



EISA Witnessing Mission to the Egyptian Shura Council Elections

Second and Final Phase

14 – 22 February 2012

Preliminary Statement

1. Introduction

In view of assessing the integrity of the parliamentary elections in Egypt, the Electoral Institute for Sustainable Democracy in Africa (EISA) established a mission to witness the People's Assembly (PA) elections held from 29 November 2011 to 15 January 2012 and the Shura Council Elections from 29 January to 22 February 2012 respectively.

This is a preliminary statement of the findings of the Mission about the second phase of the Shura Council elections that took place on 14 -15 February 2012 and the run-off elections of 22 February 2012.

EISA deployed 20 Medium and Short Term Witnesses drawn from civil society organisations from Cameroon, Côte d'Ivoire, the Democratic Republic of Congo, Kenya, Mozambique, Nigeria, Senegal, South Africa, South Sudan and Tunisia. The mission witnessed the elections in eight governorates namely Aswan, El Minya, Giza, Ismailiya, Marsa Matrouth, Port Said, Qualubiya and Suez.

The Mission's assessment of the second and last phase of the Shura Council elections is based on the following benchmarks: the constitutional and legal framework of elections in the Arab Republic of Egypt; the Principles for Election Management, Monitoring and Observation (PEMMO); the African Union's Declaration on the Principles Governing Democratic Elections in Africa; and the Declaration of Principles on International Election Observation. Similarly, the Institute's assessment of this phase of the Shura Council elections builds on its findings from the PA elections and the first phase of Shura Council elections.

This statement provides informative and constructive feedback to the electoral authorities who kindly granted authorisation to the EISA Mission to witness the elections; as well as to other stakeholders in the transition process of Egypt. The mission offers its findings, conclusion and recommendations on the second phase of the Shura Council elections in the spirit of international solidarity towards the people of

Egypt who have committed themselves to a democratic system of government, including democratic elections.

The Mission's conclusion on the Shura Council elections is restricted to the period up to 23 February 2012, and therefore does not include post-counting steps such as the tabulation and announcement of the election results.

2. Findings of the Mission

The EISA Mission teams were deployed to the eight Governorates listed above, and from its witnessing of the process, it made the following findings and recommendations with a view to contributing to the improvement of future electoral processes:

- ❖ **General remarks:** The Mission commends the efforts of the Supreme Judicial Commission for Elections (SJCE) for the conduct of a peaceful and orderly election. It further commends the increased participation of women in the process as electoral personnel. The use of transparent, sealable and re-useable ballot boxes is equally commendable. The admission of election witnesses at the polling stations was easier during this phase of the elections as compared to the previous elections.
- ❖ **Late opening of polling stations:** The mission noted the late opening of most polling stations visited. This was attributed in some cases to the late arrival of party representatives and in other cases the late arrival of judges.
- ❖ **Low voter turnout:** Voters' enthusiasm which was the dominant feature of the earlier phases of the PA elections reached its lowest point in the second phase of the Shura Council elections. In most of the polling stations, there were no queues as voters came sporadically. Information received from stakeholder consultations attributed the very low turnout to people's perception of the Shura Council as a mere consultative body which does not wield any real power. Stakeholders also mentioned the issue of voter fatigue as a result of an overly extended electoral process. Inadequate civic and voter education was also mentioned as a reason for the low voter turnout.
- ❖ **Inadequate voter information/education:** The mission noted limited voter outreach from the media, civil society organisations and political parties. This was further complicated by the limited campaigning across the eight governorates covered.
- ❖ **Limited participation of party and candidate representatives:** As the Shura Council elections drew to its close there was a sharp decrease in the participation of party representatives in the process. The mission noted that most representatives seemed not to have a clear understanding of their roles and responsibilities nor did they have a systematic approach to election monitoring.

- ❖ **Presence of security forces inside polling stations:** The mission noted the strong presence of security forces in polling centres and in many cases inside polling stations visited. There were armed military and police personnel deployed in all the stations visited. It was, however, noted that the roles of both security structures at the stations were not clearly defined. In some cases, the security personnel interfered in the management of the polling process. In spite of Articles 26 and 27 of the Law No. 73 of 1956 on Exercise of Political Rights which prohibits the presence of security personnel inside polling stations unless authorised by the committee head, the mission witnessed their presence inside polling stations.
- ❖ **Absence of national witnesses:** Once again, the mission noted the absence of national witnesses. The mission believes that the presence of national witnessing groups contributes to the transparency of an electoral process and its ownership by the people of the country.
- ❖ **Improved women representation:** The mission hails the sizeable presence of women among polling officials in female voter only as well as male voter only polling stations.
- ❖ **Inadequate Layout of polling stations:** EISA teams noted not only the small size of the rooms used as polling stations but also that these rooms often hosted more than one voting streams. In the case of high voter turnout, the flow of voters could have been a challenge. Additionally, the mission observed that in some stations, there was one voting booth for several voting streams. In some instances the placement of the voting booth compromised the secrecy of the vote; with the potential of third parties to discern a voter's choice.
- ❖ **Absence of identification of polling staff and party agents:** Polling staff did not wear their identification gear neither were the party representatives easily identifiable in the polling stations.
- ❖ **Accredited international witnesses** continue to be subjected to the good will of the judges and security officers regarding their access in polling stations and have missed to witness essential aspects of opening procedures and in some cases even the counting of ballots.
- ❖ **Inconsistent application of voting procedures:** there were numerous instances of inconsistent application of voting procedures. Some of these inconsistencies are:
 - **No systematic identification of fully veiled voters:** the Mission witnessed in some instances that fully veiled voters were not procedurally identified. This could potentially allow multiple voting.
 - **No rigour in the checking and application of indelible ink:** in a majority of polling stations, voting personnel did not check for ink on the fingers of incoming voters nor did they apply ink on the finger of outgoing voters
- ❖ **Counting process:** The conduct of the vote count at polling station level has considerably reduced the length of the counting process. The implementation of such a decision is a major step towards enhancing the transparency, efficiency and integrity of the process. The mission

commends the election authorities for this improvement. Nevertheless, the mission noted procedural inconsistencies in the counting process as reconciliation of ballots was not done in most stations; this could pose a challenge to the transparency and accuracy of the count.

3. Recommendations

The Mission recommends that the following issues be considered for electoral reforms ahead of future elections

- **Electoral system:** the current electoral system combined with the conditions on the ground has resulted in a complex and lengthy electoral process as well as possibly led to the gradual decrease of voters' interest in the electoral process. It is therefore recommended that the electoral system be reconsidered. In this regard, the following proposals are made:
 - **Representation:** it is recommended that the allocation of seats per Governorate should be commensurate with population size. This would address the current disparity in the value of the vote across governorates. With the current seat distribution, the 10 smallest governorates will be over-represented with 33 percent of the Shura Council seats and 7 percent of the population.
 - **Seats allocation:** the mission reiterates its recommendation of the first preliminary statement (28-29 November 2011) that the provision on the differentiation between "farmers/workers" and "professionals" be reconsidered for the next cycles of the parliamentary elections because it is inconsistent with democratic principles. It is further recommended that all seats in the legislature be contested rather than a set number being reserved for appointment by the President.
- **Opening procedures:** the Mission suggests a review of article 24 of the Law No 73 on exercise of political rights to provide for a standard time of opening the poll irrespective of the presence of party representatives. However, the onus lies with political parties and candidates to ensure that their accredited representatives are present at the stipulated time of opening. Judges shall also be reminded that they are required to arrive at the polling station well in advance in order to commence the voting at the prescribed time.
- **Counting procedures:**
 - **Spoilt ballots:** it is recommended that the current requirement compelling each voter to make two choices on the ballot paper be reconsidered to include ballots that have one choice in the count. A voter should also be able to choose only one candidate instead of two.
 - **Endorsement of elections results:** it is recommended that a provision be introduced for party and candidate's representatives present inside the polling

station during the counting of ballots to sign the necessary forms to attest that they observed and endorse the process. Similarly appropriate forms must be provided at polling stations where party and candidate agents can register their complaints and objections about the conduct of the process.

- **Announcement and posting of preliminary results:** the mission recommend that the procedure be amended to require the presiding officers at polling stations to announce and post the preliminary results at the polling stations immediately after the count for improved transparency and verifiability.

Conclusion

Based on its findings, the Egyptian legal framework, guidelines enshrined in the PEMMO, the African Union Guidelines and the Declaration of Principles on International Election Observation, the EISA Election Witnessing Mission concludes that despite the low turn-out of voters, the second phase of the Shura Council elections was conducted in a credible manner. The people of the Arab Republic of Egypt were granted the space and opportunity to express their will at the polls in a free atmosphere. Unfortunately, only a few availed themselves for this opportunity. The Mission trusts that the announcement of results will be conducted in a transparent and peaceful manner to ensure that the final outcome of the second phase of the Shura Council elections reflects the choice of the Egyptian electorate.

EISA will issue a comprehensive final report on the legislative election in the next couple of months.

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, to political parties and civic groups which kindly agreed to answer the questions of the Mission and to share their views on the electoral process. 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, constitution making, conflict management, legislative strengthening, the African Peer Review Mechanism, citizen participation in governance 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, Rwanda and Sudan, a reflection of its broader geographical mandate.

The Mission has been in Egypt since November 2011 and is based at the Novotel Hotel El Borg, Zamalek, Cairo. For further information about the Mission, please contact Mr. Justin Doua, the Field Director, who can be reached on (+2) 01014587159 or email: justin@eisa.org.za