



## **EISA WITNESSING MISSION TO THE EGYPTIAN PARLIAMENTARY ELECTIONS**

### **Second and final phase**

**5 November – 3 December 2015**

### **Preliminary statement**

*'Egyptians have voted in the final phase of the 2015 parliamentary elections. These elections mark the end of the transition in the country which began in 2011 with the 25 January Revolution. EISA calls upon the newly elected parliament to play a leading role in contributing to Egypt's democratic development'.*

### **1. Introduction**

Egypt has come to the end of its roadmap toward the establishment of democratic rule following the 25 January 2011 revolution. It is rewarding for the Electoral Institute for Sustainable Democracy in Africa (EISA) to have witnessed the electoral and political processes in Egypt since 2011. The Institute has witnessed nearly all the elections and the constitutional referendum that have taken place in the post-revolution era. This has enabled EISA to take note of gradual improvements in the conduct of competitive elections in the country. The Institute has also identified areas requiring improvement that will further strengthen the electoral process, and has made recommendations along the way, several of which have been taken into account by the electoral authorities. Other recommendations require long term reforms in the post transition period with the involvement of a variety of stakeholders.

This interim statement is about the just-concluded second phase of the Parliamentary elections. EISA also observed the first phase and issued a preliminary statement. The Institute has deployed 10 long term witnesses joined by 24 short term witnesses throughout both phases. While our long term observers have remained on the ground as from a few weeks before the commencement of the Parliamentary elections, they were joined by short term witnesses, thus increasing the geographical coverage of the Mission<sup>1</sup>. EISA followed the campaign activities and the preparedness of the High Elections Committee (HEC), the media environment, participation of women and youth in the elections and the political context ahead of and during and after the elections.

For the second phase of the elections, the EISA Election Witnessing Mission (EWM) is led by His Excellency Honourable Cassam Uteem, former President of the Republic of Mauritius, assisted by EISA's Executive Director, Mr Denis Kadima.

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<sup>1</sup> The Mission witnessed the `second phase of the 2015 Parliamentary elections in 11 of the 13 governorates, namely, Cairo, Dakhalia, Demmietta, Gharbia, Ismailia, Kafr El Sheikh, Menoufia, Port Said, Qaloubia, Sharqiah and Suez. In the second phase, the LTWs were deployed on the 5 November and were joined by STOs on the 17 November 2015.

The Mission's assessment of the parliamentary elections is based on the following benchmarks: Egypt's legal framework governing elections as well as the African Charter on Democracy, Elections and Governance; the African Union's Declaration on the Principles Governing Democratic Elections in Africa; the Principles for Election Management, Monitoring and Observation (PEMMO); and the Declaration of Principles on International Election Observation. The Institute's assessment of this phase of the parliamentary elections builds on its findings from the first phase of the parliamentary elections.

## **2. Pre-election observations and findings:**

EISA made the following observations:

### **2.1 Electoral timetable**

The Mission notes concerns raised by some candidates consulted about the short period provided for the electoral campaigns towards the second phase of the elections (3-19 November 2015) as they were unable to successfully deliver timely campaign messages and programmes to the electorate. EISA witnesses also reported that some contestants launched their campaigns before the official starting date across the governorates in order to circumvent the short electoral timeline.

### **2.2 Political and security environment and the electoral campaign**

The Mission observed that the political context in the areas visited by EISA teams was largely calm and quiet. The EISA Mission further noted the growing terrorism threat throughout the region, including in Egypt, which recently experienced acts of terror such as the crash of the Russian aircraft and the bombing of the Swiss Inn Hotel in al-Arish, North Sinai in November. The election took place under such uncertainties.

In spite of the above, the campaigns proceeded without major incidents of violence. The forms of electioneering activities observed by EISA witnesses included campaign rallies and conferences as well as door to door campaigns.

### **2.3 Complaints and appeals**

Given that the elections took place in phases and run-offs, the short period for appeals and court rulings tended to impact on the subsequent stage of the voting process. For example the suspension of the elections for 13 seats in four constituencies (one seat in Alexandria, one seat in Beheira and two seats in Beni Suef) based on a court ruling by the Administrative Court in Cairo cancelling the results of the elections due to the inclusion on the ballot of ineligible candidates<sup>2</sup>, means that another set of elections will be run on the 6-7 December 2015.

As highlighted in our statement released after the first phase of the Parliamentary elections, delays on appeal rulings impacted on the conduct of the runoff elections. In Mansoura City, the Administrative Court made a ruling to nullify the elections which was overturned by the Supreme Administrative Court on the eve of the run off, creating confusion among voters.

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<sup>2</sup> See art. 10-12 of Law NO. 46 of 2014 of the eligibility, application and documentation required for application.

### 3. Election Day Findings:

#### 3.1 Voting operations

EISA teams witnessed polling day activities in 679 polling stations in 11 governorates. The atmosphere outside the polling stations remained peaceful and orderly in and around 99 % of the polling stations visited by EISA teams.

Overall the EISA Mission has noted a sustained improvement in the organisational capacity of the HEC as exemplified by the efficient **material distribution** with most governorates concluding arrangements for delivery of materials on time, and the right **opening times** of polls in 71% of polling stations visited by EISA teams. In the same vein, the EISA mission noted the generally well-organised **polling process**, the sufficient numbers of **polling staff** in the stations visited and the efficient voting process, with voters being processed in approximately 3 minutes.

The polling stations were mostly laid out in an orderly manner that promoted the easy flow of voters. While the Mission noted an improvement in regard to elderly voters and voters with disabilities being able to access the polling stations, 18% remained inaccessible as they were placed upstairs. The Mission once more, commends the use of voter identification technology in selected polling stations as a pilot project which will contribute to making voter identification more efficient and reliable in future elections.

The Mission found that of an average of two party/candidate agents were met at polling stations visited. However the Mission noted with concern that many of these agents appeared to have limited understanding of their role. The low presence of citizen witnesses (only in attendance at 0.2 of the polling stations visited) was equally worrying.

#### 3.2. Access for accredited witnesses

Officials in many polling stations granted EISA witnesses access to the stations upon presentation of proof of accreditation. However in some areas, for instance in Port Said, EISA witnesses were not granted easy access to the stations, as officials required further documentation. This resulted in EISA witnesses not being able to perform their witnessing function in an efficient manner in those areas. The prevailing mind-set among presiding officers appears to be that granting access to accredited witnesses to enter polling stations to observe the proceedings was a favour. This is in contradiction with the international election principle of free movement for all accredited election witnesses.

#### 3.3. Closing procedures

The close of polling was free from contention in the stations visited. The Mission noted that the official closing time was 21:00. During the runoff for the second phase, EISA teams reported that polling stations visited closed on time. It was however noted that stipulated procedures were not always entirely adhered to. For instance, on voting days during the first round of voting in the second phase of the elections, the Shoubra al Nahla polling station in Bilbeis District in Dahkalia governorate closed at 20:30 and voters who came immediately after were refused access to vote. In addition, at the Sherneen polling station in Al-Mansoura City, counting commenced before the official closing time also during the first round of voting.

### **3.4. Counting process**

The vote counting also proceeded peacefully without any incidents reported. However, as observed in previous elections that have taken place in Egypt since 2011, there has not been consistency in the administration of the count. The Mission further notes that counting procedures were not applied consistently across polling stations visited and results were not generally announced and pasted at polling stations in a consistent manner.

The EISA Mission noted with satisfaction that during the runoff its observer teams were generally able to observe the counting process without much difficulties. However, the Mission notes with regret that its witnesses deployed to Suez were refused access to observe the counting process at a polling station in the Official Language School in Port Tafwik. The same situation was also experienced during the first round of the first phase by the EISA team deployed to the Giza Primary School. This confirms the impression expressed above that the dominant mind-set among presiding officers seems to be that allowing witnesses in polling stations was a favour.

### **4. Voter Turnout**

The HEC reported a turnout of 26.67% in the first phase of the parliamentary elections. In the second phase, HEC reported a turnout of 29.8% for the first round. The final results are yet to be announced.

The Mission noted that the electorate, particularly the youth, did not come out in great numbers to vote. The importance of participation of youth in electoral process cannot be overemphasised.

The EISA Mission noted that the voter turnout remained low during the second phase of the election. Such a low level of voter participation is unusual in young democracies. As highlighted in our statement released after the first phase of the Parliamentary elections, all the role-players in Egypt are encouraged to identify the causes of this persistent low turnout and find remedies for the vibrancy of electoral democracy in Egypt.

### **5. Participation of women**

Cultural barriers and economic constraints remain the main impediments to more active participation of women in public life and were reflected in the low percentage of women as polling personnel. Reflecting these low percentages only, the Mission noted that 34% of election personnel were women in the polling stations visited.

According to Law No. 46 art. 5 which sets the minimum quota for women representation, from the 596 seats in parliament, it is expected that 70 will be held by women. This includes 14 women to be appointed by the president. A total of 308 (6%) of the 5441 candidates standing for the 568 parliamentary seats were women<sup>3</sup>. The Mission further notes that this is a very low ratio, as this figures still falls short of the minimum of 30% representation of women in elective positions as stipulated in the 2003 African Union Parity Principle.

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<sup>3</sup> The House of Representatives has 568 members. The President may appoint additional members, not exceeding five percent of the total number of elected seats. Half of whom should be women.

## 6. Recommendations

In line with the legal framework governing the Parliamentary elections in Egypt and the international election principles highlighted above, the EISA EWM makes the following recommendations for the further improvement of future elections in the country:

- 6.1 The process for the establishment of a permanent election management body as provided for in the Constitution, article 208 of the 2014, should be fast tracked to ensure that the new electoral body is in place ahead of the local elections. The establishment of the permanent body will have the advantage of building capacity allowing for the ongoing professionalisation of staff and creating an institutional memory
- 6.2 The new electoral body should engage in systematic training of electoral staff, including presiding officers at polling station level. Such an approach will ensure uniformity and consistency in the conduct of voting, closing and counting operations including the public announcement and posting of results at polling stations and at subsequent levels.
- 6.3 Considering the complexity of the electoral system, there is a need for sustained voter education to inform the electorate on various aspects of the electoral process. The Mission therefore urges all stakeholders, including the political parties, civil society organisations and the media to share the responsibility to complement the voter and civic education efforts in future elections. Special attention must be paid to the increase of youth participation in the electoral process
- 6.4 The electoral timeline must provide sufficient time for campaigns, complaints, objections and appeals to take place. The legal framework should be reformed to provide for timeous rulings on election appeals. The electoral body must also ensure that the electoral timeline provides sufficient time for campaigns, complaints, objections and appeals to take place.
- 6.5 Increase opportunities should be provided for more women to ascend to leadership positions within political parties through meaningful quotas or other appropriate mechanisms.

## 7. Conclusion

As in the first phase, the EISA Election Witnessing Mission concludes that the second phase of the 2015 parliamentary elections were technically well run and took place in a largely peaceful atmosphere. The Mission regrets the unusually low voter participation for a nascent democracy like Egypt as higher voter turnouts are an essential ingredient for the legitimacy of any elected body.

Egyptians have voted in the final phase of the 2015 parliamentary elections. These elections mark the end of the transition in the country which began in 2011 with the 25 January Revolution. EISA calls upon the newly elected parliament to play a leading role in contributing to Egypt's democratic development.

The EISA Mission will continue to follow the process for the run-offs and the holding of the suspended elections through its long term witnesses until their conclusion. The Institute will subsequently issue a comprehensive final report.

EISA extends its gratitude to the Ministry of Foreign Affairs and the HEC for granting the Institute the opportunity to witness the Parliamentary election in Egypt and to the people of Egypt for welcoming the EISA Election Witnessing Mission.