



# Media and Elections Guide

Presidential Election



Electoral Integrity  
2019 Edition

Afghanistan's  
National  
Journalists Union  
(ANJU)

اتحادیه ملی ژورنالیستان افغانستان  
د افغانستان د ژورنالیستانو ملي اتحادیه



Project in Support of Enhanced  
Sustainability and Electoral Integrity  
in Afghanistan

*This document has been produced with the financial assistance of the European Union. The contents of the document are the sole responsibility of the European Centre for Electoral Support (ECES) and can under no circumstances be regarded as reflecting the position of the European Union.*

*This guide has been conceived and developed by Alain Chabod, ECES/PROSES Senior Media Adviser, and Luis Castellar, ECES/PROSES Project Director, with the contributions of Mariusz Wojtan, ECES/PROSES Senior Electoral and Political Parties Expert, Lukasz Widla-Domaradzki, ECES/PROSES Election Data Expert, along with ECES/PROSES national staff members, including Abdullah Noori Nooristani, Abdul Mohaimin Mansoori, Hamdullah Fayege and Marzia Meena. Paul Anderson, ECES/EUSDGN Senior Media Adviser, and Georgina Wheeler, ECES/PROSES Finance and Administration Manager, are the editors of the original English version. The ANJU team, headed by its Chairman Faheem Dashty, has also made substantial contributions to these guidelines.*

## Prefaces

---

### **Luis Castellar, Project Director ECES/PROSES**

Following the Bonn Agreement and the provisions of the 2004 Constitution, Afghanistan entered into a new era inspired by modern democracy and led by political, social and economic institutions and players in which the media industry has flourished. To join the club of international democracies, Afghanistan adhered to a series of international treaties and covenants and developed its legal framework to align with international standards and obligations for democracy and elections. The so-called fourth power in Afghanistan comprises a rich combination of actors, including television channels (Tolo News, Ariana, Radio Television Afghanistan – RTA, Shamshad, One TV), newspapers (8 am Daily News, Arman-e-Millie, Etilaat Roz Daily), national and local radio networks (Killid, Salam Watandar), independent news agencies (Pajwhok, Khaama) and associations of journalists (ANJU, CPAWJ, AJSC).<sup>1</sup> All these media outlets, news agencies and journalists' unions have become vital stakeholders in the emerging democracy in Afghanistan, in the electoral process, and, through their participation in it, in the recent intra-Afghan dialogue on peace. As well as contributing to the checks and balances of the electoral process, the media remain key to the continuing shaping of democracy in Afghanistan as watchdogs and reform promoters. However, the scope of the media and of domestic observers and other election monitors to mitigate and deter widespread electoral fraud remains limited. Their active involvement in a series of roundtables organised by ECES/PROSES on the media and electoral integrity is evidence of their interest in continuing to enhance their own capacity to improve the electoral process in Afghanistan.

While it is every country's sovereign right to choose how to conduct its electoral process, United Nations member states, including Afghanistan, have agreed to abide by a set of international obligations and commitments to protect and promote the electoral rights of their citizens. Electoral integrity refers to the quality of the implementation of these state obligations and the other global norms governing the appropriate conduct of elections throughout the electoral cycle. Promoting electoral integrity in partnership with Afghan electoral stakeholders is the overall objective of the EU-funded PROSES project implemented by ECES. It is a pleasure to team up with ANJU to develop these guidelines and the subsequent training of Afghan journalists to provide them with a toolkit giving journalists insights and tips on upgrading their coverage of the Afghan electoral process so it is Afghan-led and Afghan-owned but based on international standards and obligations.

### **Faheem Dashty, Chairman Afghanistan's National Journalists Union (ANJU)**

Due to the significance of covering the different stages of elections, Afghanistan's National Journalists Union (ANJU) in cooperation with ECES have prepared a handbook in Farsi-Dari and Pashto for journalists and the media of Afghanistan. Election-related issues are covered in this handbook and, with reference to global experience in elections as well as the current situation of the country, advice has been provided. We hope that through extensive distribution of this guide and subsequent training programmes to be based on its contents, Afghan journalists and media will play a more professional role in covering the upcoming presidential election. We believe more professional coverage of elections can on one hand help voters to select their preferred candidates, and on the other can help create a more transparent and lawful environment during the different stages of the elections. We ask journalists and the media to consider this handbook with the utmost precision.

---

<sup>1</sup> This list of media houses and media organizations is not exhaustive nor exclusive.

## ECES/PROSES-ANJU Partnership

---

### ANJU

The Afghanistan's National Journalists Union was established in 1980 as the country's first corporate organization for journalists. ANJU has been through many up and downs during the political upheavals of past decades, and in spite of undeniable damage it has been able to overcome those challenges. Currently, ANJU is active in 31 provinces and with 2,000 members is one of the main organizations for journalists in Afghanistan.

ANJU's objectives and activities are as follows:

- to create a nationwide network of journalist in the country;
- to stand for corporate and professional rights of journalists;
- to stand for a free media's right to freedom of speech and free dissemination of information;
- to advocate for amendments and improvements to the laws on media activities and access to information;
- to devise and implement programmes in order to increase the capacity of journalists;
- to conduct surveys concerning activities and problems of media and journalists;
- to prepare and distribute professional guides in cooperation with related international and Afghan organizations for journalists and the media;
- to work in accordance with the framework of the Federation of Journalists' Organizations and Media of Afghanistan, in coordination with similar organizations, in order to influence decision making in government in support of the media and journalists.

For further information please visit: [www.anju.af](http://www.anju.af)

### ECES/PROSES

The European Centre for Electoral Support (ECES) is a non-profit foundation headquartered in Belgium which focuses on technical assistance and reinforcing capacities at all stages of the electoral cycle. ECES works with Election Management Bodies (EMBs), political parties, the media, civil society, security agencies and bodies responsible for electoral justice. In all its activities, ECES promotes peer-to-peer exchanges, south-south cooperation and the development of leadership and dialogue in electoral contexts. ECES has implemented over 40 electoral assistance projects in more than 25 countries.

ECES arrived in Afghanistan in July 2018 in the run-up of the Wolesi Jirga elections to lead the implementation of the EU-funded project PROSES (Project in Support of Enhanced Sustainability and Electoral Integrity in Afghanistan). PROSES is supporting the efforts of several electoral stakeholders in promoting enhanced integrity and credibility of the electoral process.

PROSES activities feed into a comprehensive electoral integrity strategy based on an analysis of integrity vulnerabilities from previous Afghan electoral cycles, recommendations from European Union Election Observation Missions, and an ongoing electoral political economy analysis (EPEA). In brief, ECES' overall strategy is multi-stakeholder:

- to partner with and support all individuals, organisations and processes (civil society, media, political parties, EMBs, Government, judiciary, academia) that can play a role as agents for reform and change in the Afghan electoral process and democracy;
- to identify and support Afghan-led and Afghan-owned collective actions to mitigate fraud and malpractice through the work of alliances and coalitions among key Afghan players.

While the tangible impact of many integrity actions will take time, the strategy intends to lay the foundations, through multiple activities and milestones, to produce changes in the mid-term and long-term by identifying agents for change and meaningful actions.

For further information on the ECES/PROSES project in Afghanistan, see <http://democracy-support.eu/afghanistan>

## Introduction

---

The 2019 presidential election will, once again, be a pivotal moment in the country's democratic consolidation and an opportunity to measure the progress made by Afghanistan's government, supported by the international community, towards the establishment of sustainable democratic institutions as the country engages in peace talks with the Taliban. Afghanistan has made significant progress in its path towards democratic consolidation, with notable milestones including the first ever peaceful democratic transfer of power, increased citizen participation including the more active engagement of women and civil society, and the bolstering of an electoral framework that is in line with international obligations. Despite these positive developments all past elections in Afghanistan have been characterised by significant shortcomings identified by national and international observers. Most notably, pervasive electoral fraud has been a recurring feature of all past elections, casting a shadow of public distrust over the national electoral management bodies and distancing Afghanistan's electoral process from international standards and democratic values. Public scepticism in the electoral process continues to endanger the progress made in consolidating democracy over the past years.

As such, re-establishing the trust of the Afghan population in the electoral process and its management by government bodies is a fundamental prerequisite if democracy is to establish a stronger foothold in the country. In this context, electoral fraud represents the biggest hurdle in this goal and hampers the political, institutional and financial sustainability of international aid to the Afghan electoral process. Significant but realistic measures can still be taken to strengthen the integrity of the Afghan electoral process. Electoral integrity refers to the international standards/obligations and global norms governing the appropriate conduct of elections that apply universally to all countries throughout the electoral cycle.

In most countries, the quest for free, independent, impartial, professional, trustworthy and responsible media remains a crucial factor in strengthening democracy. This is even more the case during election periods when journalists have to demonstrate leadership while resisting political pressures from all sides at national and local levels. The need to identify and combat threats to electoral integrity, through the work of a free media, is stronger than ever. So too the need to strengthen leadership and election dispute resolution capacities among stakeholders.

Political violence is a constant threat faced by the media while performing their daily activities, with attacks taking a heavy toll among journalists, including during election campaigns and on election days. For the media, the question remains how to cover elections in such a dangerous context and to limit the risks to personnel without affecting the quality of information. Together with ANJU, ECES, through the EU-funded PROSES project, aims to reinforce the capacities of electoral stakeholders, including the media. ECES is fully committed to addressing these challenges through the publication and distribution of this new edition of the "Media and Elections Guide" and a related training programme for journalists, including specific workshops for women journalists, as well as a series of Media and Elections Roundtables that are being organized and implemented throughout the current electoral cycle.

# Summary of Contents

---

Prefaces .....	3
ECES/PROSES-ANJU Partnership .....	4
Introduction .....	5
Summary of Contents .....	6
Election Facts & Figures .....	7
Final list of 18 Presidential candidates .....	9
(as published by IEC).....	9
Main election stakeholders.....	11
Respective roles of election stakeholders on Election-Day .....	14
Legal framework for elections .....	15
Media in the Election Law (2016) and its 2019 amendments .....	18
2016 Electoral Law: electoral offences and related fines .....	19
Penal Code (2018): electoral crimes and related prison penalties.....	20
Media regulations in relation to the election.....	21
Contact list of IEC External Relations Officers in the Provinces .....	23
The media sector in Afghanistan.....	24
Female journalists and women participation in elections .....	26
Media and international obligations for elections .....	29
The role of media in elections .....	33
Electoral Integrity .....	34
By whom & how can electoral integrity be promoted in Afghanistan? .....	39
Electoral irregularities and electoral fraud .....	40
Recommendations on how to improve Afghan elections .....	42
Guidelines for open discussion on electoral integrity .....	44
Using election data and data journalism to investigate fraud .....	45
Investigative and solutions journalism applied to elections .....	48
Voting procedures on E-Day .....	49
Media presence at polling stations during voting and counting.....	50
Security issues for journalists during the election period .....	51
ANNEX 1 - IEC form to be signed by the media for the election coverage (30/04/2019).....	53
ANNEX 2 - Media Committee on electoral campaign regulations (28/07/2019) .....	55
Bibliography and list of key election-related documents .....	56



# Election Facts & Figures

*The following figures and data are based on information available from the Independent Election Commission (IEC) and other official sources at the time of writing and may be subject to later updates or adjustments.<sup>2</sup>*

## Date of presidential election

The date of the presidential election, initially announced for 20 April 2019, was postponed by the IEC to 20 July, before the current date of 28 September 2019 was set. The announcement of the final results is scheduled for 7 November. In case a second round is necessary (if none of the candidates obtains more than 50% of the votes), a run-off would take place on 23 November. On 29 May, the IEC announced its decision to hold only the presidential election on 28 September, and to postpone to a later and as yet undefined date the elections for provincial councils and Ghazni province parliamentary elections.

## Presidential candidates: 18 tickets

A total of 18 candidates are running in the presidential election (*see the IEC list of candidates below*). Candidates appear on tickets together with a first and a second running mate. Six of the 18 candidates have already run in at least one previous presidential election: incumbent Ashraf Ghani (2009, 2014), Chief Executive Officer Abdullah Abdullah (2009, 2014), Zalmay Rassul (2014), Ghulam Faruq Nejrabi, Abdul Latif Pedram, and Muhammad Hakim Tursan (all 2004). There are no female presidential candidates contending in this election, contrary to the 2009 and 2014 presidential election, but three women are present on different tickets: Khadija Gaznawi (first running-mate of Haji Muhammad Ibrahim Alekozai), Farida Momand (first running-mate of Ahmad Wali Massud) and Massuda Jalal (second running-mate of Rahmatullah Nabil).<sup>3</sup>

## Presidential election campaign

The campaign for the presidential election (60 days in total) started on 28 July and finishes on 25 September. The silence period, during which campaign activities are banned, begins 48 hours prior to the start of election day (i.e. 26 and 27 September). Early campaigning before the official start of the campaign period is also forbidden.

## 9,678,283 voters on the 2019 voter list<sup>4</sup>

On 20 July, 9,678,283 voters were registered on the voter list (before adjustments). In 2018, the voter list contained 9,104,562 voters, as published by the IEC. The voter registration “top-up” process conducted in 2019 (i.e. an update of the voter list including among other categories new voters turning 18) accounted for 392,312 new voters. In addition, voter registration for Ghazni province, where elections to the 2018 Wolesi Jirga were postponed, resulted in an additional 244,409 voters.

## Up to 7,385 polling centres and 35,000 polling stations

As projected by the IEC, there will be a maximum of 7,385 polling centres with some 35,000 polling stations<sup>5</sup> for the presidential election. Voters will only be able to vote according to the polling centre where they registered and at the polling station where they appear on the voter list.

<sup>2</sup> Most figures and data originate from *The IEC Operations Plan for the Presidential and Provincial Councils Elections*, published on 2 May 2019.

<sup>3</sup> In 2009 there were two female candidates, and one in 2014 who was disqualified before the poll.

<sup>4</sup> All figures in this paragraph, including “top-up” registration and Ghazni, are taken from an IEC press release published on 20 July 2019, which states that “including the 9,104,562 voters from last year, the total of the voters list so far before cleaning and the necessary corrections, 9,678,283 voters have been entered into the Commission’s data base”.

<sup>5</sup> These figures of polling centres/stations were published by IEC on 2 May 2019, in the IEC Operations Plan. The IEC says they are estimates, and depend on security in the field and availability of voter lists per polling station, with the total number of polling stations possibly being decreased to 33,000, or even to 31,000.

## Number of voters per polling station

There will be a maximum of 400 voters per polling station, whereas for the 2018 parliamentary elections the maximum number of voters per polling station was 600.

## Biometrics

The IEC plans to deploy 39,544 electronic devices across all polling stations, with some backup devices available in case of failure. Their use will be restricted to voter verification and transmission of results sheets to the National Tally Centre in Kabul. The final procedures are still to be published.

## Other relevant figures and data

### Number of polling staff to be employed by the IEC

234,770 staff members, among them: 210,000 polling station staff, 7,385 polling centre managers, 10,000 polling centre queue controllers, 7,385 biometric trainers.

### Total budget for the 2019 presidential election

149 million US dollars = 11.920 billion Afghani<sup>6</sup>

### Maximum spending per candidate

5.5 million US dollars = 441.783 million Afghani

## Number of national observers, monitors and media accredited by IEC (2018)

- National observers in the 2018 Parliamentary elections: 41,171
- Number of political party monitors (agents) in the 2018 parliamentary elections: 11,071
- Number of national media/journalists in the 2018 parliamentary elections: 1,092
- Accreditation period in 2019: 26 April to 21 September

## Number of civilian casualties on 2018 Election Day (20/10/2018)<sup>7</sup>

Total: 388 civilian casualties (52 deaths, 336 injured) from election-related violence, including 117 child casualties (21 deaths, 96 injured) and 48 women casualties (2 deaths, 46 injured). The United Nations Assistance Mission in Afghanistan (UNAMA) attributed most civilian casualties to Anti-Government Elements, with the exception of 59 civilian casualties (14 deaths, 45 injured) attributed mainly to the Afghan National Army defending polling stations and other locations.

## Participation in 2018 Parliamentary elections (estimated)

Out of 8.8 million registered voters, 4.2 million people voted (source: UNAMA report “2018 Elections Violence”, November 2018), giving a 46% level of participation.

---

<sup>6</sup> Exchange rate as of July 2019.

<sup>7</sup> UNAMA report, “2018 Elections Violence”, November 2018

[https://unama.unmissions.org/sites/default/files/special\\_report\\_on\\_2018\\_elections\\_violence\\_november\\_2018.pdf](https://unama.unmissions.org/sites/default/files/special_report_on_2018_elections_violence_november_2018.pdf)



## Final list of 18 Presidential candidates (as published by IEC)<sup>8</sup>

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  <p>کمیسیون مستقل انتخابات لیست کاندیدان ریاست جمهوری سال ۱۳۹۸</p> </div> <div style="text-align: center;"> <p>د ټاکنو خپلواک کمیسیون د ۱۳۹۸ کال د جمهوري ریاست د نوماندانو نوملړ</p> </div> </div>				
د نوماند نوم	د نوماند تصویر	د نوماند ټاکنیز نښان	د نوماند ټاکنیزه شمېره	په رای پانه کی شمېره
رحمت الله نېیل Rahmatullah Nabil			1038-4-12	1
سید نورالله جلیلی Sayed Noorullah Jalili			1044-6-3	2
دکتور فرامرز تمنا Dr. Faramarz Tamana			1012-32-7	3
شیدا محمد ابدالی Shida Mohammad Abdali			1015-27-17	4
احمد ولی مسعود Ahmad Wali Masoud			1035-8-11	5
نور رحمان لیوال Noor Rahman Liwal			1025-5-16	6
محمد شهاب حکیمی Mohammad Shahab Hakimi			1033-4-8	7
محمد اشرف غني Mohammad Ashraf Ghani			1055-5-15	8
دکتور عبدالله عبدالله Dr. Abdullah Abdullah			1052-1-14	9

<sup>8</sup> Published by IEC on 24 April 2019 <http://www.iec.org.af/pdf/cn-1398/final-presidential-candidateslist.pdf>



کمیسیون مستقل انتخابات  
لیست کاندیدان ریاست جمهوری سال ۱۳۹۸

د ټاکتو ځېلواک کمیسیون  
د ۱۳۹۸ کال د جمهوري ریاست د نوماندانو نوملړ

د نوماند نوم	د نوماند تصویر	د نوماند ټاکنیز نښان	د نوماند ټاکنیزه شمېره	په رای پاته کې شمېره
محمد حکیم تورسن Mohammad Hakim Torsan			1037-1-2	10
گلبدین حکمتیار Gulbadeen Hikmatyar			1042-19-10	11
عبداللطیف پدرام Abdul Latif Pedram			1002-17-1	12
نورالحق علومی Noorulhaq Ulome			2021-1-6	13
حاجی محمد ابراهیم الکوزی Haji Moh. Ibrahim Alokozay			1003-27-13	14
پوهاند پروفسور دوکتور غلام فاروق نجرابی Dr. Ghulam Farooq Nijrabi			1007-2-18	15
عنایت الله حفیظ Enayatullah Hafiz			1029-4-4	16
محمد حنیف اتمر Mohammad Hanaif Atmar			1058-7-9	17
داکتر زلمی رسول Dr. Zalmai Rasool			1004-1-5	18

## Main election stakeholders

### A new nomination process for the IEC and ECC in 2019

In February 2019 President Ashraf Ghani issued a Legislative Decree amending the Election Law (2016), notably reforming the nomination process of the IEC and ECC (Election Complaints Commission) boards. Whereas this Legislative Decree was immediately enforceable, it still needs to be approved by the new National Assembly (Wolesi Jirga) inaugurated on 26 April 2019. The amended Election Law enables registered political parties and election-related civil society organizations (CSOs), principally national observer groups, to nominate their representatives: one per registered political party<sup>9</sup>, 15 in total for CSOs.

Out of these representatives, the presidential candidates then vote for a list of 14 nominees each. From the nominees who have gained the most votes, the President appoints the seven commissioners of the IEC and the five commissioners of the ECC, plus two heads of the secretariat, one for each commission, respecting gender and ethnic composition. This new nomination process was enforced in March 2019, with for the first time two women nominated as IEC and ECC chairwomen.

### Independent Election Commission (IEC)

According to the Constitution, the IEC is in charge of “administering and supervising all types of elections and referenda”. The election administration comprises:

- A decision-making body, with a Board of Commissioners, including a Chairperson, a Deputy Chairperson, a Secretary/Spokesperson, and four members nominated by the President of Afghanistan through a new selection process (see below)
- An executive branch, the IEC Secretariat, led by a Chief Electoral Officer (CEO) and two Deputy Chief Electoral Officers, with 12 departments and units, including a Gender Unit.

In the provinces, the IEC is represented by 34 permanent provincial offices. For the presidential election, the IEC will also employ some 500 District Electoral Officers (DEOs) and 1,300 Deputy District Electoral Officers (DDEOs), who are in charge of coordination between provincial offices and polling centres. Following the dismissal of all former IEC Commissioners in February 2019, President Ashraf Ghani appointed seven new Commissioners in March. The IEC has a Chairwoman, Mrs Hawa Alam Nuristani. Two non-voting international commissioners have also been appointed.

### Electoral Complaints Commission (ECC)

A central Electoral Complaints Commission, composed of five Commissioners (among them a Chair, Deputy and Secretary), is appointed for five years by the President of Afghanistan through a new selection process (see below).

The ECC is in charge of adjudicating complaints relating to electoral law violations and resolving challenges relating to the voters list and candidates list. The Secretariat, or ECC administration, is directed by the Head of Secretariat. The ECC also comprises 34 Provincial Electoral Complaints Commissions (PECCs) as permanent structures. Some 7,400 ECC representatives (one per polling centre) in charge of receiving complaints and reporting on election activities, will be deployed for election day. They will stay at the polling centres during voting and counting. Following the dismissal of all former ECC Commissioners in February 2019, President Ashraf Ghani appointed five new Commissioners in March. The ECC has a Chairwoman, Mrs Zuhra Bayan Shinwari, as well as two non-voting international commissioners.

### Media Committee

Part of the IEC and designated by the Commission, the Media Committee is a temporary body comprising three members, including a Chair, Deputy and Secretary, one of whom is a woman.

<sup>9</sup> According to Afghanistan Analysts Network, 72 political parties were officially registered in February 2019 with the Ministry of Justice, see <https://www.afghanistan-analysts.org/afghanistans-2019-elections-3-new-electoral-commissioners-amendments-to-the-electoral-law/>

The Media Committee is in charge of monitoring the media during the election period, of receiving complaints and, in case of media-related violations, of sanctioning the media through warnings, fines (from 5,000 to 100,000 Afghani, or from 64 to 1,200 USD), and through referral of the violator to the relevant authorities for legal prosecution. Decisions of the Media Committee are final. The mandate of the Media Committee appointed for the 2018 parliamentary elections has been renewed for the presidential election, with the same Chair, Deputy and Secretary being confirmed in their positions.

### **Media and journalists**

Journalists and accredited media are a key component of election observation through their coverage of the election campaign period, the voting and the counting and centralization of votes on Election Day. They informally represent Afghan voters and the public. They have a legal and ethical obligation to cover candidates and elections in an impartial, balanced and fair way (enshrined in the Election Law and Media Code of Conduct).

Journalists accredited by the IEC can lodge a complaint with the relevant authority in case of electoral violations and crimes. Journalists cannot be expelled from the polling/counting stations until the counting has been completed and the ballot boxes have been sealed. Major Afghan media houses and journalists' associations have been engaged with ECES/PROSES in a series of roundtables on the media and elections since October 2018, acting as a think-tank on freedom of information and polls throughout the parliamentary and presidential electoral processes.

### **National election observers**

Civil society organisations can mobilize to observe an election and engage citizens in the election process, deter fraud, expose problems and irregularities, measure the quality of the election, promote confidence in the process and outcomes and provide recommendations for improving the process in future elections.

National election observation helps ensure electoral integrity and strengthens the capacity of civil society organisations to promote citizen participation, engage in policy advocacy and foster governmental accountability within and beyond the election cycle. Members of national observer organisations are accredited as observers by the IEC. Main national observer groups include:

- Free and Fair Election Forum of Afghanistan (FEFA)
- Transparent Election Foundation of Afghanistan (TEFA)
- Election and Transparency Watch Organization of Afghanistan (ETWA)

Other CSOs and networks directly or indirectly involved in elections include:

- Afghan Civil Society Forum Organisation (ACSFo)
- Women for Election and Democracy Organizations for Afghanistan (WEDA)
- Training Human Rights Association (THRA)
- Afghan Women's Network (AWN)

A new entry point is the recently launched Civil Society Election Coordination Platform (CECG) comprising some 15 CSOs.

### **International Election Observers**

International observers are responsible for assessing whether an election is held in line with international standards, highlighting specific recommendations for improvement, and demonstrating the support of the international community for a genuinely democratic electoral process. International observation can also promote public confidence in an election. The legal and ethical basis, as well as basic methods of international observation, are defined in the Declaration of Principles for International Election Observation, which has been formally endorsed by more than 45 of the leading international observation organizations, including the European Union (EU)<sup>10</sup>.

---

<sup>10</sup> <https://eeas.europa.eu/sites/eeas/files/dop-eng.pdf>

### **United Nations Assistance Mission in Afghanistan (UNAMA) and United Nations Electoral Support Project (UNESP)**

UNAMA is fully engaged in supporting the 2019 presidential election through the United Nations Electoral Support Project (UNESP). UNESP provides direct support to the Independent Election Commission (IEC) and the Electoral Complaints Commission (ECC) throughout ongoing electoral cycles. UNESP is funded by the Election Support Group (ESG), comprising the key donor countries that provide international support for the ongoing electoral cycle. These European Union, governments of Denmark (representing Nordic Plus), Germany, Japan, United Kingdom, USA, as well as NATO and UNAMA.

### **US Agency for International Development (USAID)**

The USA remains the main international player in the political and electoral arena. Following the controversial presidential elections of 2009 and 2014, the US led the settlement of an agreement between the two front runners, which in 2014 resulted in the formation of the current National Unity Government (NUG). Through USAID, the US is the larger donor to UNESP and to the previous UN election support projects, ELECT I and ELECT II. The US also supports election-related projects that are focused mainly on capacity building for national observers and party agents, voter and civic education, and the media, and are implemented by US contractors including the National Democratic Institute (NDI), International Foundation for Electoral Systems (IFES), United States Institute for Peace (USIP), Internews and Counterpart International.

### **The National Unity Government (NUG)**

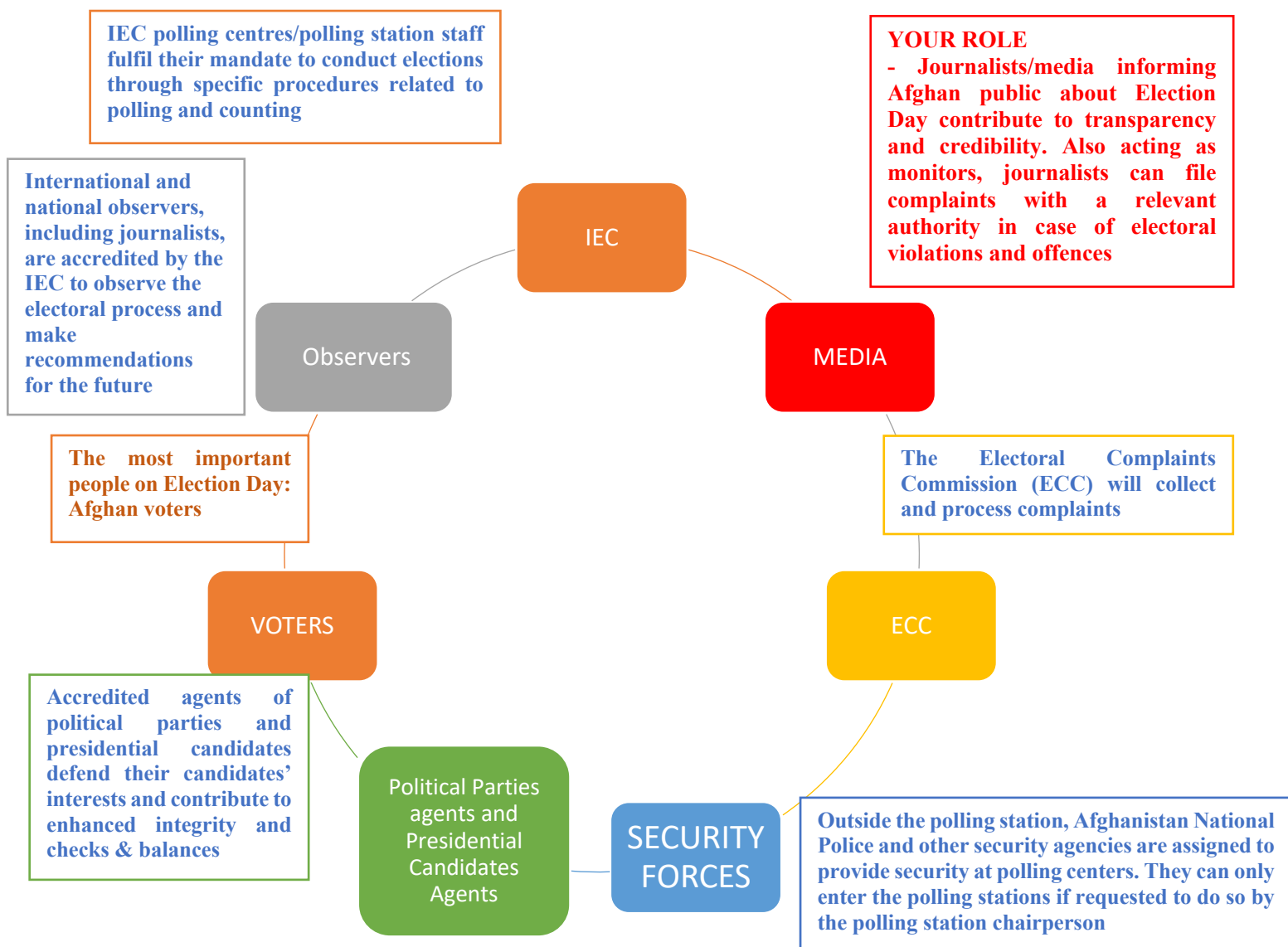
The National Unity Government is a key player in the Afghan electoral process. Following the controversial 2014 presidential elections, the NUG commissioned a Special Election Reform Commission (SERC) to assess and introduce recommendations to improve the process, a number of which were included in the new Electoral Law of 2016. The government also dismissed the IEC and ECC boards after the 2018 Wolesi Jirga elections and in a presidential decree in 2019 introduced a number of key amendments including a new system to appoint IEC and ECC Commissioners, Biometric Voter Verification (BVV), and the future replacement of the SNTV (Single Non-Transferable Vote) electoral system by MDR (Multi-Dimensional Representation). The current government has significantly increased its financial responsibility for elections by assuming a large portion of the electoral bill through the Ministry of Finance and through in-kind support, contributing to sustainability of the process. Other line ministries and government agencies, including the Ministry of Defence (MoD), Ministry of Interior (MoI), National Directorate of Security (NDS), Independent Directorate of Local Government (IDLG) and Central Statistics Organization (CSO) all play key roles under their respective mandates.

### **European Union (EU)**

The EU and its Member States have been active in providing political and financial support to the electoral process since 2004. Besides the support to the IEC and ECC channelled by UNESP, the EU is supporting the “Project in Support of Enhanced Sustainability and Electoral Integrity in Afghanistan” (PROSES), which is focused on electoral integrity and is being implemented by the European Centre for Electoral Support (ECES).



## Respective roles of election stakeholders on Election-Day





# Legal framework for elections

---

## Electoral offences and electoral crimes

Electoral offences and crimes together with penalties are now listed both in the Election Law (Art. 98 and Art. 99)<sup>11</sup> and in the 2018 Penal Code<sup>12</sup> (Art. 422 to Art. 435) (*see following chapter on electoral violations*).

## 2016 Election Law and latest amendments

The Election Law (September 2016)<sup>13</sup> was modified in February 2019 through a series of amendments<sup>14</sup>. This was done by a legislative decree signed by President Ghani. Another decree published the same day dismissed the Chairpersons and Commissioners of the IEC and ECC. Their successors were designated in March. The new amendments are fully enforceable, although they still need to be ratified by Parliament. The main changes relate to the nomination process for IEC and ECC Commissioners and secretariat heads, as well as other key aspects of the election process (*see below Comments on Main Amendments*).

## Nomination of IEC/ECC Commissioners and Heads of Secretariats

In the previous electoral law, Commissioners were appointed by the President from 21 nominees designated by a selection committee that included representatives of the Supreme Court, other institutions and civil society members. The amended Election Law aims at a more inclusive mechanism. Article 13 enables registered political parties and election-related civil society organizations to nominate representatives who are not permitted to be members of political parties. In total, there are 15 representatives for CSOs, among them five women, plus one representative per registered political party, for a total of 72 political parties. Following hearings for all representatives, the presidential candidates then each vote for a list of 14 nominees out of the 87 representatives (maximum). From those nominees who have gained the most votes the President appoints the seven Commissioners of the IEC and the five Commissioners of the ECC, plus two Heads of Secretariat, one for each Commission, respecting the gender and ethnic composition. The appointees are not permitted to have membership of a political party during their time in office. In addition, according to the amended Paragraph 3 of Article 16, in case of resignation, termination or demise of one or more members of the Commission, the President appoints the new member(s) from among those nominees who obtained most votes, while observing the gender and ethnic composition.

## Use of technology in the election process

“For the purpose of accelerating the electoral process and ensuring transparency”, four sections have been added to Article 19, which sets out the duties and authorities of the IEC. These new paragraphs allow for the use of an electronic system and biometric technology in all stages of the election process, including voter registration and identification of voters on Election Day. They also mention that the IEC should assess the system technically through “credible national and international organizations”, and that “relevant ministries and governmental and non-governmental agencies” should support the IEC in using an electronic system and biometric technology.

## Independence of the IEC members

A newly added Paragraph 3 to Article 18 emphasizes the duty of Commission members “to act independently in their work and decision making” without falling “under any influence that denigrates the independence of the Commission”.

---

<sup>11</sup> Article 99 of the Electoral Law has been nullified and replaced by a list of election crimes in the Penal Code.

<sup>12</sup> The new Penal Code was signed by President Ghani in March 2017 and entered into force only in February 2018.

<sup>13</sup> [http://moj.gov.af/content/files/OfficialGazette/01201/OG\\_01226\\_English.pdf](http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf)

<sup>14</sup> <http://www.iec.org.af/pdf/legalframework/law/electorallaw.pdf>

### **Mandates of the ECC chairperson, deputy and secretary**

The new law (Art. 29) restricts the tenure of the Chairperson of the ECC to two years, while the ECC Deputy and Secretary are elected for one year.

### **The recruitment of permanent employees of the Secretariats of the IEC and ECC, the provincial offices and temporary election workers**

According to the new Articles 23 and 33, permanent Secretariat and provincial office employees should be recruited through free competition in accordance with a special procedure approved jointly by the Commission and the Independent Administrative Reform and Civil Services Commission, while temporary electoral workers should be appointed in accordance with the procedure enacted by either the IEC or the ECC.

### **ECC decisions contested by the IEC**

The decisions of the Election Complaints Commission are final (Art. 93), except when addressing electoral objections or complaints about the removal of candidates from the list of candidates, and the invalidation of the votes of a polling centre or constituency. In these cases, if the IEC rejects the ECC decision, a joint committee formed of an equal number of ECC and IEC members should examine the case and take a decision considered to be final. If the joint committee is not able to reach agreement, the case is sent to a special court formed by the Supreme Court whose decision is final.

### **IEC to report to the media on budget spending**

The new amendments of the Election Law (Art. 89) have added an obligation for the IEC to report to the media on “spending of the relevant budget” by the Commission, in addition to its previous requirement to report to the media “on all the electoral process before and after the elections, and on the announcement of the preliminary and final results of elections”.

### **IEC accountability**

The Commission (Art. 89, Paragraph 2) shall present its annual work report at the joint meeting of the administrative boards of both chambers of the National Assembly, in presence of the President, Vice-Presidents, Supreme Court and Attorney General.

### **Media and counting of votes**

In Paragraph 3.6 of Article 85, the amended Election Law says that the polling centre manager shall, out of the ten copies of the vote counting results form, give four copies “to representatives of monitoring organizations and mass media”.

### **National monitoring and observer organizations, agents of political parties/candidates, the media**

The amendments to the electoral law (Art. 83, Paragraph 1) detail new rights for national monitors and observers as follows: They “monitor the allocation and movement of electoral materials, opening of polling centres and stations, the polling and counting process, entry of results on the form, placing the results forms in the special envelope, electoral material storage facility, recount process, location for receiving special envelopes (intact), and the National Tally Centre”. Amendment (Art. 83, Paragraph 5) stipulates that in cases where the monitors and observers are not present during the vote counting process, the votes of the polling station shall only be considered as valid if no complaints have been filed.

### **International election observers**

The right of “international observers and monitors” to file an objection or a complaint with the IEC has been suppressed in the amended Election Law. (Art. 83, Paragraph 3).

### **Invalidation of vote**

The new amendments (Art. 94) stipulate that the votes shall be invalidated “in case the number of ballot papers in a polling station and/or polling centre is more than the number of voters included in its voter list”. New elections shall be conducted by the IEC within a week in these polling stations or polling centres.

## Removal of campaign materials

According to Article 79, the IEC shall order candidates to remove campaign material which is displayed within 100 meters of the polling centres 48 hours prior to Election Day. In the previous version of the law, removal of such materials by candidates was not specified.

## Security agencies

Amended Article 7 introduces an obligation for the “assigned security forces” to ensure “security of electoral materials during movement to the Commission’s offices and polling centres”, in accordance with IEC procedures.

## Key aspects of the 2016 Election Law which were not amended (see also table in next section)

Mirroring recommendations from national and international observation missions, and requests from civil society organisations and political parties, the Election Law adopted in September 2016 brought some important changes, while the electoral system remained unchanged (Single Non-Transferable Vote)<sup>15</sup>.

- **Linked voters to polling centers (Art. 8)** Voters will vote at the polling center where they registered. Previously it had been possible for voters to register in one polling center and then vote in other polling center, thus creating the conditions for possible electoral fraud (EU recommendations, 2014).
- **Reduced the number of the IEC commissioners from 9 to 7 (Art. 11)** “For the purpose of administration and supervision of every kind of elections (...), the Commission comprised of seven members is established in accordance to this law”.
- **Reduced the term of IEC commissioners from 6 to 5 or 3 years (Art. 14)** “Four members for a period of 5 years; three members for a period of 3 years”.
- **Banned illegal armed groups commanders/members (Art. 44)** to run in the elections.
- **Extra seat allocated at Parliament to a joint representative of the Hindu/Sikh communities (Art. 48)**, increasing the total number of the Wolesi Jirga members from 249 to 250.
- **The law increased the provincial council allocation of female members (Art 58.2)** to “at least 25 percent”.
- **Reduced the campaign period (Art. 76):** to 20 days for the Wolesi Jirga and Provincial council elections (down from 30).
- **Made an explicit obligation for the candidates to report on their campaign spending to the IEC (Art. 77)** with a ban on foreign financial assistance. IEC and ECC have the responsibility to follow up, according to their own regulations and guidelines.

<sup>15</sup> [http://moj.gov.af/content/files/OfficialGazette/01201/OG\\_01226\\_English.pdf](http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf)

## Media in the Election Law (2016) and its 2019 amendments

In line with international obligations for elections, the Afghan media is considered a key electoral stakeholder across the Electoral Law (2016) and its 2019 amendments, at times having a role similar to that of monitors (observers and party agents), and at other times acting as a conveyer of the electoral management body's decisions to the Afghan public.

As for observers and party agents, they have to abide by the Election Law as well as by their own specific Code of Conduct. They also have obligations to the Media Committee regarding the broadcasting of political campaigning, finance and information. The relevant Election Law articles that mention the media are summarised below.

Article	Dispositions of the Election Law in relation to the media
98/99	<b>Preventing media access to polling stations</b> , and preventing them from working – filming and photographing the voting process (female stations require previous authorization) – constitute an electoral offence (Art. 98) or an electoral crime (Art. 99). Dispositions of Article 99 were transferred to the 2018 Penal Code.
89	<b>The IEC</b> is obliged to report, through the media, the electoral process before and after the elections and the announcement of preliminary and final election results.
19	<b>Functions of IEC:</b> 19.9. Approval of procedure on the use of mass media and on ensuring fair access of political parties, candidates and civil society to the state-owned mass media during the electoral campaign. 19.13. Issuing accreditation letters to media (together with national observers and monitors, representatives of the political parties and CSOs).
20 (3)	<b>The meetings of the IEC</b> , in the case of determination of the electoral calendar, review and vetting of the documents and powers of the candidates, determination and verification of the registration and polling centres and the number of their stations, preparation of the voter lists, determination of the electoral constituencies, printing and publication of the sensitive electoral materials, counting of votes and announcement of results shall be open. Representatives of the political parties, civil society, mass media and national and international monitors and observers holding accreditation letters may attend meetings of the Commission.
31 (4)	<b>The Election Complaints Commission (ECC)</b> is obliged to report to the public through the mass media concerning its addressing of objections and complaints arising from negligence, violation and identification of crimes related to elections.
77 (4)	<b>The media</b> , including audio, visual, printed and electronic, shall be obliged to report to the Commission the amounts of money they have received from the candidates (...) during electoral campaigns.
78	<b>Broadcast and Publication of Candidates' Objectives</b> (1) In the course of the electoral campaign, television and radio stations, newspapers, publications and other mass media may disseminate and publish, in compliance with the procedures enacted by the Commission, the manifestos, views and objectives of the candidates in a fair and impartial manner. (2) The state-owned mass media are obliged to publish and broadcast the opinions, aims, and manifestos of candidates in a fair and impartial manner, while taking into account the procedure of the Commission. (3) Mass media are obliged to stop publishing and broadcasting of the campaign-related activities 48 hours before the start of Election Day.
85	<b>Counting of votes.</b> The polling centre manager shall give four copies of the vote counting results to representatives of monitoring organisations and media.
86	<b>Quarantine.</b> (1) The IEC is obliged to quarantine the relevant ballot boxes containing ballot papers in case of justifiable complaints or the presence of visible signs of perpetration of a violation or crime on the ballot boxes. (2) The IEC is obliged to investigate the quarantined boxes in the presence of monitors, observers, the media and representatives of candidates.

## 2016 Electoral Law: electoral offences and related fines

Cash fine in Afghani <sup>16</sup>	Electoral offences
10,000 up to 30,000	Preventing journalists access to information and creating unlawful restrictions on journalists preparing reports on electoral events
10,000 up to 50,000	Preventing the media and monitors from photographing/filming the voting process, except for female polling stations where photographing and filming are subject to permission of the authorities
5,000 up to 10,000	Filming or photographing a person while voting in a way that undermines secrecy of the vote
10,000 up to 50,000	Breach of the Codes of Conduct for candidates, monitors, observers, media and electoral workers
10,000 up to 30,000	Preventing national and international monitors and observers from monitoring the election
50,000 up to 100,000	Refraining from providing complaints forms to the candidates' monitors
50,000 up to 100,000	Launching electoral campaigns before or after the set timeframe
5,000 up to 50,000	Use of symbols and other signs related to a candidate in polling centres. Use of symbols and other signs related to the Commission and government institutions in campaign materials
5,000 up to 10,000	Encouraging of voters to vote for a particular candidate by an electoral worker
10,000	Conduct of campaigning in favour or against a candidate by a government employee

<sup>16</sup> 1,000 Afghani (AFN) = approximately 13 USD (as of July 2019).

## Penal Code (2018): electoral crimes and related prison penalties

Dispositions of Article 99 of the Election Law (2016) listing electoral crimes and punishments have been nullified and transferred to the Penal Code passed by presidential decree in March 2017. The Penal Code has been enforceable since, pending review by Parliament.

Imprisonment Stipulated	Electoral Crimes
3 months to 1 year imprisonment	Misuse of military equipment and signs for the purpose of intimidating or influencing a voter, candidate, supervisor or observer in favour of or against a candidate (Art. 422)
1 year to 5 years	A governmental or non-governmental official receiving or paying a bribe with the aim of influencing the election process; attempting to influence the election by threatening or defaming a voter, candidate, observer, member of the media, or employee of the IEC (Art. 423)
1 year to 3 years	A person purposefully concealing ballots or results sheets (Art. 424)
1 year to 3 years	Relocating, transferring or acquiring election documents unlawfully; receiving funds from illegal sources; receiving or accepting financial assistance in cash or in kind from foreign citizens or countries; changing the number of counted votes on the results sheet in such a way that it does not match the votes in the ballot box (Art. 425)
3 years to 5 years	Unlawfully interfering with the software or hardware system of ballot tallying centres (Art. 426)
1 year to 2 years	Exerting violence or pressure or disrupting security in the election process (Art. 427)
1 year to 5 years	Theft or destruction of ballots and sensitive election materials (Art. 428)
1 year to 5 years	A candidate using forged documents to be registered on the candidate list (Art. 429)



# Media regulations in relation to the election

## What does the Election Law say about the media?

Some of the February 2019 amendments to the 2016 Election Law endorsed by President Ghani affect the media<sup>17</sup>. Key points are set out below.

### Selection of amended articles from the Election Law related to the media

Journalists accredited by the IEC as media observers enjoy specific rights, strengthened in the amended Election Law (Art. 83), granting them access to, and the right to monitor, polling centres and polling stations, the counting and any recount process and to the National Tally Centre. Through Article 85 they and observer organizations, have the right to receive four copies of the results form, out of a total of ten, including the one to be posted publicly at the polling centre.

### Previous dispositions of the Election Law that remain valid (among others) (see previous sections on the Electoral Law and Electoral violations)

**The Media Committee (Art. 27)**, a regulatory body within the IEC, is in charge of monitoring the media and sanctioning media violations (see below)

**Violations against the media (Art.98)** include:

(7) preventing journalists access to information and creating unlawful restrictions on journalists preparing reports on electoral events

(16) preventing the media from photographing and filming the voting process (except for at female polling stations where photographing and filming is subject to the permission of the authorities

**Accredited journalists Art. 83 (6)** (monitors or observers) cannot be expelled from the polling or counting station until the counting of votes is completed and the ballot boxes are sealed.

### Code of Conduct for the Media

Journalists applying for accreditation to the IEC must sign the Code of Conduct for the Media<sup>18</sup>. The Code of Conduct defines the underlying principles regulating media coverage of elections. The media should avoid hate speech, defamation and misleading information, observe “impartiality, accuracy, fairness and equity”, and refrain from accepting payments or gifts from political parties and candidates for broadcasting election reports. The IEC, ECC and Media Committee can impose sanctions on the media in case of violations of this code (see Annex 1).

### IEC campaign regulations

A decision on political campaign rules published by the IEC on 2 May 2019 outlines media obligations in relation to their coverage of the election campaign. The campaign for presidential candidates lasts 60 days, from 28 July to 25 September. National and international media may observe the electoral campaigning of the candidates. Candidates and political parties shall not broadcast messages during the silence period, 48 hours before Election Day. Private media are required to present reports to the IEC on any sums of money they have received from candidates during the electoral campaign.

### Media Committee

This temporary body, designated by the IEC, is in charge of (Election Law, Art. 27) and has the following responsibilities:

**1/ issuing rules** related to media coverage of the election process and campaign (see *Media Committee regulations section of IEC website*<sup>19</sup>)

<sup>17</sup> <http://www.iec.org.af/pdf/legalframework/law/electorallaw.pdf>

<sup>18</sup> [http://www.iec.org.af/pdf/code\\_of\\_conduct/english/media\\_code\\_of\\_conduct.pdf](http://www.iec.org.af/pdf/code_of_conduct/english/media_code_of_conduct.pdf)

<sup>19</sup> <http://www.iec.org.af/en/media-commission/regulations>

**2/ monitoring the media** during the election campaign

**3/ sanctioning media violations** through warnings, fines and by referral to the relevant authorities for legal prosecution<sup>20</sup>.

On 28 July 2019 the Media Committee published a press release on media coverage of the presidential campaign (see *Annex 2*). It stressed the need for “accuracy and time balance, balance in content, impartiality, respect to human dignity, not disseminating figures and surveys in favour of or against specific candidates”, and mentioned “disciplinary measures” in case of breach of these rules. It also says the media play a “determining role” in public participation in the election.

## Accreditations of journalists

The IEC is responsible for issuing accreditation letters and ID cards to journalists. The media must hold a valid license from the Ministry of Justice in order to be accredited. The Commission in Kabul and the Provincial Election Offices will process applications for accreditation (see *IEC factsheet below*<sup>21</sup>). The External Relations Department maintains the database, clarifies regulations and manages access to the National Tally Centre, as well as to any audit or recount at IEC HQ. Foreign journalists should hold a valid Afghan resident's visa and a document certifying them as media workers. The accreditation process opens from 21 April until 25 September.

## Access to information

### IEC Provincial External Relations Officers

In order to liaise with the media, the IEC has set up a network of 34 External Relations Officers, one per province (see *list of External Relations Officers next page*).

### IEC Spokesperson and External Relations Department

The Commission also includes a Spokesperson, four deputy spokespersons and an External Relations Department<sup>22</sup> based at its HQ in Kabul.

### ECC Spokesperson and Information Officer

The Election Complaints Commission has a spokesperson, who is also a Commissioner, elected as Secretary. According to the ECC website, the media can address their demands to the ECC Information Officer<sup>23</sup>.

## Observers recommend “enhancing online information” on IEC website

In its parliamentary elections report published in February 2019, the Free and Fair Election Forum of Afghanistan (FEFA) stresses the need to “enhance online information through the IEC website”. FEFA says a brief review of the website shows it does not respond to all questions of citizens. It recommends developing the active use of social media by the IEC for legal awareness and answering common questions about electoral processes to be more efficient.

<sup>20</sup> In 2018, Media Committee fines ranged from 5,000 to 100,000 Afghani (64 to 1,280 USD, or 55 to 1,100 euro, as of July 2019), according to regulations.

<sup>21</sup> <http://www.iec.org.af/en/accreditation/info-get-accreditation>

<sup>22</sup> <http://www.iec.org.af/en/about-iec/location-and-contacts>

<sup>23</sup> <http://iecc.gov.af/en/page/access-to-information/access-to-information-officer>

# Contact list of IEC External Relations Officers in the Provinces

The contact list below was provided by the IEC in July 2019 and may be subject to further updates.

N°	Province	Name	Mobile phone number	Email address
1	Badakhshan	Muhammad Din	0799624373	<a href="mailto:ishanzada@gmail.com">ishanzada@gmail.com</a> <a href="mailto:ishanzada2018@gmail.com">ishanzada2018@gmail.com</a>
2	Badghis	Fazal Ahmad Noori	771790834-0799753302	<a href="mailto:fazlahmadnory75@gmail.com">fazlahmadnory75@gmail.com</a>
3	Baghlan	Muhammad Ashraf	0700444202	<a href="mailto:m.ashraf.asghari@gmail.com">m.ashraf.asghari@gmail.com</a>
4	Balkh	Ajmal Ahadi	799443002-0790692411	<a href="mailto:Ajmal.ahadi@yahoo.com">Ajmal.ahadi@yahoo.com</a>
5	Bamyan	Ghulam Haidar Panahi	0748661970	<a href="mailto:Ghhpanahi@gmail.com">Ghhpanahi@gmail.com</a>
6	Daikundi	Husain Rahimizad	766362387-0771068100	<a href="mailto:hussain.rahimizada2018@gmail.com">hussain.rahimizada2018@gmail.com</a> <a href="mailto:rahimizada2018afg@gmail.com">rahimizada2018afg@gmail.com</a>
7	Farah	Hamidullah Hanif	0795494748	<a href="mailto:Hamid.hanif2017@gmail.com">Hamid.hanif2017@gmail.com</a>
8	Faryab	Muhammad Hashem	0776031217	<a href="mailto:Hashemrajaby77@gmail.com">Hashemrajaby77@gmail.com</a>
9	Ghazni	Samim Mangal	0777883834	<a href="mailto:samimmangal01@gmail.com">samimmangal01@gmail.com</a>
10	Ghor	Muhammad Musa	0796500085	<a href="mailto:musafedaiee@gmail.com">musafedaiee@gmail.com</a>
11	Helmand	Enaytullah	0706282511	<a href="mailto:e.rezwan@gmail.com">e.rezwan@gmail.com</a>
12	Herat	Baryali Hamidi	0798984890	<a href="mailto:baryalai.hamidy.bh@gmail.com">baryalai.hamidy.bh@gmail.com</a>
13	Jowzjan	M. Naem Haidari	0781945345	<a href="mailto:mohammadnaimhaidary@gmail.com">mohammadnaimhaidary@gmail.com</a>
14	Kabul	Bashir Ahmad	0787309879	<a href="mailto:basheermomand@gmail.com">basheermomand@gmail.com</a>
15	Kandahar	Bashir Ahmad	0700358102	<a href="mailto:naseersaqib44@gmail.com">naseersaqib44@gmail.com</a>
16	Kapisa	Abul Muqim	0798230212	<a href="mailto:Mugimkap@gmail.com">Mugimkap@gmail.com</a>
17	Khost	Shamsullah	0777543619	<a href="mailto:Shamsbesmel850@gmail.com">Shamsbesmel850@gmail.com</a>
18	Kunar	Muhammad Saraj Zahir	0777733833	<a href="mailto:sarajzaheer@gmail.com">sarajzaheer@gmail.com</a>
19	Kunduz	Shir Mohammad Zowak	0783783851	<a href="mailto:Shirmohammad.zwak@gmail.com">Shirmohammad.zwak@gmail.com</a>
20	Laghman	Gul Muhammad	730628387-0748641668	<a href="mailto:Hamdamniazy069@gmail.com">Hamdamniazy069@gmail.com</a> <a href="mailto:gul.hamdam@gmail.com">gul.hamdam@gmail.com</a>
21	Logar	Sefatullah	770717877-0770717877	<a href="mailto:s.staniczai@gmail.com">s.staniczai@gmail.com</a>
22	Nangarhar	Mashal	0786489093	<a href="mailto:Mashal_mujadidi@yahoo.com">Mashal_mujadidi@yahoo.com</a>
23	Nimroz	Muhammad Dawood	0799616943	<a href="mailto:dawoodmehrabi@gmail.com">dawoodmehrabi@gmail.com</a>
24	Noristan	Matiullah	0706552649	<a href="mailto:Matimatiullah327@gmail.com">Matimatiullah327@gmail.com</a>
25	Paktia	Rafiullah Afghan Mal	0789653234-0799253151	<a href="mailto:rafiullah.zurmatai1@gmail.com">rafiullah.zurmatai1@gmail.com</a>
26	Paktika	Din Muhammad	797106031-0784428864	<a href="mailto:haqpasrstdinm@gmail.com">haqpasrstdinm@gmail.com</a>
27	Panjshir	Farhad Farahmand	708996270-0708083512	<a href="mailto:farhadfarahmand@yahoo.com">farhadfarahmand@yahoo.com</a> <a href="mailto:farhad_786@yahoo.com">farhad_786@yahoo.com</a>
28	Parwan	Mashal Mohammadi	0780184982	<a href="mailto:Behar.mohammadi223@gmail.com">Behar.mohammadi223@gmail.com</a> <a href="mailto:mashalmohammadi94@gmail.com">mashalmohammadi94@gmail.com</a>
29	Samangan	Ajab Gul	0774597691	<a href="mailto:Ajabgulnoori15@gmail.com">Ajabgulnoori15@gmail.com</a>
30	Sare Pul	S. Jalaluddin	0787781548-0793607760	<a href="mailto:s.jalal_416@yahoo.com">s.jalal_416@yahoo.com</a>
31	Takhar	Bashir Ahmad Nasery	0702929883	<a href="mailto:bashirahmad.nasery@gmail.com">bashirahmad.nasery@gmail.com</a>
32	Urozgan	Haqmal Pupal	0744689645	<a href="mailto:haqmalsultani123@gmail.com">haqmalsultani123@gmail.com</a>
33	Wardak	Nesar Ahmad	0781915149	<a href="mailto:hematullah@gmail.com">hematullah@gmail.com</a>
34	Zabul	Muhammad Dawood	0700717481	<a href="mailto:mdawoodjasir@gmail.com">mdawoodjasir@gmail.com</a>

## The media sector in Afghanistan

Since 2001 the media sector in Afghanistan has flourished from close to non-existence to a sophisticated information landscape of radio, TV, print and social media. International aid has been crucial to supporting Afghanistan's media success story and has resulted in a "partly free" press despite obstacles to freedom of information, which is mainly significant within the regional context, and with relatively elevated levels of public support (see *Freedom in the World 2019, Freedom House report*<sup>24</sup>). The Afghan media remains one of the most trusted institutions in the country, with 67% of Afghans reported as having confidence in the press<sup>25</sup>.

However, as violence in Afghanistan has increased the Afghan media landscape has become increasingly complex and fragmented, with journalists facing increasing threats to their security. In 2019, Afghanistan ranked 121 out of 179 countries in the Reporters without Borders (RSF) World Press Freedom Index<sup>26</sup>. In 2018, 20 journalists were killed, one of them a woman, and a total of 196 violent incidents impacting the media were reported, according to the media NGO Nai SOMA<sup>27</sup>. Media workers are confronted with growing physical and digital threats, including during election periods.

Instances	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>Murdered</b>				11	1	1	1	1	2	2		1	20
<b>Injured</b>	2			7	4		1		5	1			20
<b>Arrest</b>		2					1			6			9
<b>Beaten up</b>	2	3	4	5		5	4	1	2	2	3	3	34
<b>Lack of Information</b>		1			30	1				4	3	10	49
<b>Attack on Media Outlet</b>	1	1	1			2		5				2	12
<b>Kidnapping</b>												1	1
<b>Threats</b>	1	3	4	3		18	4	13	1	2	3	1	53
<b>TOTAL</b>	<b>198</b>												

Incidents of violence perpetrated against Afghan journalists and media in 2018 ([Nai SOMA, 2018](#))

Initiatives that support journalists' security and allow them to fulfil their 'watchdog' role should be prioritised. Supporting impartial and balanced content production is also a critical issue. In a complex information environment where a weak economy threatens media sustainability, with some media representing specific interest groups and social media fuelling divisive speech, donor support to credible public interest content is critical. This should focus on supporting local media partners who are producing balanced and impartial reporting and on the media's adherence to applicable codes of conduct.

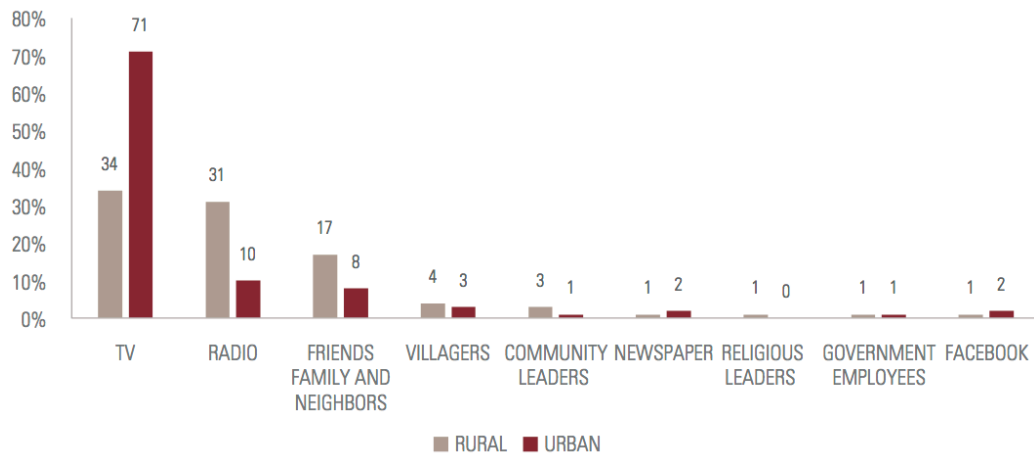
The media can significantly impact elections and credible, independent coverage is therefore critical. Traditional and social media are the principal means for disseminating information to the public. To increase transparency there is a need to involve all media platforms in all stages of the election cycle, not just during the campaign and voting phases. The media should further coordinate with electoral CSOs during the pre-election period, helping to explain and analyse electoral reforms, the registration processes and campaign issues. Linking training to programme content is essential to enhance journalists' capacity to cover electoral processes and is as important as supporting ethical and impartial reporting in line with democratic principles and values well in advance of the electoral period.

<sup>24</sup> See *Freedom in the World 2019*, Afghanistan, Freedom House <https://freedomhouse.org/report/freedom-world/2019/Afghanistan>

<sup>25</sup> See *A survey of the Afghan people*, Asia Foundation, 2018; see <https://asiafoundation.org/publication/afghanistan-in-2018-a-survey-of-the-afghan-people/>

<sup>26</sup> See Reporters without Borders (RSF) *World Press Freedom Index 2019 report* <https://rsf.org/en/afghanistan>

<sup>27</sup> See Nai SOMA *Media Watch Annual Report 2018* <https://nai.org.af/project/media-watch-annual-report-2018/>



**Sources of election information, by rural and urban (Asia Foundation, 2018)**

In accordance with international obligations and standards for elections, the media is a key player, actively and passively. A democracy cannot be considered a true democracy without freedom of press and freedom of speech or in the absence of independent media to hold the government accountable to its citizens. Over the last two decades, the Afghan media has consolidated its role during elections in informing the public about their civic rights and duties, providing information about candidates and policy positions, promoting debate and brokering discussions, and playing a critical role monitoring the electoral process. However, the Afghan media has fallen short in its capacity to deter the widespread and growing electoral fraud that continues to contaminate electoral processes in Afghanistan.

However, the media can still play a greater role in ensuring the credibility, inclusivity and transparency of elections. It is imperative to use several approaches to boost confidence and awareness and share vital information with the electorate so as to engage the electorate and key electoral stakeholders and inspire them to promote electoral integrity and combat fraud.

To this end, during the current electoral cycle ECES/PROSES is funding, among others activities, the production of a television documentary, a set of spot messages and a comic book which together will form the main content of a social and mass media campaign focusing on electoral integrity and aimed at encouraging the participation of women in elections.

Lastly, there is a need to continue to support local media outlets. Provincial-level media provides essential local news with local voices using local languages. Only through partnering with local media outlets is it possible to reach the vast number of Afghans living across the 34 provinces.

## Female journalists and women participation in elections

### Election Law on women participation in elections

**According to Article 33 of the Constitution (2004)** “the citizens of Afghanistan shall have the right to elect and be elected”.

**Article 5 of the Election Law (2016)** states: “Every citizen eligible to vote, both men and women, have the right to register as a voter or candidate and participate in elections”. “The eligible voters have equal right of vote in elections which they use directly. Imposing any kind of direct or indirect restrictions on voters and candidates on the basis of language, religion, ethnicity, sex, clan, region, residency and social or occupational status or disability is prohibited”.

### Figures on women’s involvement in the 2018 Parliamentary elections

UNAMA reported that on Election Day in October 2018 the turnout for female voters was estimated at around 30% of the electorate<sup>28</sup>. This represents a decrease compared to female participation in the 2014 presidential election, when 36% participation was recorded in the first round and 37,6% in the run-off<sup>29</sup>. In 2018, polling stations for women numbered 7,429 compared to 11,667 for men. Out of 8,5 million registered voters in 2018, some 35% were women. Additionally, 418 of the 2,565 candidates (16%) were women with at least two women contesting in every province, with the exception of Ghazni<sup>30</sup>. Some 13,000 Afghan women reportedly participated as election observers across the country.

Year	2004	2005	2009	2010	2014	2018
Type of election	Presidential	Parliamentary	Presidential	Parliamentary	Presidential	Parliamentary
Total number of voters (millions)	8,128	6,408	4,823	5,602	5,602	4,200 (estimates) <sup>31</sup>
Women’s turnout	40%	41%	38,7%	39%	36 % (1 <sup>st</sup> round) 37,6% (run-off)	30% (estimates) <sup>32</sup>

Table of women participation to election through polls from 2004 on (adapted from DROPS)<sup>33</sup>

### Female journalists still face gender specific violence and harassment

According to a 2018 study by a national NGO, Nai SOMA, at that time 12,533 people were working in the media in Afghanistan, of whom 2,133 were women. The same report states that since 2014 at least 100 female journalists have left Afghanistan. A study carried out in 2016 by the Afghan Journalists Safety Committee (AJSC) on the status of female journalists showed that in many cases their families were opposed to them working in the media (25% in Kabul, 80% in Nangarhar). A striking finding from that study was the level of sexual harassment of female journalists in the workplace, with 69% of respondents claiming to have been exposed to sexual harassment in the professional environment. The survey also underlined that 30% of women working in the media reported facing intimidation or violence in relation to political reporting. In addition to gender-related issues hampering female journalists, Afghanistan still ranks among the world’s most dangerous countries for journalists. In 2018, 20 journalists were

<sup>28</sup> UN Secretary General report on the situation in Afghanistan, 7 December 2018

<https://unama.unmissions.org/sites/default/files/sg-report-on-afghanistan-7-december-2018.pdf>

<sup>29</sup> EU Election Assessment Team, Final Report on Presidential election, December 2014.

<sup>30</sup> ECES/PROSES *Guide for Female Candidates to the Wolesi Jirga*, October 2018.

<sup>31</sup> UNAMA report, *2018 elections violence*, November 2018

[https://unama.unmissions.org/sites/default/files/special\\_report\\_on\\_2018\\_elections\\_violence\\_november\\_2018.pdf](https://unama.unmissions.org/sites/default/files/special_report_on_2018_elections_violence_november_2018.pdf)

<sup>32</sup> UN Secretary General report on the situation in Afghanistan, 7 December 2018, *ibid*.

<sup>33</sup> The Organization for Policy Research and Development Studies (DROPS) is a Kabul-based think-tank.



## Female journalists as observers accredited by the IEC

Within this legal framework, having accredited female journalists deployed on Election Day will increase the capacity of the media to report effectively from female polling stations, including covering the voting and counting processes, and will help create conditions potentially to increase women's participation in elections.



## Female staff and female polling stations on Election Day

<sup>34</sup> See Nai SOMA 2018 *Media Watch Annual Report* <https://nai.org.af/project/media-watch-annual-report-2018/>

27

separate female stations (...) staffed with female staff which is critical in improving access to the electoral process for female voters". The IEC has also stated it will cooperate with the Ministry of Interior on "recruitment, deployment and placement of female body searchers on polling day"<sup>36</sup>. Female body searchers are considered a key feature to improve security at polling centres and encourage women's participation in voting.

### **IEC gender strategy**

The Commission has announced it is developing a global gender strategy to enhance women's participation in the election "as candidates, voters, agents and staff". The IEC has also pledged to undertake strategies to encourage female voters to register including the deployment of mobile registration teams to rural areas, and "to involve influential leaders, including mullahs and women's networks, to create awareness on the importance of women's electoral participation". The IEC public outreach department aims to develop targeted messages for female voters, for example video and/or audio clips and posters "explaining that threats or violence at home that prevent or coerce a wife or daughter violate their political rights"<sup>37</sup>.

### **ECES/PROSES initiatives on gender and elections**

During the 2018 parliamentary election process, ECES/PROSES developed a specific training programme aimed at supporting female candidates and providing them with tools to improve their technical and political capacity to run a successful campaign for the Wolesi Jirga elections. ECES/PROSES also published a "Guide for Female Candidates in the Wolesi Jirga"<sup>38</sup> which was distributed to female candidates.

In July 2019, ECES/PROSES, in cooperation with the Ministry of Women's Affairs (MoWA) and the Organization for Policy Research and Development Studies (DROPS), held a three-day workshop entitled "Awareness Raising on Women's Participation in the 2019 Presidential Election" with the presence of some 200 participants from across the 34 provinces, to encourage the involvement of women in the electoral process.

### **Media coverage enhancing women's participation**

Media coverage of women's participation in elections, either as voters, candidates or staff, is generally encouraged as a strong tool for fostering involvement. Ahead of the presidential election, ECES/PROSES, together with the Centre for the Protection of Afghan Women Journalists (CPAWJ), is developing training programmes for female journalists on women's participation in elections and electoral integrity, including a workshop on reporting success stories, which portray female characters actively taking part in the presidential election. During the current electoral cycle, ECES/PROSES is also funding the production of a television documentary, a set of spot messages and a comic book which with some additional materials will form the main content of a social and mass media campaign focusing on electoral integrity, women's participation in elections and women's rights.

---

<sup>36</sup> See IEC *Operations Plan for the 2019 Presidential and Provincial Councils Elections*, May 2019.

<sup>37</sup> Ibid.

<sup>38</sup> <http://democracy-support.eu/afghanistan/uploads/5be1a17e26048.pdf>

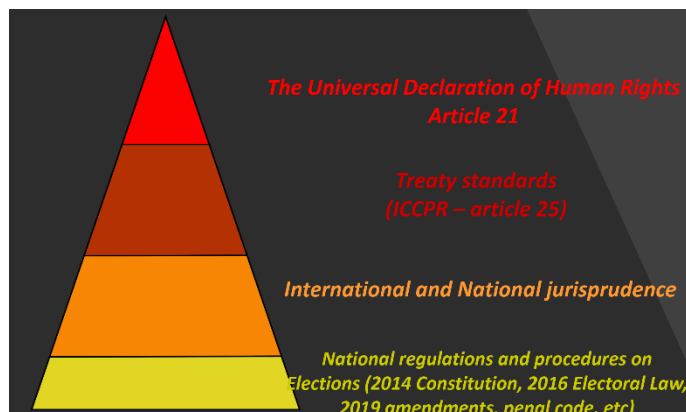
# Media and international obligations for elections

## International obligations for elections

The term “international obligations for elections”<sup>39</sup> refers to the principles defined in international legal instruments which are, after ratification, binding for participatory states. All national laws and regulations are required to comply with these instruments.

The Universal Declaration of Human Rights (UDHR)<sup>40</sup> is the cornerstone of the international human rights protection system and as such covers various electoral matters.

As one of the United Nations members that abide by human rights, democracy and representative elections, Afghanistan is a party to the following UN treaties elaborated on in the provisions of the UDHR:



Year	International Treaty	Adhered to by Afghanistan
1948	Universal Declaration of Human Rights (UDHR)	1948
1966	The International Covenant on Civil and Political Rights (ICCPR) The ICCPR provisions are elaborated and explained in the General Comments (ICCPR GC)	1983
2003	UN Convention against Corruption (UNCAC)	2008
1966	International Convention on the Elimination of Racial Discrimination (ICERD)	1983
2006	Convention on the Rights of Persons with Disabilities (CRPD)	2012
1979	Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	2003
1952	Convention on the Political Rights of Women (CPRW)	1966

The Universal Declaration of Human Rights outlines the core provisions for modern democracy and elections as follows:

UDHR - Article 19	Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
UDHR - Article 20	Everyone has the right to freedom of peaceful assembly and association [...]
UDHR - Article 21	1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right to equal access to public service in his country.
UDHR - Article 21	3. 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.

<sup>39</sup> <https://www.idea.int/sites/default/files/publications/international-obligations-for-elections.pdf>

<sup>40</sup> [https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)

The International Covenant on Civil and Political Rights (ICCPR) <sup>41</sup> is a multilateral treaty adopted in 1966 by the United Nations General Assembly. The signatory countries (of which there are 172, including Afghanistan) commit to respecting the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights, and rights to due process and a fair trial. The ICCPR provisions are elaborated and explained in the General Comments (ICCPR GC).

The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR). The ICCPR is monitored by the United Nations Human Rights Committee, which reviews regular reports of members states on how rights are being implemented. States must first report one year after acceding to the Covenant and then whenever the Committee requests.

<b>ICCPR, Article 25</b>	Every citizen has the right and the opportunity, [...] and without unreasonable restrictions: <ul style="list-style-type: none"> <li>• To take part in the conduct of public affairs, directly or through freely chosen representatives</li> <li>• To vote and to be elected at genuine periodic elections by universal and equal suffrage which shall be held by secret ballot, guaranteeing the free expression of the will of the electors</li> <li>• To have access, on general terms of equality, to public service in his country</li> </ul>
<b>ICCPR Article 2</b>	Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status.
<b>ICCPR Article 3</b>	The States Parties to the present Covenant accept to ensure the equal right of men and women to the enjoyment of all civil and political rights outlined in the present Covenant. Universal & Equal Suffrage: To give effect to the right to equal participation, States Parties are required to ensure that the right to vote is as inclusive as possible in terms of electors' eligibility criteria.
<b>ICCPR Article 21</b>	The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.
<b>ICCPR Article 22</b>	Everyone has the right to freedom of association with others.
<b>ICCPR Article 19 &amp; 2</b>	Everyone has the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.
<b>ICCPR Article 9</b>	Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and by such procedure as are established by law.

The ICCPR provisions are further elaborated and explained in the General Comments<sup>42</sup> (ICCPR GC) to guide countries and stakeholders in their interpretation and application:

<sup>41</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

<sup>42</sup> <https://www.equalrightstrust.org/ertdocumentbank/general%20comment%2025.pdf>

<b>ICCPR GC 25 &amp; 21</b>	The reference to equal suffrage is related to equality among the electorate in the actual voting. This translates into the maxim ‘one person, one vote’. Voters should have an equal number of votes at their disposal when carrying out the act of voting. The principle of “one person, one vote” must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another.
<b>ICCPR GC 25 &amp; 9</b>	Periodic elections: The ICCPR declares that ‘every citizen shall have the right and the opportunity to vote and be elected at periodic elections’. States Parties must, therefore, ensure that their legal frameworks guarantee this right by establishing certainty and regularity in the holding of elections.
	Genuine periodic elections are essential to ensure the accountability of representatives for the exercise of the legislative or executive powers vested in them. Such elections must be held at intervals which are not unduly long and which ensure that the authority of government continues to be based on the free expression of the will of electors.
<b>ICCPR GC 25 &amp; 20</b>	Secret Ballot: Secrecy of the ballot guarantees that voters can cast their vote freely. The continuous nature of the right to the secrecy of the vote, even in the run-up to election day. States should take measures to guarantee the requirement of the secrecy of the vote during elections. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process.
<b>ICCPR GC 19.2</b>	Freedom of association: Establishment and participation in political parties
<b>ICCPR GC Article 21</b>	Freedom of assembly: conducting political campaigning events
<b>ICCPR Article 19 &amp; 2</b>	Freedom of opinion and expression: Conducting political campaigning
<b>Freedom of movement (ICCPR GC 25.12)</b>	Freedom to move for voting and election observation and conducting political campaigning events. Right to security of the person
<b>ICCPR Article 19 &amp; 2 GC</b>	Transparency: All persons have the right to seek and receive public information regarding the work of all public administrations. All bodies and organisations vested with public powers must be transparent in their operations.
	Genuity: The element of genuine elections may be understood at two levels. In the broader sense, the adjective genuine can be seen to bring in the adjacent political freedoms and rights, such as the freedom of expression, assembly, association and movement. In the narrower sense, the element of genuine elections refers to voters having a real choice between distinct political options and contestants.
	Effective remedy: As part of the necessary measures that States Parties of the ICCPR are required to take to give effect to the rights recognized in the Covenant, they must guarantee the right to an effective remedy – Electoral Dispute Resolution (EDR), which in Afghanistan is represented by the ECC.
<b>ICCPR GC 10, 19, 34 (MEDIA)</b>	Stresses the importance of fair access to free, private and public media for all candidates, and insists on effective voter information campaigns. Also, it stresses the importance of ensuring equal access to the media or public spaces for holding campaign events. All persons have the right to freedom of opinion and expression. Although the media are one of the main beneficiaries of this freedom, the right extends to all persons, including political candidates and parties during an electoral campaign. Also relevant to the media, the CCPR’s GC 10 emphasizes that, within the framework of state reports “it is the interplay between the principle of



	<p>freedom of expression and such limitations and restrictions which determines the actual scope of the individual's right".</p> <p>In GC 19, the CCPR determines that "when a State Party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself".</p> <p>In GC 34, it develops various aspects of freedom of expression regarding the media. "The right to freedom of expression shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice".</p>
--	---

The ICCPR guarantees all the mentioned rights. These rights are essential, but not absolute conditions for the effective exercise of the right to vote, and they can be limited only in a non-discriminatory manner. No restrictions may be placed on the exercise of these rights other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

The ICCPR imposes a positive and far-reaching obligation on States Parties (countries). All countries of the ICCPR commit to taking the necessary steps, by their constitutional processes and with the provisions of the present Covenant, to adopt such laws, procedures or other measures as necessary to give effect to the rights recognised in the present Covenant.

The 2003 UN Convention Against Corruption (UNCAC), signed by Afghanistan in 2008, also includes provisions which apply to electoral integrity and electoral fraud:

UNCAC Article 10	Taking into account the need to combat corruption, each State Party shall, by the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including about its organization, functioning and decision-making processes, where appropriate. [...]
UNCAC Article 13	Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. [...]



# The role of media in elections

***To be a leading player in shaping the Afghan electoral process<sup>43</sup>, the media should have:***

1	A 'watchdog' role, through which the governed can hold the government accountable
2	An enabling role, facilitating public involvement in policy matters and political agendas (thereby helping to build a "public sphere")
3	An educating and informing role that develops and maintains a democratic culture (thereby sustaining civil society's role in political democracy)

***Preconditions for the media to engage actively in the electoral process<sup>44</sup>:***

1	A legal framework that enables media freedom
2	De facto media freedom on the ground
3	Independent media regulation
4	General pluralism of media voices,
5	Active journalist professional bodies
6	An audience that enjoys access to the media and freedom of expression, as well as has respect towards the democratic role of media

***What can journalists cover during elections<sup>45</sup>?***

1	Scrutinising candidates/parties
2	Exposing irregularities
3	Informing, educating and involving audiences in the interests of public participation in 'free and fair' elections
4	Educating voters about the electoral system and how to exercise democratic rights and responsibilities
5	Reporting on the development of the election campaign
6	Providing a platform for the political parties to communicate their message to the electorate and vice versa,
7	Providing a forum for the parties to debate with each other and with the public
9	Monitoring vote counting
10	Reporting results including possible complaints process, recount, audit etc.

43 What are the media preconditions for an election to qualify as being "free and fair"? By Guy Berger (with research support from Andrew Kanyegirire) February 2002 <http://aceproject.org/ero-en/topics/media-and-elections/Guy%20Berger%20ELECTION.pdf>

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

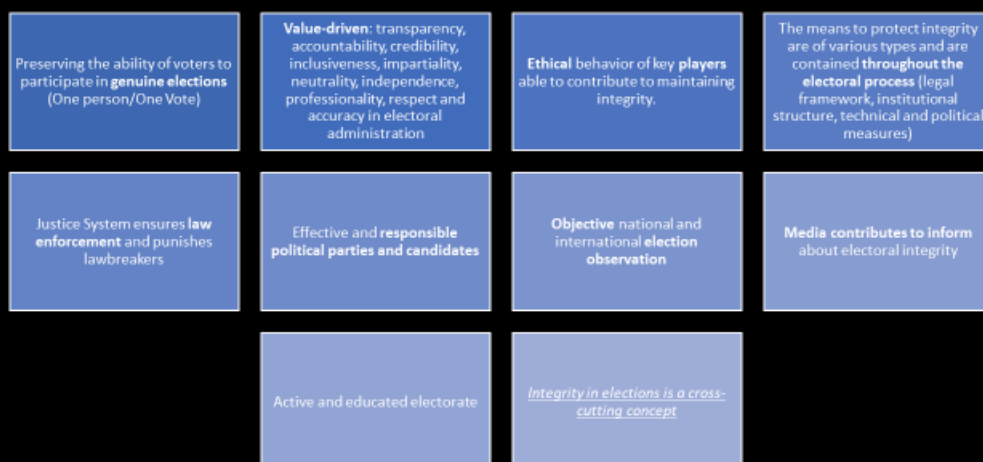
# Electoral Integrity

## What is electoral integrity?

Electoral integrity refers to the international standards and global norms governing the appropriate conduct of elections that apply universally to all countries throughout the electoral cycle, including during the pre-electoral period, campaigning, on polling day, and in its aftermath. In brief, electoral integrity is conducting elections in a way that respects the genuineness, universality and secrecy of the vote – one Afghan, one vote.

Afghanistan has made significant progress in its path towards democratic consolidation, with notable milestones, including the first ever peaceful democratic transfer of power, increased citizen participation with more active engagement of women and civil society, and the bolstering of an electoral framework that is in line with international standards. However, elections in Afghanistan have been characterised by electoral fraud that has cast a shadow of public distrust over Afghanistan's democratic institutions. Public scepticism in the electoral process risks endangering the progress that has been made in the past fifteen years. Through new styles of leadership and new ways doing politics, female candidates to the Wolesi Jirga have great potential to contribute to enhancing electoral integrity and re-establishing the credibility of the democratic and electoral processes in the eyes of the Afghan population.

## Where does electoral integrity apply?



## Where does electoral integrity apply?

- Preserving the ability of voters to participate in genuine elections (One person/One Vote)
- Value-driven: transparency, accountability, credibility, inclusiveness, impartiality, neutrality, independence, professionalism, respect, and accuracy in electoral administration
- Ethical behaviour of key players will contribute to maintaining integrity.
- There are various different means by which to protect electoral integrity and they are found throughout the electoral process (for example the legal framework, institutional structure, technical and political measures)

- Justice system ensures law enforcement and punishes lawbreakers
- Effective and responsible political parties and candidates
- Objective national and international election observation
- Media contributes to informing citizens about matters relating to electoral integrity
- An active and educated electorate

### Problems of integrity

An election a complex process involving a multitude of players. There are winners and losers in every election. The stakes are high and the temptation is great to ensure victory through illegal or ethically questionable means. Election results can be rigged to predetermine who will win or lose and an election can even be disrupted, casting doubt on the legitimacy of the process.

### Electoral fraud

Electoral fraud or election manipulation is the illegal interference with the process of an election

### Examples

Electorate/Voter Cards/Tazkera manipulation; manipulation of demography; disenfranchisement; voter intimidation; vote-buying; turnout buying; misleading or confusing ballot papers; double voting; ballot-stuffing.

### Electoral integrity principles

At its root, electoral integrity is a political problem, in part because integrity depends on public confidence/credibility in electoral and political processes. It is not enough to simply reform institutions: citizens need to be convinced that the changes are real, lasting and deserve their confidence.

Application of the principles of **inclusiveness, transparency, accountability and law enforcement (the rule of law)** is fundamental to developing that confidence and credibility. Independence, impartiality, professionalism should be key values of EMBs, but also of domestic observers, the security agencies and justice system, and all electoral stakeholders.

The principles above are vital attributes of the electoral process and form the foundation of a system in which an electoral process that respects international standards, rights and freedoms can exist.

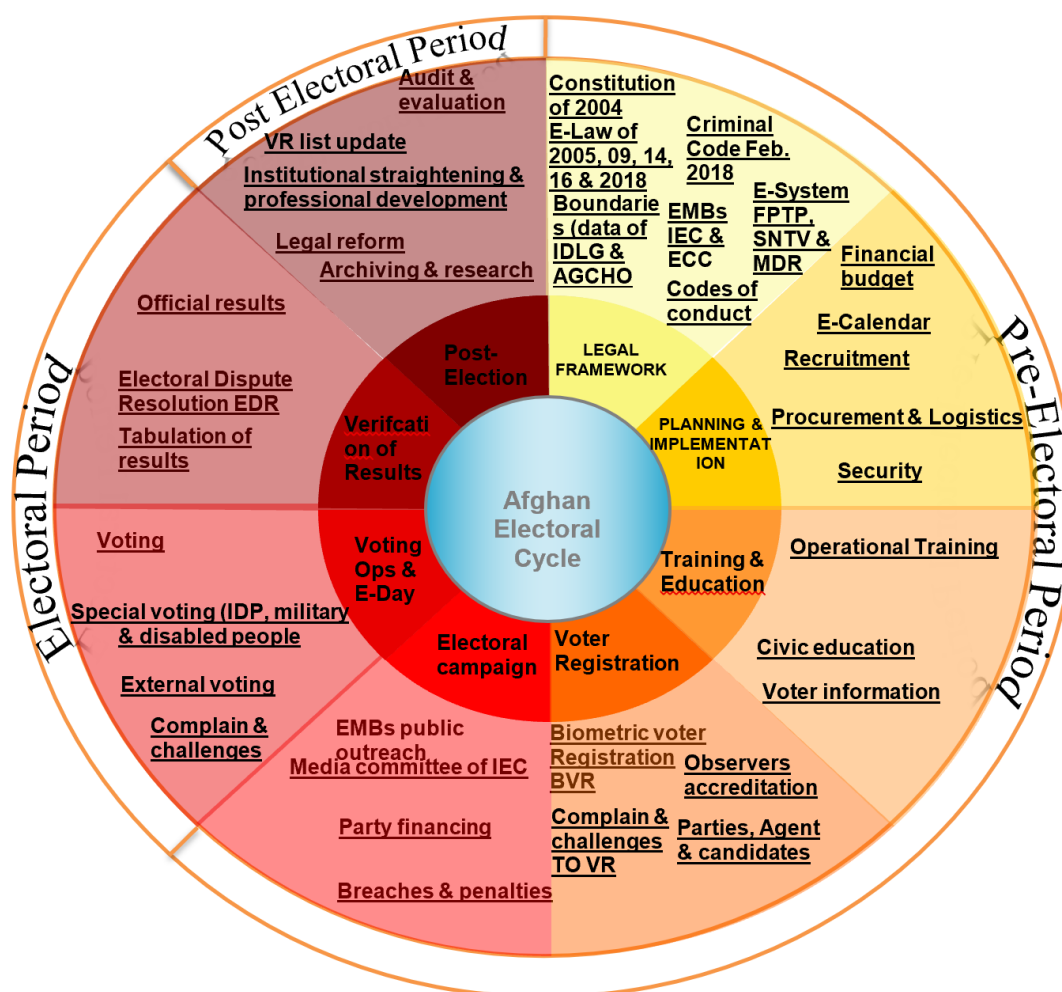
Principles/Values of Electoral Integrity	Content
<b>Universal vote</b>	Every citizen has the right and the opportunity to vote and be elected. Unfortunately, in Afghanistan not all people who have the right to vote are registered (for instance those living in unsafe areas) and therefore do not have the opportunity to vote. In addition, due to cultural customs not all women are permitted to vote. In Afghanistan, the vote is still not universal.
<b>Equal suffrage</b>	Equal suffrage means there is equality among the electorate in the actual voting and this translates into the expression 'one person, one vote'. Voters should have an equal number of votes at their disposal when carrying out the act of voting (i.e. one). In Afghanistan, due to ballot-stuffing, ghost polling stations and other instances of electoral fraud, there is no equal suffrage.
<b>Periodic elections</b>	Elections need to be held at regular intervals and governments should not be allowed to delay elections. In Afghanistan the Constitution and the Electoral Law provide for periodic

	elections. Governments should delay elections only under extreme circumstances.
<b>Secrecy of vote</b>	Voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they have voted and from any unlawful or arbitrary interference in the voting process. The IEC and the NUG should take measures to guarantee the secrecy of the vote during elections. In Afghanistan, there are still reported instances of intimidation of voters as well as control and manipulation of the votes of women.
<b>Genuine</b>	Genuine periodic elections are essential to ensure the accountability of representatives of the Wolesi Jirga, Mesharano Jirga and the Government. "Genuine" means voters have a real choice between distinct political options and contestants. In Afghanistan, persistent reports of fraud in past elections challenge whether the elections were indeed genuine.
<b>Inclusiveness</b>	This means including all sectors of society and treating their members fairly and equally. Inclusive elections provide equal opportunities for all eligible citizens to participate as voters in selecting their representatives and as candidates for election to government. In Afghanistan, the law provides a good degree of inclusiveness, including quotas or affirmative action for women, Kuchis, Hindus, Sikhs and others. However, women still face social and cultural barriers to full participation in the electoral process. Under the international instruments Afghanistan has signed up to, the government is obliged to take steps to assess and remove any barriers to the participation of all citizens, particularly those belonging to ethnic, religious or linguistic minorities, women, youth and elderly citizens, and persons with disabilities.
<b>Transparency</b>	Transparency means the right of citizens to access information that must be guaranteed throughout the electoral process for and by each stakeholder (with reciprocity, but in particular towards the electorate).
<b>Accountability</b>	Accountability means taking responsibility for actions and being able to give a satisfactory explanation for it. Accountability is an important aspect of election integrity. Elections are, after all, the main means by which citizens hold their elected officials accountable. In turn, electoral administrators and policymakers are held accountable for the quality of the electoral process they administer.
<b>Professionalism</b>	Professionalism is a necessary quality to deliver effective and efficient management of the electoral process. Providing good services to the public on a massive scale – as is the case with elections – requires highly professional administrative organisation. Nepotism and clientelism in recruiting staff jeopardize the professionalism of the EMBs. Professionalism requires merit-based selection of staff, training and practice.
<b>Impartiality/Neutrality</b>	An impartial electoral administration is an absolute requirement for credible elections and legitimate results. At a minimum, impartiality means acting as an honest broker so all electoral processes are undertaken in an objective and fair manner. In addition, an equal contesting environment is necessary for genuine democratic electoral competition.
<b>Independence</b>	Independence implies that electoral authorities have by law and in practice a degree of institutional autonomy and are free from undue interference by the executive branch of government,

	political parties, interest groups and individual candidates. Equally, independence is compatible with and may entail cooperation with other institutions at the operational level as well as political and financial levels.
<b>Sustainability</b>	Electoral sustainability (institutional, political and financial) means reaching the point where organising multiple credible elections in a regular and periodic manner using domestic resources is possible. An EMB becomes sustainable once its structures and processes enable it to fulfil its mandate and responsibilities in the longer term, and this can only happen over a series of elections. That is why sustainability is such an important principle for electoral administration. In Afghanistan, the cost of elections and its dependence on donor funding and international assistance, turnover of boards and staff, reported institutional fraud, electoral conflicts and tensions, lack of trust and credibility of the process highlight much work to be done in the direction of improved sustainability.
<b>Credibility/Trust</b>	Credibility and trust mean that all key stakeholders believe the electoral process is run in a convincing way and with integrity.
<b>Acceptance</b>	Acceptance of the election results by unsuccessful candidates is critical. The complaints and unrest following the 2009 and 2014 presidential elections and 2010 and 2018 parliamentary elections show that the level of acceptance of results by unsuccessful candidates is low, which further impacts the credibility of the process.
<b>Free</b>	Free means that all those entitled to vote have the right to be registered and to vote and must be free to make their choice. An election is considered 'free' when you can decide whether or not to vote and can vote freely for the candidate or party of your choice without fear or intimidation. A 'free' election is also one where you are confident that who you vote for remains your secret.
<b>Fair</b>	Fair means that all registered political parties and independent candidates have an equal right to contest the elections, campaign for voter support and hold meetings and rallies, which is a right reiterated in Article 21 of UHRD. This gives candidates a fair chance to convince voters to vote for them. A fair election is also one in which all voters have an equal opportunity to register, where all votes are counted, and where the announced results reflect the actual vote totals.
<b>Electoral Integrity</b>	Electoral integrity is only achieved when all key stakeholders abide by, respect and share all the above principles and values and when every phase and sub-phase of electoral integrity is carried out in line with international obligations for elections.

Numerous measures exist to implement the principles at the core of integrity in the electoral process. Many of these can be considered individually and built around specific stakeholders. Devising broad-reaching measures will ultimately benefit the voters, who must remain the priority.

# The Electoral Cycle



**The electoral cycle**

Electoral Integrity looks at all phases and sub-phases of the electoral cycle. The cyclical approach to electoral processes and electoral assistance was designed by the European Commission and International IDEA electoral specialists. Elections are composed of a number of integrated building blocks, with different stakeholders interacting and influencing each other.

Electoral components and stakeholders are interdependent, and therefore the breaches or breakdowns in one aspect can negatively impact on every other.

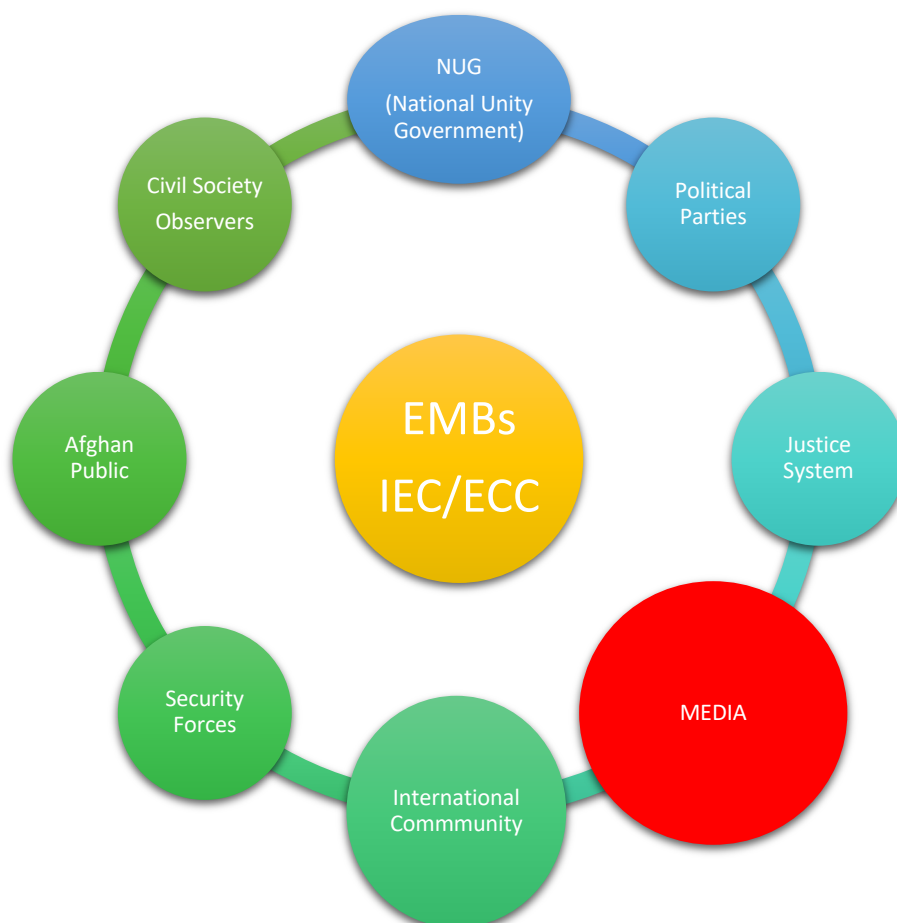
Ideally, an electoral cycle starts at the end of one election and runs through to the beginning of the next. It has three basic phases: pre-electoral preparations, electoral operations and post-electoral strategies.

It is important that journalists are familiar with the phases and sub-phases of the Afghan electoral process and that they cover all of them to inform the Afghan public, hold the IEC, ECC and other stakeholders accountable, and promote integrity across the process.



# By whom & how can electoral integrity be promoted in Afghanistan?

## A multi-stakeholder approach to electoral integrity: Co-responsibility, Cooperation, Coordination



**All electoral key stakeholders can positively or negatively influence the Afghan electoral process**

<b>How media can promote electoral integrity: key decision triggers</b>
<i>To cover or not to cover</i>
<i>Bias, scripts and polarization</i>
<i>Social media: Echo chamber and a direct line to the masses</i>
<i>A picture is worth a thousand words</i>
<i>Data journalism: Fact-checking, polls and the self-perpetuating cycle</i>
<i>Watchdogs of democracy</i>
<i>Reporting on integrity issues</i>
<i>Asking citizens through polls and exit polls, or hot line to denounce fraud</i>
<i>Solutions Journalism</i>
<i>Advocacy for international obligations and values</i>
<i>Accountability of EMBs, Political Parties and NUG</i>
<i>OP-ED to IEC/ECC/NUG. Political Parties for OPEN DATA</i>
<i>Increase coverage of elections</i>
<i>Partnership with domestic observers</i>
<i>Increased awareness of fraud challenges</i>
<i>Interrogate and follow electoral justice</i>
<i>Public outreach campaign for fraud mitigation, electoral fraud, Parallel Vote Tabulation (PVT)</i>
<i>Solutions journalism</i>
<i>Surveys/social media</i>

# Electoral irregularities and electoral fraud

---

## Systemic manipulation

This is the use of domestic legal provisions and electoral rules and procedures that run contrary to widely accepted democratic principles and international standards and that purposely distort the will of voters.

- Restrictive rules for candidate registration (age, education, etc.)
- Boundary delimitation favouring a particular party or candidate
- Restrictions on election observation
- Ineffective legal remedy
- Restrictions or privileges regarding election campaign regulation
- Unclear, hard-to-follow election procedures, including accreditation of observers and results management

## Electoral fraud

Deliberate wrongdoing by election officials or other electoral stakeholders, which distorts the individual or the collective will of the voters.

- Disenfranchising voters
- Altering the results by:
  - Ballot stuffing
  - Allowing multiple and minor voting
  - Intimidation of voters
  - Inappropriate invalidation/validation of votes
  - Altering the figures on results sheets (including tallying phase)
  - Lack of adherence to the campaigning regulations (particularly the start date and the silence period)
  - Intimidation of the poll workers and voters

## Malpractice

A breach by a professional of his or her duty of care, resulting from carelessness or neglect but not with bad faith or a will to commit fraud.

- Not qualified trainers or in general weak trainings for election workers
- Noncompliance with the election regulations and procedures:
  - Careless voter verification
  - Careless filling out the results sheets and other forms
  - Denying access to observers due to insufficient knowledge of the procedures
- Delays in opening and/or not opening polling stations (for various reasons)
- Denying access to/creating obstacles for the observers/agents
- Careless voter verification (disfranchising or allowing ineligible people to vote)
- Inappropriate polling station layout (obstacles to observers/agents and lack of vote confidentiality enabling intimidation)
- Not sealing the ballot boxes
- Mathematical ballot reconciliation vs manual counting
- Inappropriate determination of the validity of ballots
- Errors in the results sheets
- Mismanaging the results (various types)

## Electoral offences by Afghan Election Law

- Negligence – Art. 96 – Electoral Law
- Electoral violations – Art. 98 – Electoral Law
- (13) Election crimes – Art. 99 – replaced by Penal Code (2017)

Irregularity	Who?	When?
Systemic manipulation	State authorities and EMB high rank officials	Pre and post election period phases
Malpractice	Mid and low rank EMB officials, polling staff	Preparation phase, election day period
Fraud	All ranks of the EMB officials, polling staff, voters, party agents, security forces	Election day period

Possible positive measures and practices
<b>Strong presence of the media</b> , election observers and candidate agents throughout election day, including the counting phase
<b>Knowing the election day procedures</b> with a focus on closing and counting
<b>Reacting to all possible irregularities</b> in real time
Reporting of irregularities or fraud to the Electoral Complaint Commission (ECC), the Attorney General
<b>Sharing information on observed irregularities</b> with as many partners and IEC/ECC representatives as possible (HQ job)
<b>Networking on the collection of information</b> regarding irregularities (source: domestic observers, poll workers, etc.)
<b>Collecting and sharing the result forms</b>
<b>Respecting the code of conduct for the media</b>
<b>Analysing all information on irregularities</b> to identify patterns and avoid focusing on isolated cases
<b>Parallel Vote Tabulation (PVT)</b> is an election observation methodology used for independent verification of election results. It involves observation of the voting and counting of ballots at a sufficiently representative sample of polling stations, collection of official polling station results and independent tabulation of these results, in parallel with the tabulation performed by the election authorities.
<b>Exit polls</b> are concentrated on the answers given by voters selected at random after they have voted. These are not the results that have already been counted and verified after the closing of the polls, but drawn from how a selected person says they have voted.

# Recommendations on how to improve Afghan elections

These “Recommendations for Improving the Delivery of the 2019 Presidential Election” have been developed by ECES/PROSES and the National Democratic Institute (NDI)<sup>46</sup>.

## Recommendations on electoral integrity enhancement

### To the National Unity Government (NUG), Presidential Candidates and Political Parties

A proactive attitude of all governmental agencies as well as presidential candidates is needed to enhance electoral integrity and deter irregularities:

- Issuing of an all-inclusive presidential decree focusing on the integrity and fraud mitigation of the Afghan electoral system
- Public statements from the President and the CEO against fraud and calling for transparency
- Issuing of a presidential decree before the elections, oriented towards zero-tolerance of fraud, increasing sanctions and reinforcing prosecution
- Promoting signed public agreements between all 18 presidential candidates against fraud
- Strengthen the rule of law and apply electoral justice by holding perpetrators accountable
- Launch creative public outreach campaigns to broadcast the message that "fraud doesn't pay"
- Assess possibilities of parallel vote tabulation by independent civil society organizations and political parties

### To the Independent Election Commission (IEC)

- The IEC should adhere to the principles of the Open Election Data Initiative<sup>47</sup>
- These principles are that data should be timely, granular, available for free on the internet, complete and in bulk, analysable, non-proprietary, non-discriminatory, license-free, and permanently available
- Open an IEC Electoral Integrity Office
- Recruit IEC staff and provide training on electoral integrity delivered by an international advisor
- Conduct an honest fraud risk assessment based on past elections
- Design and implement an anti-fraud action plan, including risk management, to deter and detect fraud, and to design counter-measures against it. This plan should be made public as one of the most important points of the electoral integrity and public outreach policy of the IEC
- Training to all IEC and ECC staff on EMB values and international obligations
- Develop a system for internal investigations and penalties
- Establish a hotline for citizens to report suspected or actual fraud
- IEC should be aware that data also help other stakeholders plan better and make their operations more efficient. Candidates and observer groups would be able to determine the exact number of agents and observers to deploy. The media would be able to report more effectively with good data. Political science professionals would render better analyses and promote better public understanding of the political and electoral landscapes with trustworthy data

<sup>46</sup> <http://democracy-support.eu/afghanistan/uploads/5d3ff7b97e660.pdf>

<sup>47</sup> <https://openelectiondata.net/en/guide/principles/>

- The IEC must have complete reporting of polling station results and written results sheets posted at each polling station, as follows:
  - Number of ballots received
  - Number of voters who voted
  - Number of ballots used
  - Number of voided (spoiled or rejected) ballots
  - Number of ballots counted:
    - Votes per candidate
    - Number of blank ballots
    - Number of invalid votes
    - The audit figures of the total votes of all presidential candidates should not exceed the total of votes per candidate, blank ballots and invalid votes
- The IEC should immediately reactivate the National Electoral Forum with the presence of the Commission and the Chief Electoral Officer and with media, domestic observers and political parties
- All procedures at the National Tally Centre should be observable by representatives of the candidates, media, observers, etc. In support of this:
  - Publicize all these procedures and reporting standards especially to the key stakeholders
  - Release timely provisional results and status of the counting process, indicating how many polling station results per district have been processed as a percentage of the total in every district
  - All aggregate data must be supported by disaggregation of results by polling station at the time of each announcement
- The public should be encouraged to send SMS messages and photos of polling stations where they have voted, indicating the polling center and station codes. Voters should also be encouraged to take clear photos of the results sheets and upload them onto the special-purpose website of the IEC
- The photos of the results sheets that polling officials have taken using the Biometric Voter Verification (BVV) machines and sent to the National Tally Centre (No. 140 Operational Plan) should be made public through the IEC website
- Security personnel assigned to the polling centres should be tasked with and required to take photos of the results sheets. These should then be sent or uploaded to the special-purpose public website of the IEC that contains photos of polling station results

## On Electoral Justice

- Support the special unit within the Attorney General's office to fight against electoral malfeasance and enforce the systematic transfer of information and evidence on such cases to this office:
  - Promote the creation of a strong independent election court to protect the rights of all voters, political parties and candidates, in line with international standards and best practices. The many pieces of evidence and allegations of fraud should be duly examined by ECC, Attorney General's Office and the Judiciary
  - Equal the sanctions for electoral crimes in the penal code to sanctions for financial corruption
  - Strengthen the rule of law and apply electoral justice by holding perpetrators accountable for their actions

# Open discussion over the following topics

What are the challenges to electoral integrity?

What are the opportunities for enhanced electoral integrity?

Integrity measures by the IEC and the ECC

The role of political parties and civil society

How to promote electoral integrity awareness among electoral stakeholders and establishing a tradition to uphold their responsibilities for electoral integrity that permeates the institutional culture in Afghanistan?

How to increase the capacities through regular assessments of electoral integrity vulnerabilities and the adequacy of existing risk mitigation, strategies and measures (planning to assess, detect, deter, and mitigate risk)

Voter registration and Voter lists per PCs

The use of biometrics

Law enforcement: prosecution of new electoral offenses and crimes

Public outreach to the public to enhance credibility (ongoing integrity measures by EMBS, related to distribution of sensitive materials, PC locations and security during E-Day, compilation of results and tabulation, complaints adjudication mechanism).

HOW CAN MEDIA PROMOTE ELECTORAL INTEGRITY AND MITIGATE FRAUD?



# Using election data and data journalism to investigate fraud

## General remarks

**Gathering and using data is crucial today.** Using data from elections to perform analysis and interpretation of trends and exceptions can provide useful information to identify irregularities and possible fraud. When collecting data, the database has to be both orderly and complete.

**Orderly.** Every single question should be written down as a numerical entry that can be used to create analysis and graphs. Orderly also means “neat”: a database should be easy to use, well labelled and transparent to the people who will work with it.

**Complete.** To perform effective statistical analysis, as big a database as possible is needed. Having a proper database is the first and most important step in gathering information. However, it’s also necessary to have trained experts who can do the analysis and interpretation. It doesn’t necessarily have to be a statistician, but the expert must be able to tell if the tools (forms or questionnaires) are properly built.

The analysis is the processing of the data, while the interpretation is applying it to the context. It has to be underlined that the expert responsible for analysis is very rarely the same person doing the interpretation.

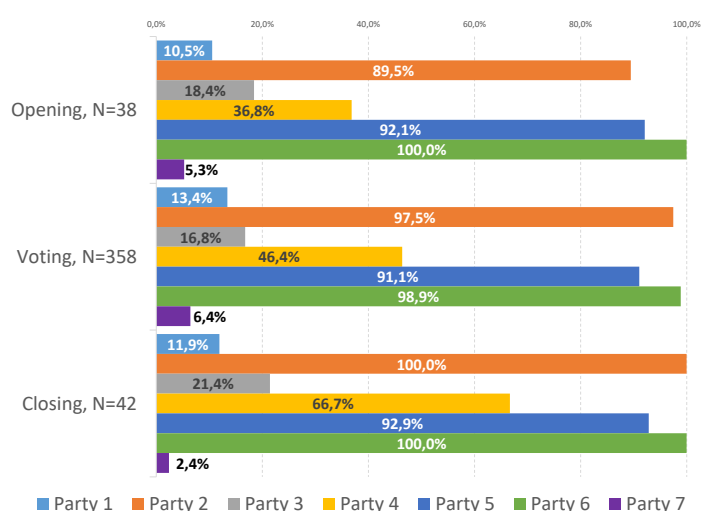
## Graphic tools

To detect irregularities and fraud, but also trends and patterns, appropriate statistical tools need to be used. In most cases simple tools are sufficient, for example Microsoft Excel or LibreOffice Calc. In special cases (e.g. time series analysis) specific statistical packages can be used. The most common are R, SPSS, Stata, Statistica and SAS.

## Microsoft Excel

Excel is the ideal tool to build a statistical database. A statistical database may contain:

- information about candidates’ activity (rallies, incidents, etc.)
- turnout per polling station or polling centre at district, province or national level
- preliminary or final results (ongoing elections, previous elections)
- data from national or international election observers
- complaint by types (suspicions of fraud, etc.)



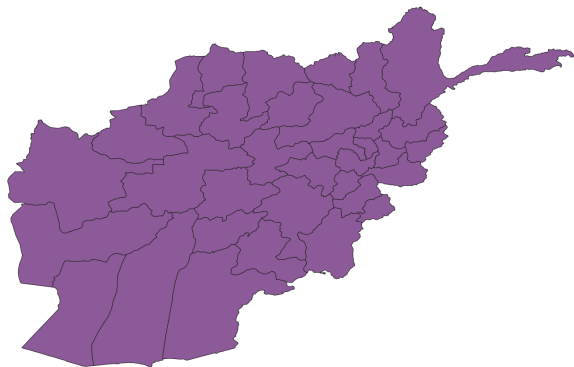
There are many advantages of keeping a statistical database in a number format (and not for example as a pdf file):

- to change figures when needed
- to conduct statistical analysis
- to prepare graphs and maps
- to communicate the results.

**Excel chart (above) - Breakdown of political party agents’ presence per party in a selection of polling stations at different stages of Election Day (opening, voting, closing, counting).**

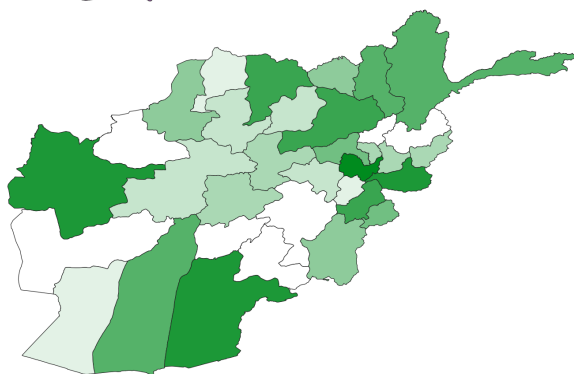
## GIS (QGIS) analysis

For GIS analysis, use of QGIS is recommended<sup>48</sup>. This tool is necessary to check spatial (geographical) patterns. For this analysis a shapefile of the country is needed (for example from DIVA-GIS: <https://www.diva-gis.org/gdata>)



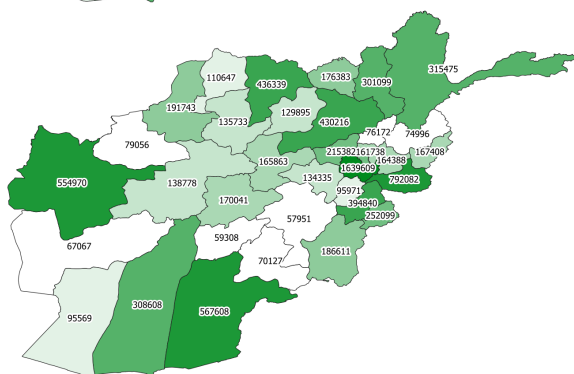
### First step to create a map is to get “shapefile”

The shapefile (usually a file with .shp extension) is the blank map with no data at all – just a shape of a country and a desired division. Usually the data available is the whole country shapefile, district shapefile, province shapefile, but it depends on the country.



### Registered voters in Afghanistan (2018)

Here is the map for the registered voters in Afghanistan. This map is prepared using an organized numeric database (here we used information from the excel spreadsheet file). Remember, to prepare a GIS map you need a shapefile and the numeric data you would like to put on the map.



### Registered votes in Afghanistan (2018), with numbers

Here is the same map, but with number tags. Sometimes it's preferable not to have all the numbers visible on the map as in this one the labels for Parwan and Kapisa provinces overlap.

<sup>48</sup> <https://qgis.org/en/site/>

## Comparative analysis for data journalism

By using more than one database (e.g. from current and previous elections), it is possible to compare voting patterns. Voters' sympathies may change, but the assumption is that in similar regions the party sympathy should change in a similar way. If the results are showing a different pattern, the researcher will have to look for the reason why. This does not necessarily mean a fraud has occurred, but further investigation may be warranted.

## Steps to detect election fraud using election data

- Use verifiable data rather than rumour or hearsay
- Use proper and complete databases
- Check for unusually high/low turnout in comparison to the previous election
- Check for unexpected rise or fall in turnout between two rounds of the election (it may be at the province/district or even at polling station level)
- Remember that turnout for the bigger area should be generally in line with the turnout for the smaller parts
- Some constituencies, districts or even provinces will be highly competitive. Pay extra attention to them
- Search for "odd" patterns, especially geographical ones
- Search for strange numerical appearances: remember Benford's law of first numbers<sup>49</sup>

## Detecting election fraud using numerical forensic methods

- There are a number of triggers which can alert analysts to potential fraud and these can also be used by journalists as data to draft graphs and charts for analysis and illustration. These are, among others:
- the number of ballots cast cannot exceed the number of voters having voted
- the maximum number of voters assigned to a polling station is 400
- the total of valid votes, invalid votes and blank ballots has to equal the number of ballots received before the election
- if the number of votes for a given candidate exceeds a certain high percentage
- if the number of invalid ballots exceeds a certain high percentage
- exceptionally low or high turnout (especially in female polling stations or insecure areas)
- any sensitive material missing/irregularities connected with Tamper Evident Bags (TEB), for example results published not in line with results from TEB

Fraud activity	Indicator
Ballot box stuffing	Number of ballots inside the ballot box exceeding 400 Percentage in favour of given candidate is exceptionally high
Unjustified annulling or quarantine	Annuling of votes or quarantine of results only in specific areas
Abuse of female voting	Suspicious results from female polling stations in specific areas
Use of ghost polling stations	Suspicious results from polling stations in insecure areas (e.g. polling station not open due to security conditions)
Forging results at the tally center	Results not in line with the results posted outside the polling stations

<sup>49</sup> Benford's law (also called the *first digit law*) states that the leading digits in a collection of data set are probably going to be small. For example, most numbers in a set (about 30%) will have a leading digit of 1, when the expected probability is 11.1% (i.e. one out of nine digits). This is followed by about 17.5% starting with a number 2. This is an unexpected phenomenon. To put it simply, Benford's law is a probability distribution for the likelihood of the first digit in a set of numbers (Frunza, 2015).

## Investigative and solutions journalism applied to elections

In tandem with data journalism, a number of other reporting techniques can further enhance media coverage of elections in order to generate comprehensive and focused news on the different phases of the election process.

### Investigative journalism

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), a UN body fostering freedom of expression and access to information, investigative journalism means: “The unveiling of matters that are concealed either deliberately by someone in a position of power, or accidentally, behind a chaotic mass of facts and circumstances - and the analysis and exposure of all relevant facts to the public. In this way investigative journalism crucially contributes to freedom of expression and media development”.

When applied to elections, investigative journalism can expose a number of sensitive issues related to electoral violations ranging from fraud, corruption and campaign finance to insecurity and harassment. Exposure of such cases in the media would contribute to sustained transparency and accountability, and may provide grounds for prosecution of a suspected party, acting as a mechanism to deter electoral violations. There are numerous obstacles to investigative journalism, the main ones being political and legal pressures, security threats, social media harassment, insufficient training, and lack of human and financial resources within the media outlets, since investigative journalism is both time-consuming and expensive.

It would be crucial for the Afghan media to bolster initiatives aimed at developing election-related media investigation, through developing a network of specialized journalists from different media and provinces, in order to strengthen cooperation and information sharing.

Fostering investigation by the media can also be sustained by using social media to mobilize citizens and to encourage them to document electoral violations, as well as encouraging professional training and mentoring for journalists through internationally-funded media and election supporting organizations, as well as through e-learning<sup>50</sup>.

### Solutions Journalism

“Solutions Journalism” has been developed since the late 90s as an innovative trend in the media looking for solutions to social problems, not only exposing wrongdoing but also proposing tools to address issues. “That doesn’t mean including a little “good news” now and then”, explains David Bornstein, co-founder of Solutions Journalism Network, a platform of solutions-oriented journalists, “but regularly presenting people with innovative ideas and realistic pathways and possibilities that remain outside their view frame”<sup>51</sup>.

Solutions Journalism Network offers specialised e-learning courses, webinars and training courses supporting solutions reporting that can be duplicated in the field of elections<sup>52</sup>. ECES/PROSES is also actively advocating for “Solutions Journalism” through its “Media and Elections Roundtable” initiative, developing a coalition of main media outlets and journalist unions looking for solutions such as Parallel Vote Tabulation (PVT) and additional training to be developed while covering the presidential election.

---

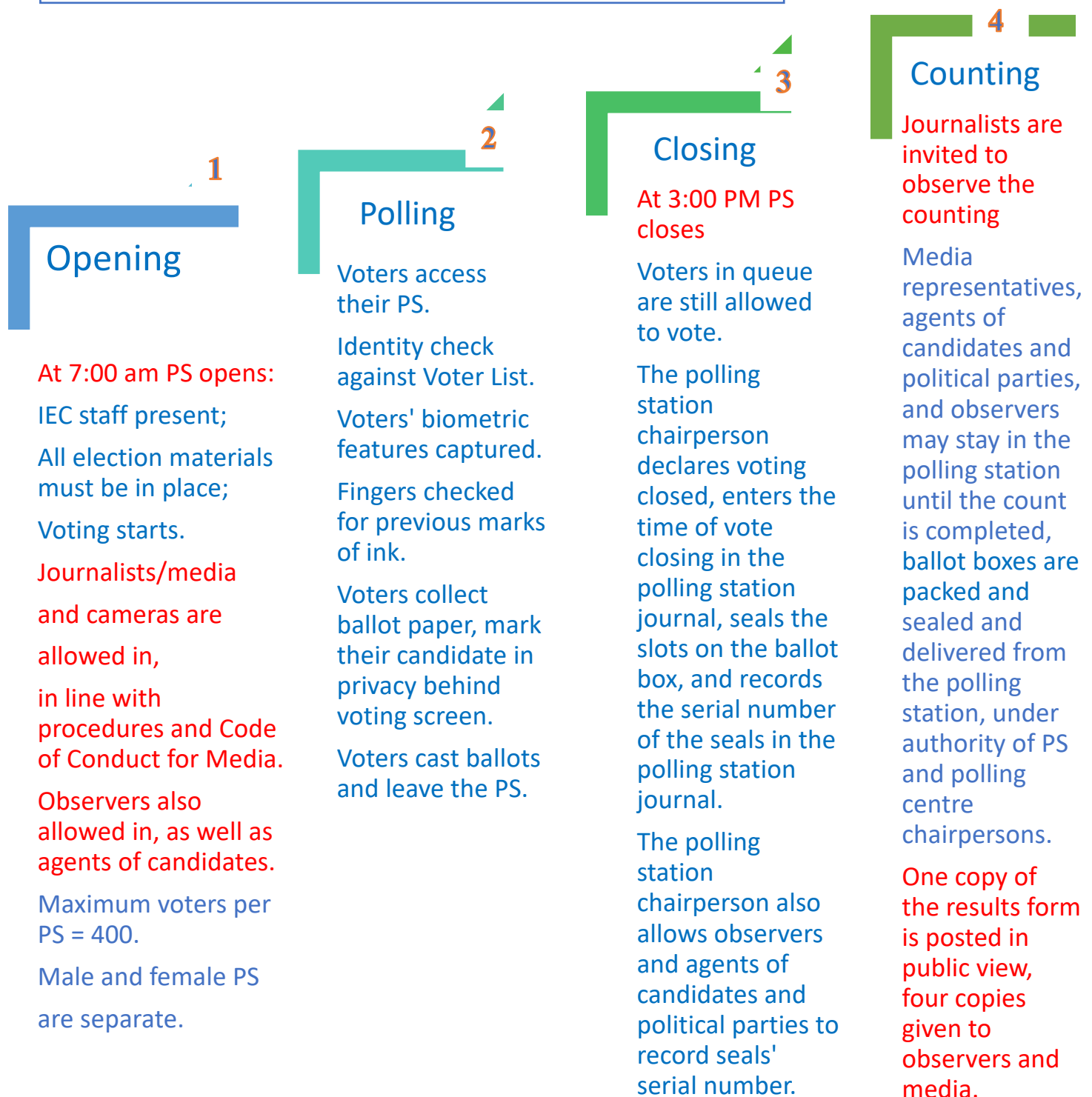
<sup>50</sup> See *Story-based inquiry: a manual for investigative journalists*, UNESCO, 2011 <http://wayback.archive-it.org/10611/20160906193350/http://unesdoc.unesco.org/images/0019/001930/193078e.pdf>

<sup>51</sup> *Why “Solutions Journalism” matters, too* by David Bornstein, 20 December 2011, The New York Times <https://opinionator.blogs.nytimes.com/2011/12/20/why-solutions-journalism-matters-too/?ref=opinion&r=0>

<sup>52</sup> <https://www.solutionsjournalism.org/>

# Voting procedures on E-Day

## THE 4 PHASES OF ELECTION DAY (E-DAY) AT POLLING STATIONS (PS)



## Media presence at polling stations during voting and counting

*The polling centres/polling stations open at 7:00 am and close at 3:00 pm, with any person waiting in the queue at 3:00 pm being allowed to vote.*

Rights	Responsibilities
<b>VOTING</b>	
Journalists/media accredited by the IEC may have access to the polling centres and polling stations at all times during the polling and counting processes in order to perform their duties.	Media representatives fulfil their impartiality and neutrality obligations inside and outside the polling centre/station.
Determination of the number of media representatives to be allowed into each polling station will be at the discretion of the polling centre manager and polling station chairperson.	
Cameramen/photographers accompanying the media representatives are also allowed to enter the polling centres/stations.	Media representatives do not communicate with any voters inside the polling station or film/photograph in such a way that the voter's choice of candidate is identified.
Media representatives visibly wear or display the accreditation cards issued by the IEC.	Media/journalists do not wear or carry any sign that associates them with a political party or an independent candidate.
Only female media representatives/journalists have access to female polling stations. Female journalists are allowed to enter male polling stations.	Male journalists and media representatives cannot enter the female polling stations.
<b>COUNTING</b>	
Media representatives are invited to observe the counting process, as well as party agents and observers. Media representatives, party agents and observers can stay in the polling station until the count is completed, ballot boxes are packed and sealed and delivered from the polling station.	Media representatives should not disrupt the counting stations or cause delay in the counting process.
In case of excessive crowds of media representatives and observers, the polling station chairperson may consider necessary measures to balance numbers at the polling station.	
To ensure transparency of the counting, the polling station chairperson shall behave politely with the media and shall provide immediate and accurate answers to their questions. The polling station chairperson shall not impose specific or unreasonable restrictions on media representatives, party agents of candidates, agents of political and observers unless required for maintaining order.	During counting, it is forbidden for media representatives, party agents and observers to touch any sensitive material.



## Security issues for journalists during the election period

### No news is worth risking your life for

Preserving the life and security of journalists and media workers is a major concern for media organizations, journalists' unions and security institutions. Given the general level of insecurity, acts of terrorism may occur during the election period, including the campaign period, and on Election Day, with potential incidents involving candidates' supporters or individuals. As a consequence, journalists should carefully consider their own security.

***Always have your professional identification/press card/IEC ID with you !!!***

Recommended	To be avoided
During the media coverage of the election campaign/activities	
Journalists/media should consider staying away from the immediate area around the candidate. Reporters working for television/radio channels or print/online media should cover candidates' activities from a distance, using microphones and zoom lenses.	Experience has shown that the presence of journalists in one place can be a good target for terrorists. For this reason, it is better to avoid staying too close to candidates during the coverage of their activities.
During the electoral campaign, security forces will be present to secure the area where the election activities take place. Follow their instructions to try to reduce the risks.	Do not ignore security forces instructions without reason.
The use of helmets and body armour when out covering campaign activities will help to protect against physical injury.	Do not forget to tag your personal protection equipment with the name of the media you work for or the generic label "Press".
Sometimes reporters have to drive in a convoy with candidates. If so, make sure you have enough fuel for your trip, and keep your vehicle at a distance from the candidate's car.	Do not drive excessively fast.
A suicide attack, explosion or incidents with/between militant supporters of different candidates or with security forces can happen during campaign activities and voting. In case of such an event, get away from the scene and cover the news from a safe distance. In case of incidents between the security forces and militants, stay behind security forces for safe coverage.	Try not to interfere between two groups of opponents as you might be caught up in violence between them.
Broadcast/publish accurate information on candidates' activities and interviews/speeches without hatred or inflammatory content to avoid causing conflict.	Do not broadcast/publish unverified information on candidates to avoid violent reactions from these candidates or their supporters.

While in the field, maintain frequent and regular contact with your media and chief editors. In case of incident, your colleagues at the HQ can react quickly and alert security forces and journalists' associations to provide assistance.	Do not cover field activities without making sure that the battery of your phone and those of your colleagues are fully charged, and that you have a charger or an external battery.
<b>During the media coverage of Election Day</b>	
When covering voting operations at polling stations, follow the instructions of the security officers in charge of securing the polling centres, and of the polling station's chairpersons.	Do not interfere in the activities of the polling station staff and chairperson, do not argue with party agents/independent candidates representatives/election observers, do not engage in incidents with individuals or groups.
If you witness electoral shortcomings, irregularities and violations, document them and report on them cautiously, considering security issues which may arise from your coverage, and seeking advice and instruction from your colleagues and supervisors.	Do not touch sensitive electoral material like ballot papers and results forms, do not take pictures of or report on voter choice.
<b>Media coverage in remote and insecure areas</b>	
<p>Drive with a well-maintained vehicle and fill up the gas tank.</p> <p>Make sure you have enough water and food, and that you have basic medications.</p> <p>Use clothes and boots that do not hinder your movements</p> <p>Have extra equipment, including a battery, tripod, mike, audio recorder and even extra cameras as well as necessary communication equipment before traveling.</p>	<p>Do not forget to take a satellite phone with charger and extra batteries when possible in areas with poor mobile phone coverage.</p> <p>Do not travel without a flashlight as campaign activities and voting/counting operations may take place with poor light or end up late at night.</p>

# ANNEX 1 - IEC form to be signed by the media for the election coverage (30/04/2019)

---



## Affidavit for Media

The Independent Electoral Commission (hereinafter referred to as the Commission) has been established pursuant to article 156 of the Constitution for administration and supervision of all types of elections and referral to public opinion in the country. The Commission respects the freedom of speech and access to information, believes in principle of transparency in electoral affairs and has always sought to provide the opportunity of observation, monitoring and preparation of report on the various electoral phases for accredited observation and monitoring organizations and media given the provisions of articles 4.13, 78 and 83 of the Election Law and the relevant regulations and procedures.

Pursuant to the provisions of paragraph (3) of the Amended Election Law, the Commission is mandated to pave the way for cooperation and coordination among the relevant entities for the sake of conducting transparent and fair elections. The media activity of the mass media during the electoral process for covering the electoral processes and reporting to people is deemed among the prominent elements of transparency in this process.

Ensuring transparency and timely and precise dissemination of information necessitate that mass media and the reporters introduced by them also discharge their duties professionally, impartially, in accordance with the provisions of the Media Law, the Election Law and the relevant regulations and procedures and respect the rights of other stakeholders of elections. To ensure the observance of the above-mentioned instances by the media during the electoral processes, this affidavit has been prepared by the Commission pursuant to the provisions of article 105 of the Election Law and the mass media are required to sign it and observe the principles and contents of it.

Therefore,

I (*name and last name*), (*position at the organization*) (*name of media*) on behalf of (*name of media*) hereby declare my commitment that during coverage and dissemination of electoral information, the staff of and the reporters introduced by this organization will act according to the provisions of the Constitution, the Media Law, the Election Law, other effective laws of the country, and the relevant regulations, procedures and guidelines, will read the following commitments, will be committed to comply with them, and the organization will be responsible in case of violations.

1. refrain from broadcasting and publishing such election-related reports that results in provoking violence and/or inciting discrimination based on race, ethnicity, language, gender and/or religion;
2. prepare and publish the electoral reports based on reality and facts and in a fair, just, accurate and impartial way;
3. prepare and publish their electoral reports given the high national interests;
4. make effort to the extent possible to extend equal treatment to positive and negative news and reports as related to elections;
5. extensively disseminate information regarding the various electoral processes in coordination with and cooperation from the IEC;
6. refrain from publishing any incorrect electoral information;

Approval date: 30.04.2019

Decision No. 19-1398

7. refrain from publishing and broadcasting any defamatory and denigrating statements about natural and legal persons or conduct of candidates for the sake of influencing the results of elections;
8. refuse to broadcast partisan reports and allocate all its activities in favor or against a specific candidate, party and/or coalition of political parties;
9. use credible figures and reports in preparation and publishing information and refuse to publish and broadcast rumors;
10. mention the sources they used in broadcasting and publishing of opinions and information according to the relevant laws;
11. given the evidence, rectify the mistakes in the electoral news and reports as requested by the Commission or the Media Committee of the Commission;
12. implement the relevant decisions of the IEC, the ECC and the Media Committee of the IEC;
13. the reporters with the ID card seriously abide by the temporary time and space restrictions within the electoral station and which are imposed by the electoral station chairperson to prevent overcrowding of monitors, observers and reporters, and disorder and sluggishness of the process;
14. the reporters with the ID Card seriously avoid the use of such words, sentences and phrases that cause disgust and hurt feelings of people, and cause discrimination and prejudice based on race, ethnicity, language, region, social class, gender or religion; and
15. refrain from interfering with the work of the electoral staff and do not cause disruption of the electoral processes;

I ( ) ( ) read and understood the abovementioned rules and acknowledge on behalf of ( ) that the ( ) media, staff and reporters of this organization will seriously abide by these rules during the election-related activities.

Signature: \_\_\_\_\_

Venue: \_\_\_\_\_

Date: \_\_\_\_\_

Approval date: 30.04.2019

Decision No. 19-1398

## ANNEX 2 - Media Committee on electoral campaign regulations (28/07/2019)

---



دولت جمهوری اسلامی افغانستان  
کمیسیون مستقل انتخابات  
د ټاکنو خپلواک کمیسیون  
کمیته رسانه ها  
د رسینو کمیته  
Media Committee



---

### Press Release

**Date: July 28, 2019**

**Kabul- IEC Media Center**

Congratulations to the dear people of Afghanistan the start of electoral campaigns, the celebration of democracy and institutionalization of values of democracy for electing the biggest and most credible political unit for the fate of people of Afghanistan.

The campaigns and exercise of democracy in the presidential elections are deemed an endeavor for democratization of the system and negating dictatorship which media has a determining role in public participation and guiding the public mind towards ballot boxes. Encouraging extensive and individual participation of people to determine their fate and come to the ballot boxes is crucial for a government.

The role of media in people's participation and guiding the public mind towards ballot boxes enjoys high importance. However, the question is: how to ensure and promote this participation?

Considering the principles and in light of the effective laws, regulations and procedures on the manner of information sharing on the electoral process and considering the following elements of:

- Accuracy and time balance
- Balance in contents
- Impartiality
- Respect to human dignity
- Not disseminating figures and surveys in favor or against specific candidate(s),

If the above rules are breached by mass media during the campaign period of the 2019 presidential elections, the Media Committee is committed to implementing the law and taking disciplinary actions against the persons mentioned in the Election Law.

We hope that using different subject matters, the mass media will pay necessary attention to encouraging and persuading people and expressing the electoral conduct.

With regards,

Media Committee



# Bibliography and list of key election-related documents

## Media and elections

- Media and Elections, 2012, Ace Electoral Knowledge Network  
<https://aceproject.org/ace-en/topics/me/annex/case-studies/afghanistan-media-and-electoral-processes>
- Story-based inquiry: a manual for investigative journalists  
<http://wayback.archive-it.org/10611/20160906193350/http://unesdoc.unesco.org/images/0019/001930/193078e.pdf>

## Afghanistan laws and regulations

- The Constitution (2014, English)  
[http://www.iec.org.af/pdf/legalframework/law/afghanistan\\_constitution.pdf](http://www.iec.org.af/pdf/legalframework/law/afghanistan_constitution.pdf)
- Election Law (September 2016, English)  
[http://moj.gov.af/content/files/OfficialGazette/01201/OG\\_01226\\_English.pdf](http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf)
- Election Law (September 2016, amended February 2019, Dari)  
<http://www.iec.org.af/pdf/legalframework/law/electorallaw.pdf>
- Political parties Law (2009, English)  
[http://www.iec.org.af/pdf/legalframework/law/politicalparties\\_law.pdf](http://www.iec.org.af/pdf/legalframework/law/politicalparties_law.pdf)
- Penal Code (2018)  
[http://moj.gov.af/content/files/OfficialGazette/0501/OG\\_0547.pdf](http://moj.gov.af/content/files/OfficialGazette/0501/OG_0547.pdf)
- Mass Media Law (2006, English)  
[https://www.ecoi.net/en/file/local/1226894/1504\\_1215700432\\_law-on-mass-media.pdf](https://www.ecoi.net/en/file/local/1226894/1504_1215700432_law-on-mass-media.pdf)
- Access to Information Law (2014, English)  
<https://www.refworld.org/country,LEGAL,,LEGISLATION,AFG,,5b165b2b4,0.html>
- IEC Codes of Conduct for the presidential candidates (2019, Dari)  
<http://www.iec.org.af/pdf/coc/dari/CoC%20Presidential%20Candidates%201398%20Dari.pdf>

## International guides for media on elections and safety

- Media and Elections Guide (ECES/ANJU, 2018 English, Dari, Pashto)  
<https://www.dropbox.com/s/cgbvj4lrpj27n/Media%20%26%20Elections%20Guide%20-%20English.pdf?dl=0>
- Handbook for journalists during elections (RSF/Francophonie, 2015, English)  
[https://rsf.org/sites/default/files/handbook\\_for\\_journalists\\_during\\_elections.pdf](https://rsf.org/sites/default/files/handbook_for_journalists_during_elections.pdf)
- Safety Guide for journalists (RSF/UNESCO, 2015, English, Dari, Pashto)  
[https://rsf.org/sites/default/files/handbook\\_for\\_journalists\\_during\\_elections.pdf](https://rsf.org/sites/default/files/handbook_for_journalists_during_elections.pdf)

## International reports on elections

- European Union Election Assessment Team (EU EAT) Final Report 2014 Presidential Election (English)  
[http://www.eods.eu/library/FINAL-REPORT-EUEAT-AFGHANISTAN-2014-c\\_en.pdf](http://www.eods.eu/library/FINAL-REPORT-EUEAT-AFGHANISTAN-2014-c_en.pdf)
- Annexes to the EU EAT Final Report on 2014 Presidential election (English)  
[http://www.eods.eu/library/ANNEXES-FINAL-REPORT-EUEAT-AFGHANISTAN-2014\\_en.pdf](http://www.eods.eu/library/ANNEXES-FINAL-REPORT-EUEAT-AFGHANISTAN-2014_en.pdf)

## International standards on election

- Compendium of international standards for elections (EU/EODS, 2016, English)  
<http://www.eods.eu/library/Compendium-EN-N-PDF.pdf>

## International election observation

- Handbook for European Union election observation (EU/EODS, 2016, English)  
<https://ec.europa.eu/fpi/sites/fpi/files/documents/nf-01-16-228-en-n.pdf>



This document has been produced with the financial assistance of the European Union. The contents of the document are the sole responsibility of European Centre for Electoral Support (ECES) and can under no circumstances be regarded as reflecting the position of the European Union



Project in Support of Enhanced  
Sustainability and Electoral Integrity  
in Afghanistan