

EGYPT'S HOUSE OF REPRESENTATIVES ELECTIONS

PRELIMINARY STATEMENT of the ELECTION OBSERVATION MISSION

December 9, 2015

This statement provides the preliminary findings of the election observation mission of Democracy International to the 2015 House of Representatives elections in Egypt, which were held from October to December 2015. Egypt has not had an elected House of Representatives—previously called the People's Assembly—since June 2012, when the Supreme Constitutional Court dissolved the legislative body on grounds that it had not been elected constitutionally. The conclusion of this process will reestablish a potentially important governing institution.

Climate for Elections

Voting days were marked by low voter turnout, which contributed to a quiet and orderly process. Despite the relative calm, there were some instances of violence including a lethal car bombing and suicide attack that targeted a hotel housing judges overseeing the election. Overall, the wider political climate of repression prevented these elections from meeting international standards or being considered democratic. There are greater restrictions on the rights of Egyptians today than at the time of the last legislative elections. As a result, unless those who assume seats in the new body take decisive action to restore a democratic trajectory, these elections are unlikely to represent even a small step toward a more open and accountable political system in Egypt.

Restrictions on Fundamental Freedoms

Restrictions on rights, including freedoms of expression, association, and assembly, have made a fully democratic electoral process in Egypt impossible. As DI noted in its July 2015 interim report on these parliamentary elections, the repression of political opposition, specifically the criminalization of nonviolent political parties and movements, and the suppression of peaceful dissent through the misuse of legislation designed to restrict the foreign financing of terror groups have increased since the adoption of the Constitution and the election of President Abdel Fatah El-Sisi. Since the beginning of 2015, a number of forced disappearances have been reported. Arrests of journalists, including some trying to report on the election process, continue to mount. Laws limiting protests and governing the operations of civil society organizations continue to be applied in a manner that chills the freedoms necessary for robust democratic participation and debate.

Limited Participation

Public interest in these elections in Egypt has been muted. Turnout was relatively low, notwithstanding the sudden closure of government offices on balloting days with exhortations for public employees to go vote, along with widely broadcast reminders that voting is compulsory in Egypt and non-voters could be fined. For the first stage, the High Electoral Commission (HEC) reported 26.5 percent turnout in the first round and 21.7 percent turnout in the runoff. For the second stage, the HEC stated that turnout was 29.8 percent in the first round and 22.3 percent in the runoff. This compares with 37.6 percent turnout officially in the 2014 constitutional referendum and

47.7 percent turnout in the 2014 presidential election. For the parliamentary elections, many stakeholders have reported that turnout was especially low among younger Egyptians. During the eight days of voting across the country, DI observers rarely saw voters under the age of 35.

Although a number of political parties have participated in the elections by fielding candidates for both individual and list seats, many other parties, organizations, and individuals representing diverse points of view have been unable or chose not to participate. Critics of the government, including groups who might identify themselves as liberals, as well as those that opposed the removal of former President Mohamed Morsi in 2013, were largely prevented from participating or chose to boycott. Islamist parties, which constituted a majority of the parliament elected in January 2012, have been almost entirely excluded, either because of their designation as terrorist organizations, or because of their decisions to boycott.

Legal Framework

For these elections, the country was divided into two geographic regions. The first region voted on October 18 and 19, with runoffs on October 27 and 28, and the other half of the country voted November 22 and 23, with runoffs on December 1 and 2. Following the first stage, administrative courts ordered revotes in four constituencies; re-voting took place on December 6 and 7, with runoffs scheduled for December 15 and 16.

The unique Egyptian electoral system provides that the 596-member House of Representatives is composed of 448 members elected from 205 districts, each with one to four seats; 120 members elected on a winner-take-all basis from lists running in four large districts; and up to 28 members that may be appointed by the president. In the individual constituencies, there are runoffs if a sufficient number of candidates do not achieve a majority in the first round. For the four list districts, the list that obtains a majority of the votes wins all of the available seats in that district; if no list obtains a majority, a runoff is held between the top two lists.

Unlike traditional list systems in other countries, where seats are allocated based on the proportion of votes that each list receives, the list portion of the system in Egypt is not a basis for encouraging representation of minority political parties or viewpoints. Rather, the Egyptian system has the opposite effect: the list that obtains a majority of votes in the first round or run off wins all the available seats in that district. In fact, *For the Love of Egypt*, which is widely perceived to have the support of the government, won all 120 of the list seats in the first round of each stage. Thus, the list system did not provide for politically diverse representation.

Moreover, it was unfortunate that the system for the individual seats in multimember districts required voters to select precisely as many candidates as there were seats available in any given district. Disqualifying the ballots of legitimate voters who have cast fewer votes than the number of seats available ignores their intent and effectively disenfranchises them.

The requirement to vote for exactly the number of seats available also seems to have contributed to the relatively high number of invalid ballots in the election. Some voters may not have been aware of this requirement, and since the number of seats varied by district, some voters may have been confused about how many to vote for. The HEC reported that 9.5 percent of ballots in the first round were invalid, a notably high rate of disqualification compared to elections worldwide and to previous elections in Egypt.

Obstacles to Domestic and International Election Observation

Despite the presence of international and domestic election observers, the election process has not been fully open to independent scrutiny. Domestic election observation was neither robust nor widespread. Moreover, legitimate, accredited international observers encountered obstacles, while others were simply not able to participate.

The HEC accredited 81 Egyptian groups, coalitions, or networks to observe these elections. But DI observers saw nonpartisan or independent domestic observers in only 9 percent of polling stations they visited. DI observers also saw small numbers of candidate agents in approximately two-thirds of polling stations visited and very few agents for competing lists. Egyptian groups observing the process generally reported that, while the overall accreditation process remained cumbersome, it had improved over previous election cycles, as they typically received the approximate number of individual accreditations they requested and received those accreditations in a timely manner. A number of nongovernmental groups that observed previous elections, however, chose not to seek accreditation for these elections. Several expressed the view that observation was not worthwhile because the elections were unlikely to contribute to positive change in Egypt. Others asserted that the risks of genuinely independent observation were too high to justify engaging at this time.

Moreover, the process in Egypt was not as open to international observation as elections have been in many other countries. Democracy International, for example—despite assistance from the High Electoral Commission, the Ministry of Foreign Affairs, and the Egyptian Embassy in Washington, DC—was not given visas for core staff members and observers until after the voting had commenced in October. This limited the mission's access to the process during the pre-election period, and precluded the deployment of a full observation mission for the first stage of the elections in October.

DI also experienced challenges obtaining unimpeded access after arriving in country. For the runoffs during Stage One and the first round of Stage Two, DI observers were hindered in deploying from Cairo to other parts of the country because local police insisted on accompanying them in the observers' vehicles. Police representatives claimed this was for the observers' protection. As an independent election observation mission, however, DI could not accept being accompanied by such state actors. In both cases, only after several hours of negotiations was DI able to deploy its teams.

Although DI and other international observers were generally able to observe the process in polling stations—including initial set up and openings, lunch-break closings and openings, and station closings and counting procedures—observers often had to answer questions from military or other security personnel responsible for perimeter security at polling places, a process that frequently took more time than was justified. In a few instances, security personnel overseeing polling centers or judges presiding over polling stations did not allow observers access to polling places at all. In one instance a presiding judge ordered a team to leave after five minutes, before the team was able to complete its work. In another station, observers were prevented from writing information on their digital tablets.

While these were relatively minor hindrances and DI has no reason to believe they were centrally authorized or intended to interfere with observers' ability to play their authorized and appropriate role, they do not reflect the openness and transparency expected under international norms.

Although the Arab League, the Electoral Institute for Sustainable Democracy in Africa (EISA), and other organizations sent teams to observe these elections, other well-known and highly regarded international observers were not present. The European Union (EU) chose to deploy a three-person technical team. The Carter Center, which had maintained an almost continuous presence in Egypt since May 2011 monitoring and reporting on the political transition, and electoral process, announced in October 2014 that it would not monitor the legislative elections after assessing that “political space has narrowed for Egyptian political parties, civil society, and the media.”

Moreover, the National Democratic Institute for International Affairs, the International Republican Institute, the Konrad Adenauer Foundation, and Freedom House, among other groups, were not able to even consider the possibility of observing the election process, or supporting Egyptian efforts, because of the unjust and widely condemned trials and spurious convictions of 43 NGO workers in 2013.

Election Day Processes

The balloting process for these parliamentary elections was conducted in an administratively satisfactory manner, and polling station officials appeared diligent and conscientious. Nevertheless, the procedures in polling stations where DI observed varied considerably from one to another. Polling officials attempting to give assistance to illiterate or disabled voters, for example, often compromised voter privacy, although presumably unintentionally.

More problematically, judges used inconsistent methods to count votes. While this did not appear to be an attempt to miscount, their methods could call into question the accuracy of the vote and might have been more worrisome if voter turnout had been higher or the elections were more vigorously contested. In the future, the election management body should seek to standardize procedures and improve training for polling station officials.

In the small number of polling stations where DI observers were present for the count, many observer teams and candidate agents were unable to observe the process closely enough to verify the accuracy of those counts. Because vote totals were not posted or made publicly available as the counts were completed, as is the emerging norm worldwide, candidate agents and observers were unable to verify the final count.

There were widespread reports of voters receiving payment to cast ballots for certain candidates. On several occasions, DI observers witnessed what appeared to be a vote-buying process. Many stakeholders expressed concern about vote buying, as well as about spending by competitors that exceeded the campaign finance spending limits. Even many candidates expressed little confidence that the rules of the game would be fairly enforced.

Closing Space for Civil Society and Political Dissent

Many civil society organizations, trade unions, and professional associations, as well as individual activists, report continuing constraints on their ability to operate, including frequent arrests, harassment, raids by law enforcement or security services, and travel bans. Once-strong movements and political parties have been silenced, often with force. Opponents of the government have been arrested; courts have ordered dissolution of their organizations; and an orchestrated campaign equating dissent with “terrorism” is echoed by much of the Egyptian media. Many organizations say they limit their activities to avoid being viewed as overly critical of the govern-

ment, the state narrative, or government policy positions. This climate is not conducive to meaningful, democratic elections.

About the DI Election Observation Mission

The findings of Democracy International's election observation mission are based on more than 160 meetings since September 2015 with diverse stakeholders, as well as on the findings of election observer teams deployed in 13 governorates during both stages of the elections.

DI's mission has sought to demonstrate international support for democracy in Egypt, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Egyptian Constitution, by providing an independent assessment of the electoral process. DI has organized its mission in accordance with the Declaration of Principles for International Election Observation adopted at the United Nations in 2005 and the Code of Conduct for International Election Observers.

Democracy International established its election observation mission in Egypt in December 2013 and deployed the largest international mission to observe the constitutional referendum in January 2014. In May 2014, DI carried out a comprehensive mission to observe the presidential election process.

For the 2015 parliamentary elections, with accreditation from the High Electoral Commission, DI deployed a core team of experts in February 2015 to assess the pre-election environment and election preparations for voting then expected in March and April. DI observers departed from the country in May after the elections were postponed and visas expired. After the elections were rescheduled, because of difficulties obtaining visas, DI fielded a specialized technical mission during the first stage in October. This team nonetheless observed voting in 158 locations in five governorates. For the second stage in November and early December, DI deployed more than 20 accredited international observers from six countries to observe the balloting in 422 locations in eight governorates.

DI will continue to observe the re-voting and post-election process through the announcement of the election results, the resolution of election complaints, and the seating of Egypt's House of Representatives. DI will issue a comprehensive report detailing its findings on the entire 2014-2015 electoral process in the coming weeks.

###

Democracy International (DI) provides analytical services, technical assistance, and project implementation for democracy and governance and other international development programs worldwide. Since its founding in 2003, DI has worked in 70 countries and has conducted election observation missions and election-assistance programs in Afghanistan, Albania, Bangladesh, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Ghana, Kenya, Indonesia, Liberia, Pakistan, South Africa, Sudan and South Sudan. Democracy International is a signatory to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.