



EISA Witnessing Mission to the Egyptian Shura Council Elections

First Phase

29 January-07 February 2012

Preliminary Statement

1. Introduction

After witnessing the People's Assembly Elections from 29 November 2011 to 15 January 2012, at the invitation of the Supreme Judicial Commission for Elections (SJCE), the Electoral Institute for Sustainable Democracy (EISA), in pursuance of its commitment to participate in the transitional process in the Arab Republic of Egypt, deployed an Election Witnessing Mission to the first phase of the Shura Council Elections held from 29 January to 07 February 2012. This statement deals with the first round held on 29 and 30 January and the run-off held on 07 February 2012 and presents findings and recommendations.

Composed of eleven Medium Term Witnesses and three Short Term Witnesses drawn from civil society organisations from Cameroon, Côte d'Ivoire, the Democratic Republic of Congo, Mozambique, South Africa, Kenya, Republic of South Sudan, Senegal and Tunisia, the Mission witnessed the first phase of the Shura Council Elections in seven governorates namely, Alexandria, Assiut, Cairo, El Menoufia, Fayoum, Red Sea and South Sinai.

The constitutional, legal and regulatory framework of Egypt, the Principles for Election Management, Monitoring and Observation (PEMMO), the AU Declaration on the Principles Governing Democratic Elections in Africa and the Declaration of Principles on International Election Observation served as the basis for the Mission's assessment of the Shura Council Elections. Similarly, the election assessment of the EISA Mission builds on the findings made during the Peoples' Assembly elections.

EISA teams of witnesses continuously engaged various electoral stakeholders and other witnessing teams in consultative meetings at national level and in the deployment areas in the seven governorates.

On Election Days, the Mission visited a total of 331 polling stations and subsequently witnessed the counting of ballot papers at the polling stations. The Mission's conclusion on the first phase of Shura Council Elections is restricted to the period up to 07 February 2012.

2. Findings of the Mission

The EISA Witnessing Mission made the following findings and recommendations with a view of contributing to the improvement of the second phase of the Shura Council elections and other future electoral processes in the country:

- ❖ **Counting at the polling station:** In the first preliminary statement of the People's Assembly Elections (28-29 November 2011), the EISA Election Witnessing Mission noted that centralisation of counting caused logistical challenges and delays. The Mission recommended that the counting of ballots at polling station level be considered for the Shura Council Elections for enhanced transparency and efficiency.
- ❖ **Participation of the electorate:** Egyptians voters must be encouraged to participate in the transitional process. The Mission noted a very low turnout during phase one of the Shura Council Elections. The Mission notes that inadequate sensitisation of voters, limited campaigning, long distances to polling centres in some areas, especially in sparsely populated areas affected the turnout. Furthermore the general mood following the tragedy at the Port Said Stadium also impacted on the turnout for the first round run-off elections. The low voter turnout could also be the result of voter fatigue considering the lengthy the electoral process. The perceived "honorific" role of the Shura Council might have contributed to low participation.
- ❖ **The role of security forces:** The Mission noted the presence of security forces in all polling centres visited. However, in some instances, the Mission witnessed the interference of security forces in the conduct of voting and counting, taking over some of the responsibilities of polling staff. They were even present inside polling stations during the counting session despite Articles 26 and 27 of the Law No. 73 of 1956 on Exercise of Political Rights forbidding the presence of security personnel in polling stations unless authorised by the committee head. Such practice should be discontinued. Furthermore, there have been situations where EISA witnesses have been expelled or prevented from witnessing polling and counting by the security forces. The role of security forces needs to be specified in allowing national and international witnesses in the polling and counting stations.
- ❖ **Women's participation and representation:** The participation of female polling staff and party agents is regarded as positive in the first phase of the Shura Council elections. However, the Mission noted the low number of female candidates across governorates in this phase, as in the Peoples' Assembly elections. Once again it was observed that there were few women in winnable positions on party lists.
- ❖ **Contribution of party agents to the transparency of the process:** Despite the high presence of party/candidate agents, the Mission noted their limited knowledge of their role and responsibilities. In all the stations witnessed, party agents did not have a reporting form or checklist by which to assess the process.

- ❖ **Participation of domestic witnesses:** Domestic witnessing plays a vital role in ensuring credible elections. Regrettably, the Mission noted the absence of domestic witnesses in polling stations visited.
- ❖ **Access of physically challenged voters to polling centres and stations:** Physically challenged voters had difficulties accessing the polling centres and stations because of the lack of logistical arrangements and the location of some polling stations.
- ❖ **Polling station layout:** The Mission noted with concern that the polling station venues were very small for the number of polling staff present. This is due to the fact that many voting streams were located in one venue.
- ❖ **Reconciliation of ballot papers:** Uncertainty over the reconciliation of ballot papers still remains as the Mission witnessed inconsistency of counting methods from one station to the other. In some instances, reconciliation was conducted prior to counting, while in others judges proceeded with the count of ballots without any reconciliation.
- ❖ **Low voter turnout:**¹ The Mission noticed with the concern the low voter turnout of 6.5 % for the Shura Council first round and run-off elections.

3. Recommendations of the Mission

Based on its observations and findings, the Mission makes the following recommendations with the aim of contributing to the improvement of future electoral processes in Egypt:

- ❖ **Legal framework:**
 - The decision on the counting process should also include detailed provisions for the publication of results. The Mission recommends that results be posted at the entry of polling stations after counting.
 - The Mission recommends that Articles 26 and 27 be reinforced to ensure that only authorised persons are allowed in the polling stations. In addition, there should be an amendment specifying the clear role of the military and the police. The Mission recommends that the military and police maintain an appropriate distance from the polling stations, as required by the electoral law in Article 26 of Law No. 73 of 1956 on the Exercise of Political Rights.²

¹ Daily News Egypt, 11-12 February 2012

² **Law No. 73 of 1956 – Exercise of Political Rights** (Amended by Laws No.: 235 of 1956, 4 of 1958, 23 of 1972, 76 of 1976, Decision-law No.41 of 1979, Law No.46 of 1984, and Decision – Law No.: 2 of 1987, 202 of 1990, and 220 of 1994 and Law No.13 of 2000, Decision-Law No.:167 of 2000, Law No. 173 of 2005, 18 of 2007, and Decree-Law No. 46 of 2011)

- ❖ **Voter education:** With regards to the low voter turnout the Mission recommends that the HEC embarks on an extensive voter education programme in partnership with civil society organisations (CSOS) countrywide.
- ❖ **Voter fatigue:** The Mission recommends that elections take place simultaneously countrywide to avoid voter apathy. In the long term electoral reforms should consider broadening the pool of reputable citizens who can assist in polling operations. This will allow for an increase in the number of polling stations with sufficient staff to enable the elections to be run at the same time across the country.
- ❖ **Communication strategy:** The Mission recommends that the HEC improves on its communication strategy to raise awareness of the electorate on the electoral procedures and processes so that voters' are better informed about the elections taking place.
- ❖ **Reconciliation during the counting process:** The Mission strongly recommends that the HEC trains counting staff on the counting procedures for the sake of the accuracy of the results and the consistency in the application of these procedures.
- ❖ **Gender representation:** The Mission recommends that the Electoral Law be amended to provide for greater representation of women.

4. Conclusion and way forward

Based on its findings, the legal framework, guidelines enshrined in the PEMMO, the AU Guidelines and the Declaration of Principles on International Election Observing, the EISA Election Witnessing Mission concludes that the first phase of Shura Council elections was conducted in a manner that allowed the free expression of the choice of the people of the Arab Republic of Egypt. The Mission trusts that the announcement of results will be conducted in a peaceful manner to ensure that the final outcome of the first phase of the Shura Council elections reflects the choice of the Egyptian electorate.

EISA will issue a comprehensive final report on the legislative election after the conclusion of the Shura Council Elections.

The EISA Election Witnessing Mission expresses its deepest gratitude to the people of the Arab Republic of Egypt for the kindness and hospitality extended to the Mission. The Mission is thankful to the Ministry of Foreign Affairs and the SJCE for their kind assistance to the EISA Election Witnessing Mission since the beginning of the parliamentary elections.

About EISA

Formed in 1996, the Electoral Institute for Sustainable democracy in Africa (EISA) has established itself as a leading player in the field of elections and democracy in Africa. EISA

has evolved from an election NGO servicing Southern Africa into a more diversified organisation working throughout the continent with national, regional, Pan-African and global partners. The Institute's work covers not only elections but also other Democracy & Governance fields like political party development, conflict management, legislative strengthening, the African Peer Review Mechanism and local governance and decentralisation. With its headquarters in Johannesburg (South Africa), EISA has current and past field offices in countries including Angola, Burundi, Chad, Côte d'Ivoire, Democratic Republic of Congo, Kenya, Madagascar, Mozambique and Sudan, a reflection of its broader geographical mandate.

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