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**بنیاد انتخابات ازاد و عادلانه افغانستان**

**Free & fair Election Foundation  
of Afghanistan**

## **Campaign Violations Report (16 June- 16 July) Summary**

The electoral campaign process is an important opportunity for both candidates and voters to exercise their rights. Candidates can promote their policies and use this opportunity to receive support. At the same time, this phase is an opportunity for the voters to identify their desired candidate. Therefore, the existence of procedures for establishing equal opportunities for candidates in the electoral campaign and preventing violations is very important. FEFA started its campaign-observation mission on 16<sup>th</sup> June and this report covers the violations reported to us in the period from 16<sup>th</sup> June to 16<sup>th</sup> July.

FEFA observes the campaign period through monitoring the enforcement of election laws, the campaign process, and the availability of equal opportunities for all candidates. FEFA observers also attempt to determine if there was a peaceful and safe campaign environment for all candidates.

We appreciate the efforts of institutions such as the Independent Electoral Commission (IEC), Media Commission (MC), Electoral Complaints Commission (ECC) and media organizations to prevent electoral violations in this phase. On the other hand, in spite of the regulations, procedures and the efforts of these oversight bodies, the number of electoral violations has not decreased since voter registration and candidate nomination periods.

In monitoring the adherence to the law, FEFA observes the campaign activities and their adherence to the legal framework. The legal framework for campaigns, like other electoral activities, is shaped by Afghanistan's constitution and electoral law, as well as specific campaign-related regulations such as the campaign bylaws prepared by the IEC and Presidential Decree No. 38, issued on 20 May 2009, on the impartiality of government employees and institution during the campaign period. Based on this legal framework, we have observed the following violations: (1) misuse of government resources and official positions to the advantage of specific candidates, (2) presence of candidates who hold government posts at the official opening of commonwealth projects; (3) lack of impartiality of government employees; (4) participation of government officials in the electoral campaign; (5) tearing/ destruction of posters and campaign materials, and; (6) use of campaign materials with discriminatory or possibly violence-inciting messages. According to the legal provisions, all the above actions undermine the fairness of the campaign period and violate electoral laws, bylaws, rules and/or regulations.

Our observation of the campaign environment has also led us to focus on political intolerance and safety. FEFA is deeply concerned about levels of political intolerance and their impact on candidates as well as voters, government employees, IEC and ECC staff and media representatives. Political intolerance will be more pronounced and the focus of our upcoming campaign report (due at the end of campaign period). The current report provides a brief overview of our recent findings on political intolerance.

Our observers have also focused on violations of equal access and have reported the cases of discrimination that have violated the equality of the candidates. These cases mostly relate to discriminatory behavior of government officials. In addition, FEFA observers have noted a disparity among male and female candidates in holding campaign gatherings especially in remote areas. Many women candidates do not enjoy the same freedom of movement as men as insecurity and social/cultural issues also prevent their ability to freely campaign.

During FEFA's observation, by 66 observers in 34 provinces, numerous cases of violations were observed across the country and the increase in violations has caused concern. These violations require serious and immediate attention. FEFA wants to highlight the lack of respect for the rule of law by both candidates and governmental officials, as well as the security issues that limit free and fair campaigning in specific parts of the country.

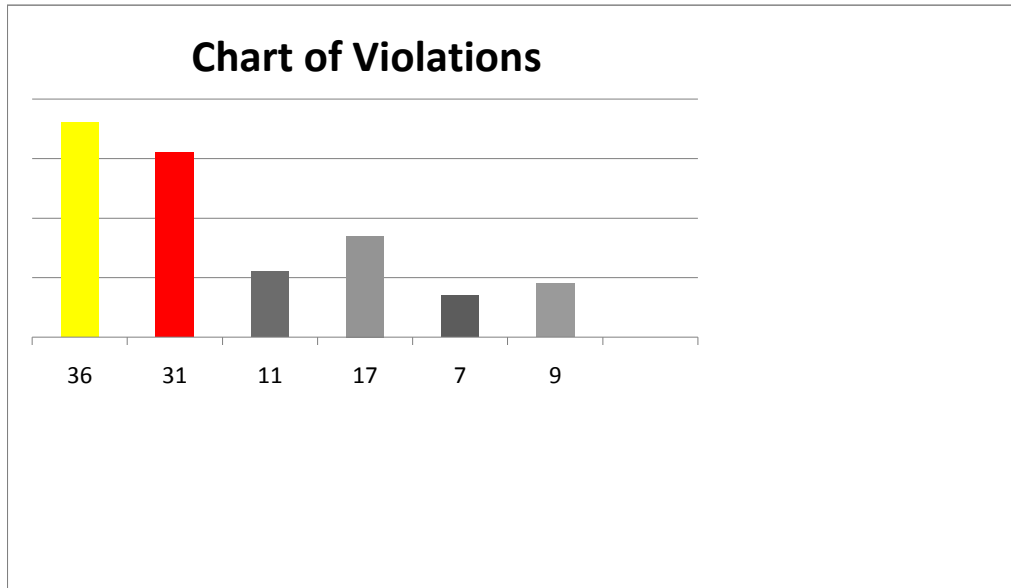
Currently, FEFA is working on identifying and hiring 400 district observers to observe the remainder of the campaign period (starting on August 1<sup>st</sup>) as well as the voting and counting process. FEFA intends to have a more extensive and detailed campaign report by the end of the campaign period with the cooperation of the district observers as well as the current provincial observers. Diagram 1 below outlines the different violations. Based on this categorization, the rest of the report will provide examples of such violations in different parts of the country. The report will conclude with a brief summary of political intolerance and an identification of good, reasonable and weak states. As was noted earlier this section of the report will be broadened and deepened over the next while and reported upon in more detail next month.

To protect the security of our observers and based on our procedures, we can only share the detailed reports with examples with the involved organizations. In this summary version, we will only share the figures for each violation and some of the main concerns with public.

### Reported Violations

<b>N O</b>	<b>Province</b>	<b>Misuse of Governmen t Resources</b>	<b>Lack of Impartialit y</b>	<b>Participation of Government Officials in the Electoral Campaign</b>	<b>Tearing Down of Posters and Campaign Materials</b>	<b>Discrimination</b>	<b>Intimidatio n and bribery</b>	<b>Tota l</b>
1	<b>Ghor</b>	1	3					4
2	<b>Baghlan</b>	2	3			4	1	10
3	<b>Badakhsha n</b>		1		1			2
4	<b>Bamyan</b>	4	2	1	1			8
5	<b>Balkh</b>		2	1	1			4
6	<b>Badghis</b>			2	2			4
7	<b>Takhar</b>	8	1	1	1		1	12
8	<b>Panjsher</b>				1		1	2
9	<b>Paktika</b>							
10	<b>Paktia</b>	4					1	5
11	<b>Parwan</b>	1	1					2
12	<b>Jawzjan</b>							
13	<b>Helmand</b>							
14	<b>Herat</b>	1	2		2		3	8
15	<b>Khost</b>	1	1	1				3
16	<b>Daikundy</b>	1			4			5
17	<b>Zabul</b>				1			1
18	<b>Samangan</b>	2			1			3
19	<b>Faryab</b>		1					1
20	<b>Farah</b>		1		1	1	1	4
21	<b>Kapisa</b>							
22	<b>Kunar</b>	4	2	2				8
23	<b>Kandahar</b>	1				1		2
24	<b>Laghman</b>	1	2					3
25	<b>Noristan</b>		1					1
26	<b>Nengarhar</b>			1		1	1	3
27	<b>Ghazni</b>	4	5	1				10
28	<b>Uruzgaan</b>							
29	<b>Maidan Wardak</b>							
30	<b>Sar-e-pul</b>							
31	<b>Kundoz</b>	1	1	1	1			4
32	<b>Kabul</b>							
33	<b>Nimroz</b>	1	1					2
34	<b>Logar</b>		1					1
		36	31	11	17	7	9	111

Diagram 1



**Misuse of Government Resources**



**Lack of Impartiality**



**Participation of Government Officials in the Electoral Campaign**



**Tearing Down of Posters and Campaign Materials**



**Discrimination**



**Intimidation bribery**

## Presence of Parliamentarians as Managers or Members of Presidential Campaign Teams

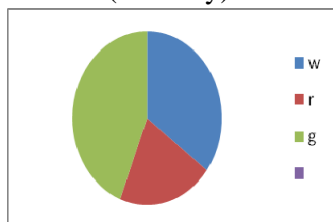
It was observed by FEFA in this phase that a number of parliamentarians, in contrast to Article 152 of the constitution (*The President, Vice Presidents, ministers, heads and members of the National Assembly, the Supreme Court, Attorney General and judges, cannot undertake other jobs during their terms of office*), have a second job as manager or member of presidential campaign teams. Also in most of the provinces parliamentarians have been members of campaign teams. Although the electoral law is not clear on this issue FEFA wants the peoples’ representatives to be impartial in this process and view this as important for the safeguarding the national interest in Afghanistan.

## Political Intolerance

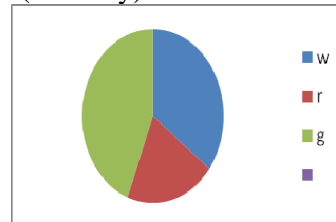
The emergence of political intolerance in the country manifests itself mostly through extra parliamentary, extra judicial and extra security means. Its primary aim is to destabilise the election process, make parts of the country ungovernable and instill fear in voters not to exercise their right to vote. Abduction of candidates, assassination of candidates, road blockades and illegal searches randomly carried out, explosions, attacks, night letters and market impromptu speeches are the order of the day in some provinces.

The following two diagrams 2 & 3 illustrates the impressions FEFA is developing of what they term weak, reasonable and good states. These impressions are based on the reports received from the observers in the field, information retrieved from the media and general impressions! While it is impressions – they provide a reasonable idea of political intolerance and undermine the intention of the elections aptly described by Kai Eide, the U.N. special envoy for Afghanistan, “the election [is] was about strengthening public confidence in democratic governance more than choosing specific leaders”.

Week 1 (13<sup>th</sup> July)



Week 2 (20<sup>th</sup> July)



In both week 1 and 2 fifteen states are found to be stable and operational. In the diagrams they are highlighted as [g] good states. The other 19 states are either weak [very difficult to access or operate in] or reasonable states where some districts and villages of those districts are in-accessible. The weak states identified are shown in the table below.

Table 1

Wk 1 - Weak states	Wk 2 – Weak States
- Paktika	- Paktika

- Paktia	- Paktia
- Helmand	- Helmand
- Khost	- Khost
- Zabul	- Zabul
- Kunar	- Kunar
- Kandahar	- Kandahar
- Nuristan	- Nuristan
- Ghazni	- Ghazni
- Maidan Wardak	- Maidan Wardak
- Kunduz, and	
- Urozgan	- Urozgan

From these impressions, political intolerance, instilling fear but also enlisting potential sympathizers and potentially shifting the balance of interest in the electoral process to indifference is high. Of the 34 states less than 50% of the states (15states) can be classified as good. The other 19 states are weak or reasonable.

### **Concluding Remarks**

Free and Fair Elections Foundation of Afghanistan believes that there are enough regulations and laws in place to allow for a campaign period that meets national and international democratic standards. Afghanistan's constitution, election law, procedures for campaign, and the president's decree on prevention of misuse of government resources during the campaign all aim to ensure a free and fair campaign period. Credible institutions such as IEC, ECC and governmental observing and implementing bodies such as judicial system in the country exist to monitor and facilitate the campaign process. All these mechanisms have provided a good opportunity for the prevention of violations in the upcoming stages of the elections.

If the legal institutions such as ECC, IEC, and government monitoring bodies take action to prevent future electoral violations based on their legal authorities, the number of electoral violations should decrease and people's and candidates' trust will increase in the electoral process. This would increase the likelihood that the public accepts the election results and would enhance the legitimacy of democracy in Afghanistan.

Combining visible disciplinary procedures to modest but more deliberate public support and information dissemination for the process at a public and especially at community levels will also instil more confidence.

With 30days to election day the race is on for acceptability of the electoral process. Transparency, dialogue, providing information - putting our country and its people first above personal interests will help!