



**PRELIMINARY STATEMENT**

**Afghans confirmed their commitment to democracy, undeterred by violence.  
Continued efforts are needed to preserve the integrity of people's votes**

**Kabul, 16 of June 2014**

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**Summary**

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This Preliminary Statement on the second round of the Afghanistan Presidential Election is issued as the aggregation of results is in its initial stage and as complaints being filed by candidates are yet to be examined and adjudicated.

The run-off of the Presidential election was held on 14 June, 10 weeks after the first round vote. The two candidates and their respective running mates engaged in a lively campaign, though fewer public events were reported than in the first round. Vibrant debates were conducted in the media which offered voters a range of economic, political and societal options from which to choose their next President. Security challenges were more pronounced, including a direct attack against one of the candidates.

Afghan voters showed a remarkable determination by participating in large numbers in this first ever second round of the Presidential election in Afghanistan's electoral history. The EU EAT notes also the engagement of both candidates in polling activities through the deployment of a large number of their representatives in the polling stations (PS) in the vast majority of the provinces.

The postponement of the Presidential election run-off to 14 June, for logistical and technical reasons, gave the electoral administration an expanded timeframe to improve the electoral process and to complete the production and distribution of electoral material. The IEC showed continuous improvement since the first round, namely by increasing cooperation and communication with candidates and other stakeholders. A series of round tables and lessons learned workshops facilitated such an inclusive approach and positively affected the overall preparations for the run-off.

The comprehensive legal framework governing the election process was complemented by regulations issued by the Independent Election Commission (IEC). While some regulations were adopted in a timely manner, others have been issued at a very late stage for the first round. However, the IEC has improved ahead of the run-off the transparency and accountability of the process, namely by endorsing key decisions and publishing procedures.

In the first round the Independent Election Complaints Commission (IECC) investigated a total of 2,133 Election day complaints, with the majority filed at the Provincial Independent Election Commission (PIECC) level. Following these investigations the IECC and IEC excluded a total of 331 PS from the final results.

In total, the IECC investigated 11 run-off campaign related complaints; all were dismissed. At the close of the run-off election, the IECC reported that 135 complaints were filed on Election day, with an additional 140 submitted by telephone, making a total of 275 cases.

The lack of a comprehensive voter register and a reliable census remains a key obstacle for the IEC to ensure balanced distribution of ballots. The IEC significantly increased the number of PSs and ballot papers for the run-off in order to address the shortages of ballots in certain locations that occurred during the first round. However, the IEC did not reduce the number of ballots in areas where over allocation of ballot papers to PSs was reported during the first round.

The first round tallying process illustrated the IEC's difficulty in enforcing a transparent operational model based on existing regulations. In the first round, the IEC did not publish results in a timely manner, which contributed to limiting the ability of candidates to access legal remedies. The EU EAT notes that the IEC stated its intention to guarantee full transparency in tallying, and to publish online numerical results by PS when announcing partial, preliminary, and final results for the second round.

Out of the 6,365 polling centres (PC) planned initially for the run-off, 6,184 (97.15%) could open on Election day according to the first IEC assessment, thus increasing the number of polling locations in comparison with the first round when 6,124 PCs opened. The significant increase of open PSs in comparison with the first round (12 %), did not fully counter the shortages of ballot papers observed in the first round, with a similar number (569) of contingency kits distributed.

Prior to the run-off, media provided the electorate with a high volume of election related coverage. Only 12 media houses deviated from the equal coverage policy and were accordingly censured. The IEC Media Commission significantly improved its performance in engaging with the media houses and tried to balance reporting across the board. One candidate's reluctance to engage in the live debate deprived the electorate of the possibility to compare both platforms directly.

The IEC reported a minor increase in turnout of women in the second round, from 36% to 38%. Security threats and social restrictions remained a limiting factor for women to fully participate in the run-off election. Female polling staff and searchers were particularly affected by these concerns. As such, the IEC and the Police also faced difficulties in mobilising sufficient female staff on Election day. Moreover, women were underrepresented in the media, in comparison to the first round.

The security challenges faced by the national observers in the first round constrained the main organizations and led to the reduction of their geographical coverage in the field for the run-off. Civil Society Organizations (CSO) provided, after the first round, analysis and useful recommendations. However, during the first round the IEC and IECC decided to rely on CSOs data to conduct invalidations, thus blurring the role of different stakeholders in the electoral process.

The Preliminary Statement is issued prior to the completion of the tabulation of results, considerations of possible post-electoral disputes and announcement of the final results. The EU EAT will publish a final report after the conclusion of the electoral process. The final report will include possible recommendations for the improvement of future elections, offered for the consideration of the authorities and other stakeholders.

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*The European Union Election Assessment Team (EU EAT) has been present in the Afghanistan since March 15, following an invitation from the Afghan Government and from the Independent Election Commission. The Mission is led by Chief Observer, Thijs Berman, and Member of the European Parliament (Netherlands). In total, the EU EAT deployed 15 experts from 12 EU Member States, to assess the key stages of the electoral process against Afghan laws as well as the international obligations and commitments for democratic elections. The EU EAT in particular focused its attention on the legal framework, the performance of election authorities, the campaign in particular in the media and will closely follow the procedures for aggregating results and the handling of complaints.*

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*On Election day, the EU EAT also deployed 66 observers to a limited number of locations, in order to assess voting procedures in Kabul and Balkh. The EU EAT remains in country to observe post-election developments and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.*

*The EU EAT is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.*

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## **Preliminary Findings**

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### **Political Environment**

The Afghanistan Presidential run-off on 14 June, 10 weeks after the first round contested between eight candidates, saw Dr. Abdullah Abdullah and Dr. Ashraf Ghani contest a second round to become the successor to Hamid Karzai and the next President. During the first round, the two candidates won over 76% of the vote, more than 5 million of the 6.6 million ballots cast. Dr. Abdullah won 45% of the vote, with almost 900,000 more ballots than Dr. Ghani. Dr. Abdullah fell 333,000 votes short of an outright first round victory. Between them they secured the majority of the vote in 33 of Afghanistan's 34 provinces.

In their campaigns both candidates built coalitions which represent the main ethnic groups in the country and presented well-developed manifestos. All but one of the defeated candidates in the first round have publicly declared their preference for one candidate or the other and directed their voters to support them accordingly. As a result, voters had a choice between candidates representing a diverse range of views, opinions and backgrounds. Among the teams of the two Presidential and four Vice-presidential candidates, there were no women.

State authorities, political parties and civil society expressed strong commitment to the democratic process. However, armed groups attempted to sabotage the electoral process, seeking to deter campaigning and participation. On the 28 May, the Taliban stated that their spring offensive would specifically target the electoral process. Eight days before the run-off, Dr. Abdullah survived an assassination attempt on his vehicle convoy in Kabul. The suicide car bomb attack resulted in numerous deaths and dozens of injured.

### **Legal Framework**

After the first round, due to delays by the IEC the Regulation on Cancellation and Invalidation of the Votes as a Result of the Audit and Investigation was not produced until the 17 April, when audits were already underway. This contributed to a weak and inconsistently applied process on the part of both the IEC and IECC. Even with the adoption of the regulation, the process of actually conducting an audit was not clearly outlined. As such, many officials did not know how to undertake the exercise, impacting their ability to fully investigate fraud.

On the 2 June, President Karzai issued two decrees prohibiting interference by government officials and members of the security forces in the electoral process, to address concerns raised through the first round complaints process.

## Complaints

In the first round, the IECC performed well in relation to the investigation and handling of complaints. Public open hearings were held for the Presidential complaints. The process was inclusive and transparent. During the sessions the Commission strictly applied article 59 of the Election law which states that 80% and above of the vote for one candidate is not an automatic cause for investigation, deciding not to investigate PSs solely based on numerical criteria. As a consequence 728 PS with 95-99.9% of votes cast for one candidate and 174 PS where 100% of votes cast were for one candidate were not investigated and following an IECC decision, they were included in the final results of the first round.

In preparation for the final announcement of the Presidential election first round final results on 15 May, the IECC recommended the exclusion of 86 PCs from the counting. These recommendations were accepted by the IEC which led to the removal of 331 PSs from the final results. The transmission of information from the IECC to the IEC was highly inconsistent, with confusion noted as to PS locations and the number of exclusions ordered. As a result the IEC was in some cases not able to implement orders.

During the first round the IECC has reported that a total of 2,133 Election day complaints, of which only 297 were recorded in polling stations. The majority of complaints were filed at the PIECC level during the subsequent complaints period. This is a departure from previous elections where a sizable number of complaints were filed at individual PSs.

In the period between the first and second rounds the IEC and IECC held joint sessions where a number of issues which had delayed or disrupted the first round were addressed. These included the adoption of a common approach in relation to quarantine orders between the IEC and IECC and the general strengthening of communication arrangements between the two organisations. Public meetings were also held to confirm the intention of the Commissions to work more closely together. The lessons learned exercise was followed by training for PIECC staff specifically designed to address identified shortcomings.

In total, the IECC investigated 11 run-off campaign related complaints, all were dismissed. At the close of the run-off election, the IECC reported that 135 complaints were filed on Election day, with an additional 140 submitted by telephone, making a total of 275 cases. Both Presidential electoral teams have compiled extensive information which will form the basis of their complaints submissions demonstrating increased capacity and engagement with the complaints process. They have 48 hours from the close of tallying to file these complaints.

## Election Administration

Final results of the first round were announced on 14 May, whereby the Constitution requires the second round to take place within two weeks of that date, on 28 May. President Karzai's term officially expired on 22 May, as per Article 61. The Presidential run-off was postponed to 14 June for logistical and technical reasons. Indeed, the delivery of the election materials could not be completed in less than three weeks. The added benefit of this delay was that it allowed the IEC additional time to address some of the identified shortcomings and to take remedial actions.

Following the conclusion of the first round, the IEC showed continuous improvement, by increasing cooperation and communication with candidates and other stakeholders. A series of round tables and lessons learned workshops facilitated such an inclusive approach.

The geographical distribution of PSs in the first round showed evident weaknesses in ensuring a balanced distribution of the ballot papers. Due to the absence of a reliable census, a comprehensive voter register and the development of new settlements, the IEC lacks a comprehensive information on the distribution of the electorate and was not able to organize the polling accordingly. These limitations contributed to shortages of ballot papers in some areas, and their over-supply in others. No action has been taken prior to the second round in order to prevent the over-distribution of ballot papers in PSs in southern provinces where no votes were cast<sup>1</sup> during the first round.

The IEC tried to counter ballot paper shortages by augmenting by 12% the number of PSs<sup>2</sup>. However, the increase of 5% of ballot papers in every province<sup>3</sup> did not solve the problem of their over-distribution in certain areas<sup>4</sup>. Remedial measures to replace lost cards and destroyed PSs caused by recent floods have not taken place due to the lack of time.

The IEC announced that 5,388 staff was blacklisted for misconduct and around 440 for underperformance in the first round. Because of a lack of evidence, referral to the judiciary is still pending. Affected staff comes from the lower grades within the electoral administration.

The first round tallying process illustrated the IEC's difficulty in enforcing a transparent operational model based on existing regulations. However, in order to improve the transparency and accountability of the tallying process, the IEC on 12 June endorsed a decision on the audit criteria applied for the run-off results, before the tallying process started.

Candidates' ability to seek legal remedy was limited by the deadline of 24 hours to file complaints about results that the IEC did not provide on time. All stakeholders should have access to the breakdown of the aggregated results per PS, as well as invalid votes, spoiled ballot papers and a clear identification of female polling stations.

Ahead of the second round the IEC has committed to make public all the detailed results PS by PS at the time of each announcement of Partial, Preliminary and Final Results in order for the candidates to challenge them, if they so wished. This would greatly contribute to the acceptance of results by stakeholders. The EU EAT notes the IEC intention to guarantee full transparency in tallying<sup>5</sup>, in particular the commitment to publish numerical results PS per PS at the same time as the announcement of the results

The IEC started civic and voter education ahead of run-off campaign rather late. Voter information TV and radio spots doubled the daily number of broadcasts in comparison to the first round. While the message in the media was detailed and comprehensive, civic education in the field has suffered because of the deployment of a limited number of educators.

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<sup>1</sup> In Logar (55 PSs results show zero votes cast), Helmand (52), Kandahar (48), Paktika (44), Khost (34).

<sup>2</sup> The proposal of the IEC to open 23,313 PSs distributed in 6,423 Polling centres (PC) has been slightly reduced to 23,136 in 6,365 PCs. In comparison, 20,493 PSs were opened on Election day for the first round distributed in 6,124 PCs.

<sup>3</sup> The IEC added to the first round mapping: the PSs identified in the 2010 elections which had not been included, the additional PSs opened on Election day following shortages. The IEC also increased the number of PSs where shortages of ballot papers were reported during the first round. Additionally the IEC distributed equally 5% of new PSs in all provinces.

<sup>4</sup> Panjshir and Paktika show a significant surplus of ballot papers in comparison to their potential population (based on 2013 Central Statistics Organisation estimates) respectively of 112% and of 103%.

<sup>5</sup> The IEC announced that candidate agents and observers will be granted i) a full access to the seven steps of the tallying, ii) the issuance of new accreditations cards in order to increase candidate agents' presence, and iii) the access to all IEC Board meetings dedicated to the audit of the results.

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## Campaign Environment

The IEC Regulation on Managing Campaign Financing during the 2014 Presidential election under article 79 of the Electoral Law remains valid for the run-off. It states that Presidential candidates are limited to Afghani 10,000,000 (EUR 130,000) in electoral expenses. Campaign teams have stated to the EU EAT that this amount is deemed insufficient for a countrywide campaign.

The two teams contesting the run-off were well-organised from the start of the official three-week campaign period. Fewer large-scale rallies and reduced crowds were reported compared with the first round, as Dr. Ghani and Dr. Abdullah focused more on deal-making with defeated candidates and securing endorsements from other power brokers. Following a rally at a Kabul hotel on the 6 June, the convoy of Dr. Abdullah was attacked by suicide bombers, which resulted in numerous deaths and dozens of injuries; the candidate himself was unharmed. The attack drew strong condemnation from his rival Dr. Ghani, the President and the international community.

Campaign rallies across the provinces were amplified by a numerous paid-for spots and endorsement videos broadcast on the majority of the TV and radio stations monitored by the EU EAT. On average, the media allotted 20% of its election-related communication to political advertisements. Dr. Ghani's team purchased almost three times as much airtime as Dr. Abdullah's. Similar to that reported in the public gatherings, both teams attacked the policies espoused by the other and engaged in personal accusations, which were denounced by the both the President and the IEC.

## Media and Communication

Prior to the run-off, media provided the electorate with a high volume of election related coverage illuminating the candidates' standpoints and policies, confronting the campaign teams in a numerous debates and broadcasting political publicity events like endorsement conferences and rallies. The media monitored by the EU EAT devoted up to the 22% of its prime time programming to election related issues. However, contrary to the first round not a single Presidential debate was conducted prior to the election. One candidate's reluctance to engage in the live face-off deprived the electorate of the possibility to compare both platforms directly.

Even if the majority of the media houses were keenly vying for a larger audience share and readership and applied a pluralistic approach in their editorial policy by dividing the time or space fairly equally, 12 broadcasters owned by politicians were plainly one sided and allotted more than 75% of their programming to one candidate. It mirrored the tendency observed prior to the first round when 14 broadcasters were fined for violating the IEC Media Commission's (MC) regulations. 12 out of them paid the fines, one case was referred to the Attorney General, and the Balkh province's largest TV station's Mehr TV IEC accreditation was revoked, yet the TV continued to report on election related issues.

Unlike the first round, the IEC MC pro-actively engaged with the media houses and tried to strengthen the balance in reporting across the board. Nevertheless, it yielded little difference and Dr. Ghani benefited from one-sided programming by nine broadcasters; Dr. Abdullah by three. From the media outlets monitored by the EU EAT, only the largest Pashtu language TV *Shamsad* predominantly featured just one of the candidates, where Dr. Ghani received 67% of the election related communication, while Dr. Abdullah received 18%. The gap between Dr. Ghani's and Dr. Abdullah's exposure in the *Shamsad* news bulletin was even larger, 77% versus 17%.

The state-owned media, Radio Afghanistan and Radio TV Afghanistan, distributed equally the airtime during the prime-time programming, yet Dr. Abdullah and his team were more often quoted within the news programmes. He and his supporters gained 48% of the direct speech, while Dr. Ghani received only 22%.

Before the second round, social platforms like *Facebook* and *Twitter* turned into the candidate's virtual battlefield, reflecting probably the fact that there are no legal restrictions for social media campaigning and they are also the most attractive channel of communication for the first-time voters who comprise up to the one third of the electorate.

The campaign silence period was broadly respected, yet up to 15 broadcasters broke the moratorium. The IEC MC reacted swiftly and on the Election day announced that several broadcasters will be fined for various violations, including disrespect of campaign silence.

### **Participation of Women**

The IEC announced 38% of women participation in the run-off. This represents an increase of two percentage points in comparison with the first round. The election administration did not provide disaggregated gender data per PS of the first round. As a consequence, detailed analysis of women's participation proved impossible.

Security threats and social restrictions were a limiting factor for women to fully participate in the Election. Female searchers and polling staff were particularly affected by these concerns. The electoral administration as well as the Ministry of Interior has struggled to recruit women. No national observer group or national CSO focused on women's participation or the facilitation of the free exercise of their rights. Both issues prevent the assessment of women's participation and the identification of steps which could increase current levels of involvement.

Women remain underrepresented in election related programming during the run-off with less than 1% of the time allotted to female political actors within the prime-time programming. Even if a female opinion or CSO leader endorsed the Presidential candidate, media featuring the event focused the attention on male participants or the candidate. Out of 25 debates monitored by the EU EAT, only one was devoted to issues affecting women.

### **Civil Society and Election Observation**

#### *Domestic Observers*

A total of 68 national organizations registered 18,185 observers, who were deployed on Election day in all 34 provinces of Afghanistan. The accreditations delivered for the first round were still valid, providing access to polling locations. However, most of the organizations had to request additional cards for new observers, as many only participated in the first round in Provincial Council election monitoring. The low level of security in the first round constrained domestic observer groups, reducing their geographical coverage in the run-off. Additionally, observers were still prevented by polling staff from entering polling locations in certain areas.

After the first round, domestic observers analysed the shortcomings of the electoral administration and played an active role by providing a series of reports and recommendations to the electoral administration with a view to improve the second round. However, the IEC and IECC decided during the first round to rely on CSOs data to conduct invalidations, thus blurring the role of different stakeholders in the electoral process.

#### *Candidate/Party agents*

The IEC made available 100,000 new accreditation cards for candidate agents, thus facilitating their presence on Election day for the run-off. Candidates organised country-wide coverage with 87,346 agents distributed in the opened PSs, equally split between the two. Candidate teams faced security challenges, local tensions and in some districts they lacked agents. The IEC responded to candidate concerns expressed in the first round by providing a copy of the result sheets, after the end of the counting, to each candidate agent by using the copy to be posted at the PS. Whereas this decision increased the capacity of candidate agents to receive results, it deprived the voters of access to the results at the PS and removed the traceability of their vote.

Both candidate teams improved their respective data centres to analyse Election day events and results. However, these efforts will be rendered useless if the IEC does not provide disaggregated results PS by PS online in a timely fashion.

#### **Polling and counting**

The EU EAT assessed the implementation of opening, polling, closing and tabulation procedures through the deployment of 66 international short-term observers and international experts deployed in Kabul and Balkh provinces, who observed in a total of 15 districts. The observation conducted by the EU EAT is geographically limited and cannot be therefore construed as fully statistically relevant. 284 polling stations were observed mainly in urban and central areas due to security constraints. 62% were male and 38% female PCs, in accordance with the national distribution of female PSs representing 40% of the planned polling locations.

The IEC announced that out of the 6,365 PCs initially planned, 6,184 (97.15%), opened on Election day increasing the number of polling locations in comparison with the first round when 6,124 PCs opened. The IEC may still confirm the status of 41 additional PCs which could not be reached on Election day, mainly in Badakhshan, Balkh and Sar-e-Pul.

Security incidents particularly impacted Nangarhar, Kunduz, Faryab, Kunar, Ghazni, and Herat. Their consequences on the polling have still to be assessed and reconciled by the IEC. According to the IEC the security situation mainly impacted polling in Laghman, Faryab and Logar provinces. However, the final number of closed PSs will be established during the tallying process.

The significant increase in number of open PSs in comparison with the first round, did not fully counter the shortages of ballot papers observed in certain locations. According to the IEC the number of contingency kits released was 569, similarly to the first round, despite the 12% increase in the number of PSs. These shortages again confirm the negative impact of an uncontrolled voter registration system and the absence of a reliable census, essential tools for the IEC to have a clear picture of the electorate.

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An electronic version of this Preliminary Statement is available on the Mission website:

<http://www.eueat-afghanistan.eu>

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