by the Civil Society Institutions in Supporting the Integrity of the Elections.

The Joint Committee of Monitoring Elections 2006

Special Thanks

To all the volunteers whose efforts have enabled us to complete this report in this manner. Any shortcoming in the monitoring duties or in this report should be the full responsibility of the National Committee for Monitoring of the Parliamentary Elections.

The Joint Committee of Monitoring Elections 2006

Thanks and Appreciation to

The organizations and prominent figures who provided a lot of support and assistance to the monitoring of the elections. We mention in particular the following names:

1. The High Committee Supervising the Parliamentary Elections.
2. National Democratic Institute for International Affairs.
3. Radio and TV Corporation.
4. Political Societies in the Kingdom of Bahrain.
5. Civil Society Institutions that fulfilled our invitation for supporting the campaign for supervising the elections.
6. Civil societies supported the election Campaign
7. Daily newspapers published in the Kingdom of Bahrain
8. Candidates.
9. Bahrain Journalists Society
10. Mr. Niti Shehu
11. Ms. Hanane Khaoua
12. Mr. Ian Schuler

The Joint Committee of Monitoring Elections 2006

Summary

The JCEM for the 2006 elections is composed of the Bahrain Transparency Society (BTS) and the Bahrain Human Rights Society (BHRS). The creation of the Joint Committee of Monitoring Elections (JCME) was announced during a press conference held on Tuesday 21 November 2006. In view of increasing the independence and neutrality of the monitoring process, both the BTS and the BHRS recruited observers with no political affiliation, acquire skills and knowledge needed to perform their duties. The same condition has been required of all members of the two societies and all persons volunteering to contribute to election monitoring. The JCEM for the 2006 Parliamentary and Municipal Elections is composed of six members, three from each association with no political affiliation. Moreover, the BTS members, who presented their candidacy for the Parliamentary Elections, had their membership suspended.

The JCME, a collaboration of BTS and the BHRA, recruited and trained 187 volunteer observers to monitor the voting and counting procedures and result announcement for the 2006 Bahrain Parliamentary and Municipal Elections. Observers were present at 40 polling stations and 10 general voting stations in addition to monitoring 4 voting stations in the kingdom's embassies abroad, namely, the United Kingdom, Jordan, Kuwait and the United Arab Emirate during the first round of elections held on Tuesday 21 November 2006.

The primary goal of JCME is to safeguard and promote free and fair elections in Bahrain. The JCME believes that domestic nonpartisan election monitoring is instrumental in ensuring free and fair elections.

In terms of electoral campaigning, and while most candidates adopted a positive propaganda approach to market their electoral programs, some candidates resorted to negative campaigning vis-à-vis their opponents using phone messages and exploiting places of worship, thus violating the electoral campaign regulations. Indeed, the violations which prevailed during this electoral experience call for establishing an integral electoral law covering all phases of the election process, a law delimiting campaign spending, in addition to a permanent independent body to guarantee the implementation of such laws.

Among the violations reported by observers are a number of electoral abuses related to extensive continuing electoral campaigning during election days, the validity of voters' lists, the confidentiality of vote and assistance to illiterate, elderly and special needs voters. The JCME observers reported a discrepancy between polling stations in terms of the seating position of observers and candidates' agents inside the polling stations, as they were allowed in some polling stations to follow both voting and counting operations in a detailed and concurring manner in accordance with the best practices in this respect, while in other polling stations, observers could not follow the voting and counting operations due to the far distance between them and the location where the two operations took place.

Neither the JCME teams, nor the candidates' agents were allowed to ascertain the voters' identities; moreover, the voters' lists, which were provided to candidates, did not contain the voters' addresses, a situation which did not allow the JCME to verify these lists efficiently.

The two election rounds witnessed some individual abuses during the voting day. Complaints have been exchanged between candidates and competing political societies, and many candidates have contacted the JCME media center to report their competitors' abuses. In a few cases, complaints were related to the behavior of some members of the committees supervising the polling stations.

The JCME observers noted a determination of the part of the High Election Committee to maintain communication before and during the election days in view of processing the remarks sent by the observation teams. Similarly, we have noted a great disposition to process observations with seriousness for the sake of allowing the election process to achieve its objectives. Noteworthy as well is the Commission's dynamism and its readiness to deal positively with all observations expressed by candidates during the first round of elections: which observations have been overcome in a large part in the polling stations where they the incidents occurred during the second round of elections. In such instances, more staff has been appointed to the polling stations, in addition to improving both the counting and result announcement operations.

Observers have been able to conduct their work efficiently in most polling stations with the exception of a limited number of these. The situation improved in a number of stations after the intervention of observers. The chairs of committees in a very limited number of polling stations behaved negatively towards observers; a case in point is the chairman in a polling station labeling the observers' team as representing the opposition.

The continuing access of the general voting stations by voters to cast their ballot, regardless of the Districts they belong to, was one of the main points of discord between, on the one hand, the candidates and some political societies, who demanded their elimination and, on the other hand, the High Election Committee, who insisted on applying the rule of law in keeping these stations operational. The reason that fueled the controversy over the general voting stations is the discrepancy shown in results between them and the voting and counting stations; however, some voters had a positive opinion towards the general voting stations considering that these, in fact, facilitated the voting process for the electorate.

The absence of the home addresses of voters from the voters' lists constituted another point of discord between the High Election Committee and many candidates and political societies. In addition to the voters' names and their residence codes, the JCME stresses the importance of including the mailing addresses to the voters' lists as well. Such a measure would increase the level of transparency and allow both candidates and civil society observers' to ascertain the voters' lists efficiently, a fact which did not occur during the 2006 elections.

The inconsistent application of the designated procedure in assisting the elderly and special needs voters, which requires the presence of the chairman of the polling station committee, his secretary and a third member of the committee, was source to many problems between the voters, the candidates and the polling stations committees.

A clear difference between polling stations and between the latter and the general voting stations was also reported in terms of the manner in which results have been announced. Some stations provided information at the request of the JCME observation teams while in others results have been announced to all persons present at the station. The majority of chairs of voting and counting committees at polling stations informed only candidates or their agents of the number of votes obtained by each candidate. The same difference in reporting information has been noted between the Chairmen of supervisory committees as some announced more information than others.

However, the operation of results announcement does not meet the standards of best international practices; except in two voting and counting stations among the fifty centers during the first round of elections. During the second round of elections, observers were able to receive all counting results of the ten general voting stations; while they obtained the counting results of only two general voting stations during the first round of elections. The JCME were not able to obtain the voters' lists despite an official request addressed to the High Election Committee.

The creation of ten additional general polling stations for individuals whose names are listed on the voters' lists to be able to exercise their electoral right in choosing their parliamentary and municipal candidate regardless of the electoral districts they belong to, was a topic of controversy between many political societies and a large number of independent candidates. Both political societies and independent candidates addressed a petition requesting the elimination of such polling stations to the minister of Justice, chairman of the High Election Committee, which was not answered favorably.

The interest of citizens and media in the debate around the general voting stations increased with the announcement of the results of the first round of elections, which showed a discrepancy in the voting trends between the voting and counting stations of some electoral Districts and those of the general voting stations.

Moreover, the reason of the increase in the intensity of the debate around the general voting stations between the two rounds of the 2006 elections was the categorical refusal of the heads of voting committees in eight general voting stations to announce the vote's results despite repetitive requests on the part of the JCME observers. Worth mentioning, though, is the cooperation JMCE received from the head of the general voting stations in the Awali Club and Al Had School for Boys who made available part of the requested results to observers.

It is noteworthy that, further to the instructions of the High Election Committee for the parliamentary elections, the JCME are entitled to obtain the results of the votes received by each candidate during the second round of the Parliamentary and Municipal Elections.

In contrast to the opposition of some candidates against the use of the general voting stations and which took the form of a petition addressed to the minister of Justice; chairman of the High Election Committee, others considered that these general voting stations: 1) facilitated the voting process for voters working away from the districts where their polling station is located; 2) alleviated the pressure on the voting and counting stations which witnessed huge crowds of voters due to the large number of eligible voters and the high voting turnout. To save time, voters preferred to go to the general voting stations instead of waiting in line queues at their respective district polling station.

The position of the JCME vis-à-vis the general voting stations was as follows: 1) Calling for agreement between the concerned parties over the electoral process, that is, political societies, independent candidates and authorities; 2) Providing all necessary conditions for monitoring the different phases inside these polling stations in order to ascertain the identities of voters starting from casting the ballot to the counting and result announcement phases.

The JCME does not possess any tangible evidence to warrant that the elimination of the general voting stations may have altered the announced results from the ones that has been announced earlier. However, the elimination of the stations in question would definitely increase the trust of public opinion in the final results.

The final results of the legislative elections in any country are based on the interaction between three major principles: 1) the voters' candidate preferences; 2) the adopted electoral system; and 3) the electoral districts.

Hence, observers are required to monitor polling stations from two inter-related perspectives: 1) the size of the electoral body in the forty districts; and 2) the manner in which the geographical borders are drawn between the electoral districts. Such topics have been met with interest on the part of many political societies and candidates, citizens and media operatives.

In this respect, the difference in size of the electoral body at the level of electoral districts led to missing one of the main democratic principles, that is respecting the "one vote, one man" principal and providing equal opportunities to all voters. For instance and according to official numbers, eligible voters in the 5th District of the Southern Governorate was estimated at 1,175 citizens having to choose one candidate while being the smallest district. In comparison, eligible voters in the 1st District of the Northern Governorate reached 15,449 citizens having to choose one candidate. This means that the ballot of a voter in the 5th District of the Southern Governorate equals 13.15 votes in the 1st District of the Northern Governorate; a fact which does not respect the equal opportunity principal in terms of representation and, hence, the legitimacy of the of Parliament, which is supposed to represent citizens equally as stipulated in the constitution of the Kingdom of Bahrain.

Such a division of electoral districts does not respect the principal of equal opportunity to all voters as stipulated in the constitution of the Kingdom of Bahrain in articles four and

eighteen. It is also in contrast with the third paragraph of article twenty one relative to the *Universal Declaration of Human Rights* which stipulates that “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”. This is also incompatible with article 25 (paragraph b) of the *International Covenant on Civil and Political Rights* which stipulates that the citizen is entitled “ to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” Also opposed to such practice are the modalities on free and open elections of the *Inter-Parliamentary Union* in its 154th meeting held in Paris on March 26, 1994, and where article 6, relative to equal electoral rights, stipulates that “every voter shall have the right to cast his/her vote in an equal manner to other voters, and all votes shall be equal”. Consequently, the lack of clear information on the principle followed in the division of districts fueled the discussion over the discrepancies in the number of eligible voters and the delimitation of the districts geographical borders.

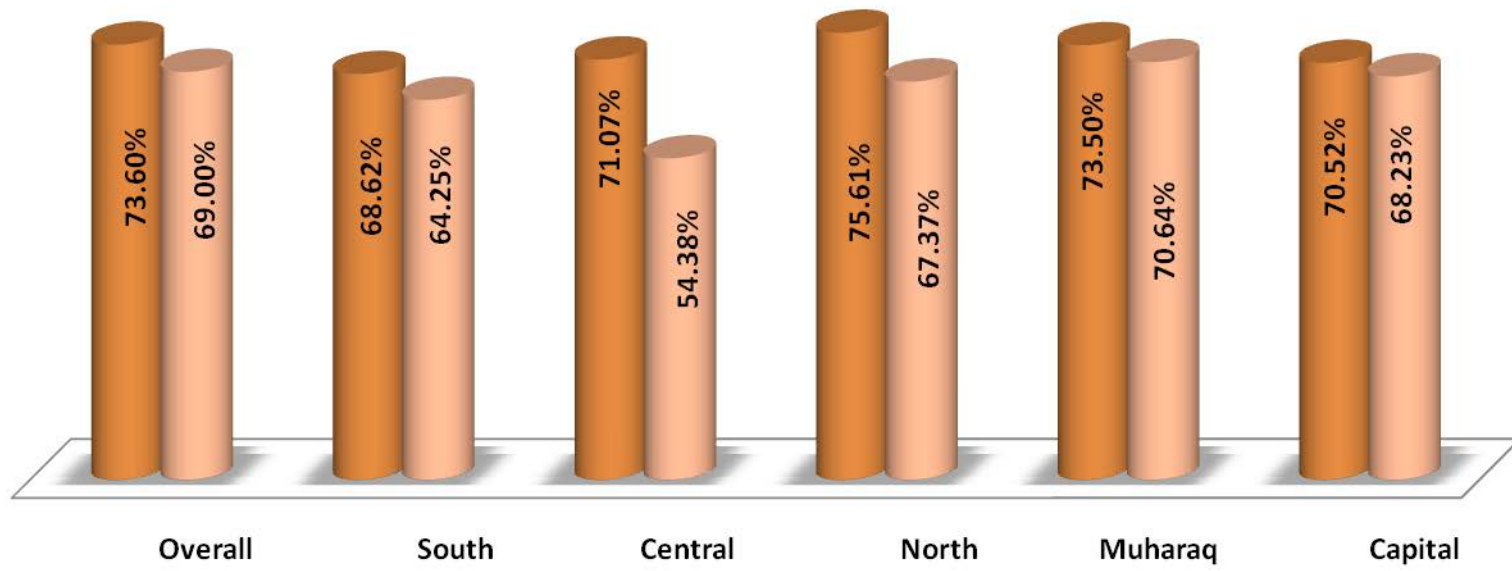
Bearing in mind that the success of the electoral process does not rely on the voters’ preferences alone but on the electoral mapping and the adopted electoral system as well, it should be pointed out that the imbalance in voters’ numbers between the forty Districts needs to be reconsidered in order to reflect effectively the voters’ choices and guarantee more fairness of the electoral process.

According to the JCME reports, the election process was generally conducted in a regulated atmosphere without any set of incidents inside the voting and counting stations likely to infringe the voters’ right to freely cast their ballot. The JCME observers reported some disparate behaviors which had an impact on a very limited number of voters – in comparison with the overall number of voters – while casting their ballot and which did not impact the announced results.

The voting operation proceeded in an orderly manner and without incidents thanks to the assistance and fluid organizational procedures adopted by the High Committee for Elections.

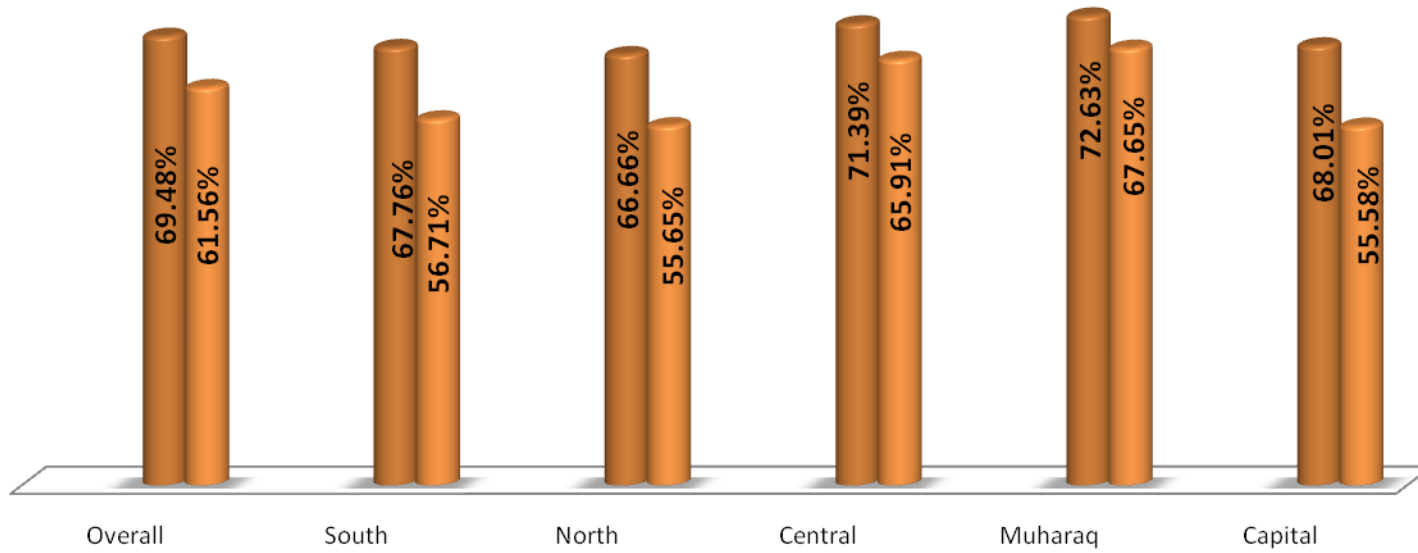
Voters' Turnout in the Parleментарy Election

■ First Round ■ Second Round



Voters' Turnout in the Muncipal Elections 2006

■ First Round ■ Second Round



Recommendations

On the basis of the findings reported by the observer teams during the elections, beginning with the lists of voters and ending with the deadlines on which the Court of Appeal should issue the sentences related to the appeals filed by some candidates against the results of Parliamentary and Municipal Elections, the Joint Committee for Monitoring Elections recommends the following:

1. The elections are regulated by Decrees number (14) and (15) of the year 2002 and the amendments thereto, on the exercise of political rights and the Chamber of Counselors and the Parliament respectively. However, due to the lack of legal instruments to construe those decrees and since these legal texts do not cover the whole requisites of the electoral process; the Committee deems it necessary to enact an electoral act which considers all the aspects of the electoral process.
2. The formation of an electoral independent permanent body, provided that all the material and human resources are made available to same with a view to enable to perform its duties independently of all the parties during the administration of the electoral process.
3. The delimitation of geographical borders of the electoral Districts is a vital issue at the time of determining the degree of fairness of the elections, and due to the importance of effect of the method of the distribution of the Districts on the results of elections and their consequences on the composition of the parliament and the municipal councils, the Independent Institution for Elections recommends the creation of a commission composed of the representatives of political associations and magistrates, in addition to experts in statistics, geography and demography, which will determine the electoral District.
4. The electoral act should define the criteria on the basis of which the borders of the electoral Districts should be determined and the deadlines to redefine said borders with a view to limit the influence of political decisions on the distribution of electoral Districts. The methods for the determination of the geographical borders should be characterized by a high level of transparency, in addition to the announcement of the criteria on which the definition of the Districts was based.
5. On the basis of the constitutional text which stipulates that the member of parliament represents the nation, the Joint Committee recommends that the citizens who wish to be parliamentary candidates in a given District should be allowed to do so whether they dwell in said Districts or not.
6. Due to manipulations of the lists of voters, el committee recommends that the lists in question be drawn up by opening registration to citizens who reached the age of twenty at the beginning of every year during one month and that their data be

updated every year, provided that this process is linked to a sensitizing campaign addressed to citizens, with the participation of public institutions and political associations, with a view to encourage them to register or update their data.

7. That the voters' lists include the names of eligible voters, their residency codes, their mailing addresses and their professions.
8. Instead of using the passport to prevent multiple voting on the part of the voters, we recommend the use of the voter card issued to the citizens entitled to vote which expires as soon as the voting process is finishes.
9. In order to strengthen the confidence of the public opinion in the fairness of election procedures, the Committee recommends the avoidance of the use of general stations to eliminate any possible polemic regarding elections results.
10. Due to the long queues of voters in polling and counting stations in some Districts, we suggest that each District has two polling and counting stations.
11. The Act should provide a detailed definition of candidates' rights and duties as well as those of their agents on elections day, since this issue might result in divergences in the interpretation of the provisions of the law between the committees in charge of elections in the electoral District.
12. The elections Code, or the interpretive memoranda thereof, should specify the rights of observers, provided that such rights include at least the following: meeting with the voters so as to know their opinion on the development of the elections and referendum, information from counting and voting committees, candidates and their agents regarding the development of the elections and referendum, monitoring of the events taking place at the voting and counting station, namely the identification of voters, the voting of the elderly and voters with special needs, the voting process, the counting process and result announcement in such a way as to enable them to get the information they need, have access to the statistics and charts relative to the election and referendum processes provided by the various committees related to the election and referendum, particularly the lists of voters and the information stipulated in recommendation (18) hereinafter and giving observers the necessary freedom of movement within the voting stations. However, this freedom of movement should not interfere in any way whatsoever on the electoral process.
13. The observers who are non-members in political societies should commit themselves to neutrality and independence. This requires the selection only observers who are not members in political societies during the monitoring campaigns organized by the civil society institutions and provide them with the adequate training so that they could perform their monitoring role with the utmost efficiency and competence.

14. Experience has made it clear, during the 2002 and 2006 elections, that there is a need to change the voting protocol with regard to the aged and people with special needs; this is the reason why the Joint Committee recommends that the Act require the presence of observers during the voting process of these two classes of voters.
15. In order to strengthen the confidence of voters in the secrecy of the voting process, it is advisable to avoid numbering the ballot cards, to design a two-part ballot card in such a way as to facilitate detaching the voting part which does not bear a number, at the time of casting the ballot, and give it to the voter. The part which bears the number should be kept by the committee of the ballot and counting station. This procedure will allow knowing the exact number of ballot cards used and at the same time will ensure that the part handed to the voter is void of any number which might cause the voter to fear a possible identification of the ballot card he has used.
16. In order to limit the use of money to influence the voters in future elections and to provide more guarantees to citizens to exercise their constitutional right of presenting themselves as parliamentary candidates, we recommend the enactment of a law which puts limits to the financing of electoral campaigns, with the obligation to set up efficient mechanisms to monitor and track the funding of campaigns.
17. In application of the good practice in the field of voters lists given to the candidates, it is necessary to mention the addresses of voters on such lists so as to strengthen trust and transparency in elections. It is equally important to facilitate the procedures for the citizens and observers to have copies of voters' lists to allow them to exercise their monitoring role efficiently.
18. Adopt standard rules in opening and counting and results announcement methods to be applied by all the voting and counting stations of the Districts and general stations. Good practice at the international level in this field shows that the fairness and transparency of the elections are better achieved when the heads of the voting and counting stations disclose information to voters and the results of the ballot at the main stations under their responsibility following the method hereinafter:
 - The number of those entitled to cast their ballot in accordance with the voters' lists given to the candidates and 2) the number of voters who cast their ballots.
 - The number of cards received from the High Election Committee for the safeguard of the parliamentary elections.
 - The number of cards handed to voters and the number of cards in the ballot boxes.
 - The number of valid cards.

- The number of invalid cards.
- The number of blank cards.
- The number of substituted cards.
- The number of cards treated by the committee of the voting and casting station.
- A complete inventory of the votes won by each candidate, i.e. the chairman of the committee in charge of elections should announce, in an accurate way, the numbers scored related to the aforesaid data which have not been inventoried at the level of the voting and counting stations, general voting and counting stations and voting and counting stations outside Bahrain.

Moreover, the Joint Committee for Monitoring 2006 Elections points out the importance of the voting and counting stations strengthening the level of transparency of the voting and counting processes by providing the observers and candidates' agents with a copy of the official elections results. The Joint Committee also thinks that the full execution of this recommendation will enhance the confidence of the citizens in the results of the elections.

19. The importance of the monitoring of elections by the local and international civil society institutions is a sine qua non of the credibility and fairness of elections, thus, the Joint Committee considers it essential to allow the international institutions to monitor future elections to reinforce their local and international credibility.
20. The necessity to use the computer to display the results of the elections instead of reading them, since the audience found it difficult to note down the results read. This is why the Joint Committee suggest the use of a computerized display of the result through tables which will make it easier for the audience to follow them.
21. It recommends to provide all the electoral sites with a wireless network of communication through Internet, so that the chairman of the committee could communicate the results of the elections, by e-mail, to the observers and all the interested parties, and to enable the observers to communicate said results to their respective institutions with utmost urgency.
22. To enable the observers and the media obtain approximate figures of all voting and counting stations upon request during the voting period.
23. The High Election Committee for the safeguard of the parliamentary elections should provide the candidates with the names of the voters as soon as the voting process is finished. This step will serve to enable the candidates to compare the names on the lists with those contained in the voters' lists, to ensure that the names persons who cast their ballots show on the voters' lists, to strengthen the fairness and transparency of the elections and reinforce the confidence of the public opinion as to the correctness of the procedures, and to increase the level of satisfaction of the candidates.
24. Both the Ministry of Islamic Affairs and the *Waqf* Administrations to ensure that mosques are not used for political campaigning against their opponents, who cannot

use the role of worship in their campaign, add to that the fact that such practice infringes the law which forbids the use of religious institutions in electoral campaigning.

25. The ministers should refrain from receiving parliamentary candidates during the campaign period; they should also refrain from taking part in electoral-like activities in view of guaranteeing equal opportunities for all candidates.
26. Allowing all eligible potential candidates to present their candidacy in any Districts where they wish to be elected, without requiring residency therein.
27. Allowing candidates to designate more than one agent on the condition of having only one inside the voting and counting premises at the time.
28. The Joint Committee thinks that it is quite natural that the press adopts a supportive attitude as regards individual candidates or political trends; however, the local press should respect the professional criteria which govern the media when it publishes ads of the candidates by putting them in a box with the word "ADVERTISEMENT" on top of it. This will inform the reader that what he is reading is publicity. It is important that the editors-in-chief of such periodical sign an editorial affidavit which they will fully respect.
29. The Joint Committee sees that giving some citizen, who have the right to vote in the parliamentary elections but could not do so on the deadlines fixed in the Kingdom because of some circumstance, the opportunity to vote in the embassies and consulates of Kingdom is a valuable initiative to be considered. However, the time specified for voting abroad on a working day prevented many citizens from voting in geographically big countries.
30. Train the committees and the staff of the voting and counting stations so that they can perform the tasks they are entrusted with in the best way. This requires providing the adequate training to the committees and staff members of said stations.
31. The organs in charge of elections should submit their proposals aiming at educating the voters and raising their awareness. This step will enable the voters to cast their votes in the right way and will reduce the number of invalid ballots.
32. Hold the elections on Friday instead of Saturday to avoid the influence of the voting process on the performance of the employees on the day following the elections, because many citizens were obliged to wait for the results of the first round of elections until the noon of the Sunday following elections day.