

EISA
ELECTION WITNESSING MISSION REPORT

EGYPT



PARLIAMENTARY ELECTIONS
17 October–2 December 2015



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EISA strives for excellence in the promotion of credible elections, citizen participation and the strengthening of political institutions for sustainable democracy in Africa.

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EXECUTIVE SUMMARY

The October - December 2016 Parliamentary elections in the Arab Republic of Egypt were held as a further step by Egyptians in their aspirations for democracy, peace and stability in the country. This report is the mission's assessment of the electoral processes, which covered the pre-election phase, polling day, including voting, counting and the announcement of provisional results at polling stations, and the immediate post-election period.

The mission was led by Sheikh Abdul Karimo Sau, the Chairperson of the National Electoral Commission of Mozambique during the first phase and His Excellency, Honourable Cassam Uteem, former President of the Republic of Mauritius, during the second phase. His Excellency, President Uteem also led the EISA witnessing mission to the presidential elections in 2012 and the referendum in 2014. Both mission leaders were supported by the Deputy Mission Leader, Mr Denis Kadima, EISA's Executive Director. The mission comprised ten long-term witnesses and 24 short-term witnesses drawn from civil society from 17 African countries.¹ The mission witnessed the first phase of the 2015 parliamentary elections in 11 governorates, namely, Alexandria, Assuit, Aswan, Beheira, Beni Suief, El Eady Geded Fayoum, Giza, Qena, Luxor and Marsa Matrouh and witnessed the second phase in 11 of the 13 governorates, namely, Cairo, Dakhalia, Demmietta, Gharbia, Ismaila, Kafr El Sheikh, Menoufia, Port Said, Qaloubia, Sharqiah and Suez.

The EISA EWM's assessment of the 2015 parliamentary elections in Egypt was based on the Egyptian legal framework; the guidelines enshrined in the Principles for Election Management, Monitoring and Observation (PEMMO); the African Union Declaration on the Principles Governing Democratic Elections in Africa; the African Charter on Democracy, Elections and Governance; and the Declaration of Principles for International Election Observation and its associated Code of Conduct for International Election Observers.

1 Chad, Democratic Republic of Congo, Guinea Conakry, Finland, Kenya, Madagascar, Mali, Mozambique, Nigeria, Seychelles, South Africa, South Sudan, Sudan, Tanzania, Tunisia, Zambia and Zimbabwe

Based on its observations and findings, the mission concluded that notwithstanding the inconsistencies, the shortcomings and the tense political atmosphere within which the parliamentary elections were held, the parliamentary elections were generally conducted in a manner which ensured that the outcome of the process reflected the choice of the Egyptian people. In this final report on the 2015 parliamentary elections, the EISA witness mission presents its findings and makes recommendations for the improvement of future electoral processes.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA seeks to realise effective and sustainable governance in Africa, through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. Within this framework, EISA fields election observer missions to assess the context and the conduct of elections on the continent.

As a pan-African institution, EISA's assessment of elections is based on the benchmarks enshrined in the African Charter for Democracy, Elections and Governance; the AU/OAU Declaration on the Principles Governing Democratic Elections; the Declaration of Principles for International Election Observation; and the Principles for Election Management, Monitoring and Observation.

EISA deployed a pre-election assessment mission (PAM) to assess the political context within which the 2015 parliamentary elections would be held. The PAM was deployed from 4 to 11 September 2015. In its assessment, the PAM noted the impact of terrorism and insecurity on the pre-election context, which contributed to an atmosphere of fear. It also noted the gaps in the constitutional framework, as the constitution does not stipulate the electoral system, thus leaving room for the controversies that trailed the drafting of the electoral law.

While the PAM noted these shortcomings, the decision to deploy an EWM to the parliamentary elections was based on the consideration that the parliamentary elections would provide a little more space for competition, unlike the presidential election that preceded it in 2014. Furthermore, the significance of assessing the parliamentary elections at the end of Egypt's long transition was also considered in the deployment of the EWM to the parliamentary elections.

Following its authorisation by the Ministry of Foreign Affairs and its subsequent accreditation by the Higher Election Commission (HEC), EISA deployed a long-term election witnessing mission to assess the pre-polling,

polling and immediate post-election phases of the 2015 parliamentary elections in Egypt. The mission comprised 10 long-term witnesses, who were deployed during the two voting phases of the elections. During the first voting phase, the LTWs were joined by a team of 10 short-term witnesses, while a team of 14 short-term witnesses (STWs) joined the LTWs during the second voting phase. LTWs were on the ground in Egypt from 6 October 2015 to 12 December 2015, while STWs were deployed for a period of 17 days during each voting phase.

The members of the mission started arriving in Cairo from 6 October 2015. Pre-deployment briefing and orientation sessions were held in Cairo during each voting phase of the election. During these sessions, witnesses were briefed by Egyptian stakeholders and technical partners of the HEC on the level of preparedness for the poll. These sessions also served the purpose of an orientation on the rationale and methodology of election observation to prepare observers for field work.

During each voting phase, EISA witnesses were deployed in teams of two witnesses. Each team was supported by an interpreter. The teams consulted stakeholders in their areas of deployment to receive further information on the state of preparedness for the polls and stakeholders' perspectives on the elections. Each team was required to submit a weekly report that contributed to the mission's overall assessment of the elections. During their period of deployment, EISA LTWs were deployed to 17 governorates to observe the campaigns for the election and for the runoff election and consult with stakeholders.

Witness teams were equipped with a smart tablet on which the observer checklists and reporting templates were configured. Using the Open Data Kit app, witnesses were able to capture and transmit their findings and observations in real time. The use of the tablets also facilitated continuous updates and communication between the witnesses and the coordination team at the mission headquarters.

On election days, EISA witnesses visited polling stations and aggregation centres in their areas of deployment to observe the opening of the poll, voting procedures, closing of the poll and the counting and tally processes. The

teams of witnesses returned to Cairo on the day after the runoff elections for a debriefing session, during which each team presented its observations and contributed to the formulation of the mission's preliminary assessment of the elections. After each voting phase, the mission released an interim statement on its observations. These statements were disseminated to Egyptian and international stakeholders.

This report presents EISA's overall assessment of the 2015 parliamentary elections.

Acronyms and Abbreviations

AU	African Union
CBC	Capital Broadcast Center
CD	Compact Disc
CNE	National Electoral Commission
CSO	Civil Society Organisation
DGCs	District General Committees
EGP	Egyptian Pound
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Election Management Body
EOM	Election Observation Mission
EWM	Election Witnessing Mission
FJP	Freedom and Justice Party
GEC	General Election Committee
HEC	Higher Election Commission
HOR	House of Representatives
ICV	In Country Vote
ID	Identity Document
IFES	International Foundation for Electoral Systems
LTW	Long-Term Witnesses
MP	Members of Parliament
MPEC	Media Performance and Evaluation Commission
NDP	National Democratic Party
NEC	National Elections Commission
NGO	Non-Governmental Organisation
NIN	National Identification Number



<http://www.emapsworld.com/egypt-political-map.html>

1

Historical background and Political Overview



- I.1 Introduction
- I.2 Overview of Parliamentary Elections in Egypt
- I.3 The political context of the 2015 Parliamentary Elections

I.1 INTRODUCTION

President Hosni Mubarak ruled Egypt for 30 years until the January 2011 revolution when he was forced to step down. Due to increasing international pressure, Mubarak undertook legal reforms to allow multi-candidate direct presidential elections in 2005. Formation of political parties increased in Egypt during the Mubarak regime, and the Political Party Law was amended to regulate religious affiliations within the formation of political parties. Whilst these signs were regarded as positive to the extent that the political competition seemed to be encouraged, the legal reforms that followed further reinforced the ruling National Democratic Party (NDP). Following a constitutional referendum in May 2005 to allow for multi-candidate elections, a new presidential election law was passed. The new law restricted the space for independent candidates and opposition parties to present candidates. Law 174 allowed political parties that had existed for a period of five years and had secured at least 5% of seats in the People's Assembly and the Shura Council to contest the 2005 presidential elections.⁴ It also required independent candidates to be supported by 250 elected members of the bicameral legislature and local councils. The outcome of the 2005 parliamentary elections, however, showed signs of opening up, as opposition parties and independent candidates gained more seats in parliament, but not enough to form a majority. During the Mubarak regime, the political space and system was tailored to favour the cabal in the then ruling NDP, which retained its overwhelming majority of seats in the parliament. In the long run, the legal reforms contributed to shrinking the political space by making the

4 Article 3 Law No. 174 of 2005 on Regulating of Presidential Elections.

participation of the opposition and independents more difficult. There were also records of harassment and arrests of the opposition during this period.

The series of events over discontentment with the politics of the country and the political class culminated in the 25 January 2011 revolution that ousted President Mubarak from power on 11 February 2011. Following the removal of President Mubarak from power, the Supreme Council of the Armed Forces (SCAF) took over the rule of the country under the de facto Head of State, Mohammed Hussein Tantawi. The SCAF suspended the 1971 constitution and announced a transition programme that included the 2011-2012 parliamentary elections and the election of President Morsi in June 2012. The timing of the 2012 presidential election raised concerns, as the president was being elected before a referendum to approve a new constitution define his powers. Further complicating the political context was the dissolution of the parliament (i.e. the Shura Council and the People's Assembly) on the eve of the announcement of the presidential election results. The NDP was also banned by the SCAF.

Since the fall of the Mubarak regime Egypt has undergone a tumultuous political transition. The transition began with the March 2011 referendum to amend the constitution that later culminated in the legal framework that guided the 2011-2012 elections. 41.2% of the 45 million eligible voters turned out to vote in the referendum. The 2011-2012 parliamentary elections that were held between November 2011 and February 2012 recorded an average of 44.88% voter turnout across the different voting phases. The Freedom and Justice Party (FJP), a Sunni Islamist Party and an affiliate of the Muslim Brotherhood, won the majority of seats (42.7%) in the parliamentary elections from among 23 contesting political parties. The transition took an odd turn when the 2012 presidential elections were rescheduled to take place before the referendum. The presidential election was contested between 13 candidates. There was not outright winner after the first round, which necessitated a runoff between Mohammed Morsi and Ahmed Shafiq. Mohammed Morsi emerged winner with 51.73% of the votes. He was sworn in as president although there was no constitution in place to define the powers of the new government.

The transition took a further turn six months into the lifetime of the parliament, when the Supreme Constitutional Court (SCC) ruled the election unconstitutional on the grounds that the law upon which the elections were

conducted contradicted the constitution. In June 2012, on the eve of the announcement of presidential election results, parliament was dissolved by the SCAF. The court ruling changed the political environment; it also cut short the progress made in Egypt's fragile democratic transition. Egypt has since remained without a legislature, leaving the executive with the dual role of law-making and execution. In the absence of a legislature to provide checks and balances on the executive, legislation has been issued by presidential decrees.

President Morsi's presidency was largely characterised by a deeply polarised society. The next phase of the transition was the drafting of a new constitution, which was again affected by the deep polarisation of the society on the basis of religious and political affiliations. The constitution drafting committee was largely dominated by Islamists, and the draft constitution was also viewed by supporters of the Mubarak regime as a pro-Islamist law. A referendum to approve the draft constitution was held on 22 December 2012 with 63.8% 'yes' votes.⁵ Egypt remained deeply polarised and there was growing dissatisfaction with the performance of the Morsi regime. This culminated in mass protests that led to military intervention led by General Abdel-Fattah el-Sisi, who was the Minister of Defence in President Morsi's government. President Morsi, Egypt's first democratically elected president, was ousted on 3 July 2013, thus paving the way for an interim government. The Chief Justice of the Supreme Constitutional Court, Adly Mansour, was appointed as the interim president, tasked with managing the new phase of the political transition.

The transition period was characterised by the banning of the Muslim Brotherhood, the arrest of President Morsi, and mass arrests and detention of Muslim Brotherhood leaders and members, including those who participated in the pro-Morsi sit-ins to undo the coup. Similarly, the transition period saw increased civil unrest and terrorist attacks, especially on the Sinai Peninsula. The events of July 2013 also led to a temporary suspension of Egypt from the African Union due to the interruption of constitutional rule in a Member State, which contravened the provisions of the African Charter on Democracy, Elections and Governance.

5 Global Research: Centre for Research on Globalization – Egypt's Constitutional referendum.

The transition roadmap initially set out by the interim government was to undertake a quick constitution drafting process; conduct a referendum to adopt the new constitution; hold parliamentary elections; and thereafter presidential elections.⁶ The transition plan was however changed mid-way and presidential elections were rescheduled to take place before parliamentary elections.

A constitutional referendum was conducted in January 2014 to approve a draft constitution that was considered more liberal. The new constitution was passed with a 98.13% 'yes' vote on 18 January 2014. The presidential election that was held in May 2014 in which the former army chief, Abdel-Fattah el-Sisi, stood as a candidate was not competitive. He emerged as the winner, with 96.1% of votes and a 47.45% voter turnout. Once again, executive and legislative powers were vested in the newly elected president in the absence of a legislature. The 2015 parliamentary elections were the concluding stage of the transition roadmap.

The declaration of the Muslim Brotherhood (MB) as a terrorist organisation in 2013, however, expunged strong opposition in the political arena. The MB was one of the foremost opposition political parties in Egypt. This declaration intensified the boycott by the MB and the leftist political blocs and their supporters ahead of the 2015 parliamentary elections. The only Islamist party that contested the 2015 parliamentary elections was the Salafist Al-Nour Party.

1.2 OVERVIEW OF PARLIAMENTARY ELECTIONS IN EGYPT

Prior to the 2011 revolution, Egypt had a bicameral legislature with a lower legislative chamber, the People's Assembly or Majlis al-Shab, and an upper consultative chamber, the Shura Council or Majlis al-Shab. Egyptians voted for two Members of Parliament (MPs) in each constituency, one of whom had to be either a worker or farmer. The electoral administrative body of the then central government made the final decision on who was eligible to stand as candidates in these categories. Restrictions were often placed on candidates and parties in terms of party registration and requirements for eligibility. These restrictions desiccated the political space for candidate nomination

6 <http://www.bbc.com/news/world-middle-east-23250567>

processes for opposition parties while making it easier for the ruling NDP to field its candidates and affiliates as independents. For over ten years during Mubarak's regime, the individual candidacy system was used to elect the 454 legislators, 444 of whom were elected and 10 were presidential appointees. In the 2010 parliamentary elections, the NDP emerged with 86.4% of the 508 seats, independents won 12.5% and the entire opposition won only 3% of the seats.⁷

After the 25 January 2011 Egyptian revolution that ousted President Hosni Mubarak the SCAF dissolved the parliament and suspended the 1971 constitution. The NDP was dissolved and banned from political participation. A mixed electoral system was proposed in which 50% of the seats would be elected through the majoritarian system individual seats and 50% through the party-list system. The system was largely criticised and not accepted in many sectors of society. A referendum was held in March 2011 to amend the 1971 constitution. The amended constitution was adopted with 77% 'Yes' votes, leading to other amendments of the legal framework for elections. The amended legal framework guided the post-revolution elections (2011-2012 parliamentary elections and the 2012 presidential elections).

During the 2011-2012 parliamentary elections, the number of elected seats in the parliament increased to 508 and 10 presidential appointees, making a total of 518 elected seats in the parliament. A mixed electoral system was introduced and adopted where one third of the seats were elected through the individual system and the two thirds elected through party lists. The 50% farmers and workers quota allowable in the Mubarak era remained. For the 2011-2012 elections, Egypt was divided into 83 districts, with two individuals running in each district.

The Muslim Brotherhood, represented by the Freedom and Justice Party (FJP), won the majority of seats in the 2011-2012 parliamentary elections. The parliament that was elected in 2012 was however dissolved after the courts ruled that the electoral legislation was unconstitutional.

7 <http://english.ahram.org.eg/NewsContent/1/5/1321/Egypt/Egypt-Elections-/Official-results--opposition,--NDP,--independents.aspx>

Table 1: Results of the People's Assembly elections: seats per party and party coalition

Parties and party coalitions	PR Seats	IC District Seats	Total seats
DEMOCRATIC ALLIANCE			
Freedom and Justice Party	117	101	218
Al-Karama	6	0	6
Al-Hadara	1	1	2
Labour	1	0	1
ISLAMIST ALLIANCE			
Al-Nour	87	21	108
Building and Development	3	10	13
Al-Asala	3	0	3
EGYPTIAN BLOC			
Al-Tagammu Party	3	0	3
Egyptian Social Democratic Party	15	0	15
Free Egyptian Party	14	1	15
OTHER PARTIES & INDEPENDENT CANDIDATES			
Al-Wafd	40	2	42
Reform and development	9	1	10
Al-Wasat Party	9	0	9
Revolution Continues Alliance	8	0	8
Egypt National Party	4	1	5
Egyptian Citizen Party	3	1	4
Union Party	3	0	3
Freedom Party	2	0	2
Al-Adl Party	0	2	2
Democratic Peace Party	2	0	2
Arab Egyptian Union Party	1	0	1
Nasserite Party	1	0	1
Independents		25	25
TOTAL elected seats	332 seats	166 seats	498 seats
SCAF-Appointed Seats			10
TOTAL No. SEATS			508 seats

Compiled with information obtained from: www.elections2011.eg (the official web site of the SJCE), Sherif Tarek, on www.english.ahram.org.eg. Saturday, 21 January 2012

Table 2: Results of the Shura Council elections: seats per party and party coalition

Party	PR seats	IC District Seats	Total seats
Democratic Alliance for Egypt (led by the Freedom and Justice Party)	56	49	105
Islamist Bloc (led by Al-Nour Party)	38	07	45
New Wafd Party	14	00	14
Egyptian Bloc	08	00	08
Freedom party	03	00	03
Democratic Peace Party	01	00	01
Independents	-	04	04
Total elected	120	60	180
***Presidential appointees	-	-	90
Total	-	-	270

Compiled with information obtained from: www.elections2011.eg (the official web site of the SJCE)

The ousting of President Morsi brought about the drafting and approval of a new constitution in 2014, which introduced a unicameral legislature. Based on the new constitution, the House of Representative Law was passed, which accommodated the mixed electoral system earlier introduced in 2011. The total number of elected seats increased to 568, among which 448 members were to be elected through the individual system and 120 seats elected based on party lists. Article 102 of the 2014 Egyptian constitution allows for 5% presidential appointees (28 seats).

1.3 THE POLITICAL CONTEXT OF THE 2015 PARLIAMENTARY ELECTIONS

The 2015 parliamentary elections initially scheduled to take place in March 2015 were postponed after the Supreme Constitutional Court (SCC) ruled that the Electoral Districts Law, which was issued by President Abdel Fattah el-Sisi in December 2014, was unconstitutional. The law, which is divided into two sections, originally divided the country into electoral constituencies, according to the closed-list and individual systems. This ruling resulted in some anxiety and uncertainty as to whether the parliamentary elections

would be held. Following the postponement of the elections, the High Election Committee announced the schedule of the 2015 parliamentary elections on 21 August 2015, and invited political parties and candidates to submit their applications to contest.

The context of the 2015 Parliamentary elections in Egypt was characterised by a boycott by several political formations, curtailment of human rights and civil liberties weakened competitive politics and a volatile security situation. The EISA mission noted that the new Anti-Terrorism Law⁸ decreed in August 2015 was used to further crack down on civil society organisations, particularly human rights groups. The elections saw the fragmentation of the leftist political bloc and return of some members of the Mubarak regime. Many stakeholders expressed dissatisfaction with the restrictions on the freedom of assembly of political parties, which was enforced on the basis of the Protest Law.⁹ The Protest Law was cited as one of the main reasons for the boycott of the elections by many political associations. The restrictions placed on members of the Muslim Brotherhood and their supporters since July 2013 remained in place. These restrictions were enforced on the basis of state laws such as the anti-terrorism law, which was decreed to regulate acts of terrorism in the country.

The mission noted the case of a human rights lawyer Yara Sallam, who was arrested in June 2014 along with 23 other persons while involved in street protests to demand the release of political prisoners and the repeal of the Protest Law. Sallam was sentenced to two years in prison for her involvement in an unauthorised protest. Following a presidential pardon, Sallam and 100 other activists charged in politically motivated cases were released on 23 September 2015. After her release, she discovered that her name was taken off

8 The Anti-Terrorism Law (law 94 of 2015) gives room for prolonged detention and surveillance of terrorism suspects and sanctions journalists for issuing false reports on acts of terrorism or reporting in a manner that differs from the official state position or the report of the Defence Ministry on its counter-terrorism initiatives. The Law also prohibits the dissemination of terrorist ideals by groups or individuals. The Law gives a broad definition of terrorism in a manner that almost encompasses civil disobedience, thus giving room to clamp down on the opposition and human rights activists.

9 The Protest Law (Law 107 of 2013) was decreed in November 2013 by the interim government. It requires organisers of public gatherings involving more than 10 people to notify the police three days in advance and seek approval from the Interior Ministry. The Law gives the Ministry the discretion to ban protests and public gatherings on vague grounds that such gatherings could be a threat to peace and security. It also allows the police to disperse protests and public gatherings using force when necessary.

the voters' register due to her previous conviction for protest-related charges. She filed a petition to the HEC but the HEC decided that her petition would be addressed after the election. She appealed the HEC's decision, at the Administrative Court on 3 November 2015, which ruled that her conviction for involvement in unauthorised public protests did not preclude her from exercising her political rights. The mission commended the decision of the court to uphold her political rights and noted that her removal from the register was unlawful and unconstitutional.¹⁰

The election atmosphere was characterised by political apprehension, especially following the banning of the Muslim Brotherhood and its affiliates such as the FJP. The ban informed the boycott of the elections by supporters of the Muslim Brotherhood. As religious advertisements and the use of religious slogans were completely banned in the election, campaigning along religious lines was relegated to the background during political campaigns. Mobilisation for support amongst electoral candidates, especially in the rural areas, was based on family ties and religious affiliations. This form of mobilisation shaped the nature of the campaigns and the outcome of the elections in the rural areas. In the urban areas, however, mobilisation and voting patterns were different, as they were focused more on political affiliations.

The 2015 parliamentary elections were also held within a context of the growing threat of terrorism and insurgency in the Middle East region, including Egypt. The mission noted terrorist attacks such as the crash of Metrojet Flight 9268 on 31 October 2015 and the bombing of the Swiss Inn Hotel in Al-Arish, North Sinai, in November 2015 during the second phase elections in which four people, including a judge, were killed.¹¹ These events contributed to creating an atmosphere of fear and insecurity, which also impacted the vibrancy of the pre-election context and voter turnout during the elections.

Many Egyptian interlocutors consulted by EISA observers noted that there was widespread disinterest in the electoral process. The enthusiasm that

10 http://www.madamasr.com/news/court-upholds-pardoned-activist-yara-sallams-right-vote?mc_cid=8bf20f5ae6&mc_eid=e25e67884a

11 www.dailynewsegyp.com/2015/11/24

usually characterised elections in Egypt, especially amongst the youth since the revolution, was absent. The EISA EOM, in its interim statement on the second phase of the 2015 parliamentary elections, noted that “such a low level of voter participation is unusual in young democracies.” The EISA EWM also noted that the long-winded transition could also have contributed to voter fatigue, with voters having gone through a number of electoral processes within the space of five years.

Voter turnout was the lowest recorded during the transition elections, regardless of the fact that voting in Egypt is mandatory. Article 57 of the Law No. 45/2014 on the Regulation of the Exercise of Political Rights stipulates that “Whoever is registered in the Voter Database, and fails to cast his/her vote in the election or referendum without good reason, shall be punished by a fine of no more than five hundred pounds (EGP 500).” Prior to the elections, the HEC announced it would impose a fine of EGP 500 on all eligible voters who fail to vote in accordance with this provision on mandatory voting. Although the stipulation of a fine was not new (it had been done in past elections in Egypt), the mission noted that the HEC lacked the technical know-how to ensure compliance. Moreover, the threat to impose fines on offenders had never been enforced in the history of elections in Egypt, and it therefore did not motivate voters to turn out.

2

Constitutional, Legal and Institutional Framework



- 2.1 The 18 January 2014 Constitution
- 2.2 Electoral law and other relevant laws
- 2.3 Election management
- 2.4 The electoral system
- 2.5 Summary of observations on the legal and institutional Framework

The legal framework for the conduct of the 2015 House of Representatives elections consists of:

- 18 January 2014 Constitution
- Law No. 45/2014 on the Exercise of Political Rights as amended by Law No. 92/2015
- Law No. 46/2014 on the House of Representative Law as amended by Law No. 92/2015 and
- Law 202/2014 Concerning Electoral Districting for Elections of the House of Representatives (Boundary Delimitation Law) as amended by Law 88/2015

2.1 THE 18 JANUARY 2014 CONSTITUTION

The constitution provides for the conduct of democratic elections. Article 101 grants legislative power to the House of Representatives (HOR), while 102 stipulates the composition of the House of Representatives. Article 102 stipulates that the electoral system shall be defined by law in a manner which observes fair representation of the population and governorates and equitable representation of voters.

Chapter 1 of Part V of the constitution defines the system of government, which provides for a unicameral parliament called the House of Repre-

sentatives to exercise legislative powers. The constitution provides that the HOR shall be composed of no fewer than 450 elected members and grants the president powers to appoint no more than 5% of the members. For the 2015 elections the composition of the HOR and electoral system are specified in Law No. 46/2014 as amended. The tenure of office of MPs is five years.

Article 5 of the constitution provides for the separation of powers and a multi-party political system. Chapter 3 of the constitution stipulates the Bill of Rights, thus recognising the rights and freedoms of Egyptian citizens. However, article 3 of the Political Rights Law suspends political rights of people who are bankrupt, a contradiction of the rights and freedoms recognised in the constitution. The EISA mission noted that while the constitution of Egypt provides for and protects the interest and inclusion of a diverse segment of the populace, repression and criminalisation of the opposition and persons with dissenting views remained a concern throughout the period of the elections.

2.2 ELECTORAL LAW AND OTHER RELEVANT LAWS

The relevant laws stated above, in addition to the constituency delimitation laws as amended, form the legal framework for the conduct of the 2015 parliamentary elections. The Boundary Delimitation Law and House of Representatives Law were deemed unconstitutional and therefore amended prior to the 2015 parliamentary elections by a 15-member judicial and legislative committee, to incorporate the 1 and 7 March 2015 Supreme Constitutional Court (SCC) decision that the electoral boundaries in 13 governorates were to be repeated to achieve a balance in terms of geographical and population size and the number of voters in an electoral constituency.

These amendments, though ratified by President el-Sisi on 9 July 2015, contributed to the delay of the conduct of the parliamentary elections earlier scheduled to take place between 12 March and 7 May 2015.

Law No. 45/2014 on the Exercise of Political Rights as amended:

The Law on the exercise of political rights is a decree law of the President of the Republic of Egypt promulgating the Law on the Regulation of the Exercise of Political Rights. The Law was amended on 18 January 2014 and issued on 5 July 2014 for the conduct of the parliamentary elections. The HEC is mandated to issue the executive regulations of the Law No. 45/2014 as amended.

The law provides for the right to vote, it stipulates the institutional framework for election management and voter registration, and it regulates the campaigns and media coverage of elections. The law also regulates the voting and results management process and complaints and appeals process.

Law No. 46/ 2014 as amended on the Law on the House of Representatives:

The provisions of the law apply to the conduct of the House of Representatives elections in Egypt. Law No. 46/2014 supersedes Law 38/1972 on the House of Representatives and Law 120/1980 on the Shura Council, which were abolished. The Law was issued on the 5 June 2014. The HEC is mandated to issue the executive regulations of the Law No. 46/2014 on the House of Representative as amended.

This law stipulates the electoral system, which determines the criteria for allocation of seats in parliament. It also provides for the right to stand, the criteria for presidential appointment of MPs and the obligations and immunities of MPs.

This law was the subject of legal controversies ahead of the elections, as the provisions on the electoral system and electoral boundaries as initially stipulated were ruled as unconstitutional by the SCC. The law was further amended to revise the composition of the HOR. The amended law provides for the election of 568 MPs in the 2015 elections and empowers the president to appoint no more than 5% of the total number of MPs.

Law No. 202/2014 Concerning Electoral Districting for Elections of the House of Representatives (Boundary Delimitation Law) as amended:

The delimitation of constituencies is regulated by article 4 of the Law on the House of Representatives as amended and the Constitution, which provides for member representation that is proportional to the population size and numbers of voters taking into account the fair representation of the population, the governorates, and the equal representation of voters.

2.3 ELECTION MANAGEMENT

Articles 208 and 209 of the constitution provide for the establishment of a full-time statutory body, the National Elections Commission (NEC), to administer elections in Egypt. While the constitution recognises the importance of a

permanent election management body, it makes transitional provisions for the first parliamentary elections after the adoption of the constitution to be conducted under the supervision of the Higher Elections Committee (HEC).

For the conduct of the 2015 parliamentary elections, chapter II of Law No. 45 of Political Rights as amended, in line with article 228 of the constitution, provides for the establishment of the HEC as an ad hoc institution empowered to supervise the first parliamentary elections taking place after the adoption of the 2014 constitution.

The mandate of the HEC is stipulated in article 7 of Law No. 45 of 2014 as amended. Its responsibilities include supervision of the voter registration process, supervision of the parliamentary elections, issuing guidelines, announcing the results of the elections and giving legal opinion on the law.

The HEC is composed as follows:

- The President of the Cairo Court of Appeals, who serves as Chairperson;
- The two most senior Deputies of the President of the Court of Cassation, who serve as members;
- The two most senior Deputies of the President of the State Council, who serve as members; and
- The two most senior Presidents of Courts of Appeals following the President of the Cairo Court of Appeals in order of seniority who are also members.

At governorate level, the HEC is mandated to appoint a Governorate Elections Committee (GEC) as provided in article 12 of Law no. 46 as amended. The GECs are chaired by the Chief Justice of the Court of First Instance or Chief Justice of a Court of Appeals in the governorates where a court of first instance does not exist. The GECs comprise four other members, namely: a judge in the courts of appeals, an advisor in the Council of State, a deputy-chairman of the State Lawsuit Authority and deputy-chairman of the Administrative Prosecution Authority. The GECs operate under the supervision of the HEC.

2.4 THE ELECTORAL SYSTEM

Article 102 of the constitution provides for the adoption of the conduct of the House of Representatives elections based on the plurality voting system or proportional list, or a combination of both systems as stipulated in the electoral law. Law No. 46/2014 on the House of Representatives as amended provides for a mixed electoral system, with two forms of the majoritarian electoral system being adopted for the 2015 parliamentary elections. The first component of the mixed electoral system is the individual system, while the second component is the closed-list system.

For the 2015 elections, article 1 of Law No. 46/2014 on the House of Representatives as amended provides for a total number of 568 seats to be elected through universal, secret, and direct ballot.

Law no. 46/ 2014 as amended provides for 448 seats to be elected through the individual system, which is a two-round system that requires the winner to receive an absolute majority (50%+1) of the votes cast in single and multi-member districts. For the individual system, the country was divided into 205 districts, which have between 1 to 4 seats allocated on the basis of fair representation of the population and equitable representation of voters (article 2 of Law no. 202/2014 as amended). The number of candidates elected in each constituency was determined according to population density and voter numbers. The smallest constituency voted for one representative and the largest constituency voted for four representatives. Within the individual system, voters have as many votes as there are seats in a district. in the event that no candidate received an absolute majority of the votes, a runoff would be held between the two top candidates in single-member districts, whilst in multi-member districts the runoff is between the number of vacant seats multiplied by two.¹²

The remaining 120 seats were elected through the closed-list system, where the country is divided into four districts with 15 seats each for two of these districts and 45 seats each for the other two constituencies. Within the list system, voters vote for lists and the list that receives an absolute majority of the votes wins all seats allocated to the district. A runoff is held between the two top lists in the event that a winner didn't emerge in the first round.¹³

12 IFES (2015), Elections in Egypt, 2015 House of Representatives, Frequently Asked Questions.

13 Ibid.

Article 5 of Law No. 46/2014 on the House of Representatives as amended provides for affirmative action through quotas for the closed-list system component for marginalised groups such as women, youth, Christians, persons with disability, farmers, workers and Egyptians living abroad. This article stipulates that the 15 seats allocated in a district should comprise at least three Christians, two workers/farmers; two candidates who fall under the youth category; one person with a disability and one candidate of Egyptian nationality who lives abroad. This composition must comprise a minimum of seven women. Likewise, each list for which 45 seats are allocated in a district must be composed of at least nine Christians; nine workers or farmers; six candidates who fall under the youth category; three Egyptians nationals living abroad and three persons with disabilities.

2.5 SUMMARY OF OBSERVATIONS ON THE LEGAL AND INSTITUTIONAL FRAMEWORK

- The EISA mission noted that the constitution is not specific on the provision of an electoral system, which is crucial to determining the nature of political competition and representation; rather, it deferred to the electoral laws. The PEMMO recommends that a clear statement on the type of electoral system should be enshrined in a country's constitution. This recommendation seeks to ensure that the decision on the nature of political representation is not left to the legislature to solely determine; instead, the people should have an opportunity to vote on such a critical issue in a referendum. The mission also noted that deferring the electoral system to other electoral legislation opened up the 2015 electoral process to executive influence, as the president was empowered to decree the law that defined the 2015 electoral system.
- The EISA EOM noted that the minimum age limit of 25 years provided as part of the qualifications to stand for election as an MP is commendable, as it opens up membership of the HOR to young people. Furthermore, the provisions for affirmative action for women, youth and other minorities through quotas improved the inclusiveness of the 2015 electoral process. The EISA EWM's further observations on the issue of inclusivity is provided in the next chapter of this report.
- In its assessment of the institutional framework for election

management, the EISA EWM noted the overlapping functions of the judiciary as the manager and adjudicator of the process. As noted in its previous EWM reports, EISA reiterated the need to separate these two roles to provide for an effective mechanism to appeal decisions of the election management body and impartial adjudication of electoral justice. In its preliminary statement on the second phase of the 2015 parliamentary election, the EISA EWM recommended that the establishment of the NEC should be fast-tracked to ensure that the new electoral body is in place ahead of the local elections.

- In its assessment of the electoral system, the EISA EWM noted that the mixed system adopted for the 2015 elections was complex and cumbersome. The complexity of the electoral system could be one of the reasons for the low voter turnout, and it contributed to the high number of spoilt ballots during the polls. Most of the stakeholders met during the pre-election phase expressed the view that the system tended to favour the individual system above the party system, thus weakening the party structures in place. Certain stakeholders also raised concerns about the electoral system, particularly in relation to the percentage share between the party list seats and the individual seats. Some of them underscored the imbalance in the representation of women, mostly based on individual seats.

3

The Pre-Election Phase



- 3.1 Constituency delimitation
- 3.2 Voter registration
- 3.3 Political party registration and nomination of candidates
- 3.4 Women's representation and minority rights
- 3.5 Quota representation
- 3.6 Civic and voter education
- 3.7 Campaign processes, use of public resources and campaign finance
- 3.8 Media accessibility and coverage

3.1 CONSTITUENCY DELIMITATION

Article 102 of the 2014 constitution¹⁴ provides for the delimitation of electoral constituencies to be defined by law in a manner that observes fair representation of the population and governorates and equitable representation of voters. The delimitation of constituencies for the 2015 parliamentary elections was guided by Article 4 of Law No. 46 and Law 202/2014 Concerning Electoral Districting for Elections of the House of Representatives (Boundary Delimitation Law) as amended by Law 88/2015.

Article 4 of Law No. 46 on the House of Representatives¹⁵ provides for the country to be divided into four constituencies under the lists system and the number of constituencies under the individual seat system was determined

14 Other candidacy requirements, the electoral system, and division of electoral constituencies shall be defined by law in a manner which observes fair representation of the population and governorates and equitable representation of voters. Elections based on the plurality voting system or proportional list, or a combination of both at whatsoever ratio, may be adopted.

15 Article 4: "The Arab Republic of Egypt shall be divided into a number of constituencies for elections under the Individual-Seat system, and 4 constituencies for elections under the Lists system so that 15 seats are allocated to each one of two of these constituencies and 45 seats are allocated to each of the other two. A separate law shall specify the number, scope and composition of each constituency. The number of members to be elected for each constituency shall be proportional to its population and number of voters, bearing in mind taking into account the fair representation of the population and the governorates, and the equal representation of voters."

by article 2 of Law 202/2014 Concerning Electoral Districting for Elections of the House of Representatives (Boundary Delimitation Law) as amended.

As mentioned in the previous chapter, the country was divided into 205 electoral districts for the individual system and four constituencies for the closed-list system. The law stipulates that seat allocation should be proportional to population and number of voters, taking into account the fair representation of the population and the governorates, and the equal representation of voters. For the four constituencies under the party list system, 15 seats were to be allocated to each of two constituencies, while the other two were allocated 45 seats each. For the 2015 parliamentary elections, there were a total of 205 constituencies for the individual seat system. The number of the candidates voted for in each constituency was determined on the basis of the population density and number of voters. Whereas the smallest constituency voted for one representative, the largest one voted for four representatives. The rest of the seats (120), were on a party-based list.

The mission noted the legal controversies that trailed the drafting of the law on the division of electoral constituencies. Article 2 of Law No. 202/2014 was ruled unconstitutional by the SCC in March 2015 on the basis that it did not meet the requirement of ‘fair representation’ as provided in the constitution. The law was amended by Law No.88/2015 in line with the SCC’s ruling to redraw electoral constituencies to achieve fair representation of constituencies in 13 governorates.¹⁶

The EISA EWM noted that neither the constitution nor Law No. 45/2014 and Law No. 46/2014 provide clear-cut criteria for division of these constituencies. Article 102 of the constitution only makes a provision for the “fair representation of the population”. The mission further noted that most of the stakeholders met criticised the absence of public consultation on the constituency division process. The mission therefore called for inclusion of a specific delimitation criteria in the legal framework and various groups and political interest that will allow for a transparent process for future elections.

For the 2015 parliamentary elections, the electoral constituencies in Egypt were divided as follows:

16 <http://www.dailynewsegyp.com/2015/03/01/supreme-court-rules-election-law-unconstitutional/>

Table 3: Electoral constituencies and allocation of seats in the closed list system

Constituency	Governorates and No. of seats	No. of seats	Total No. of seats per constituency
Constituencies of South and Middle Delta, based at Cairo Security Directorate	Cairo	14	45
	Qalioubeya	7	
	Dakahlia	8	
	Menoufia	5	
	Gharbeya	7	
	Kafr Al-Sheikh	4	
Constituencies of North, Center & South Upper Egypt Based Giza Security Directorate	Giza	11	45
	Fayoum	4	
	Beni Sueif	3	
	Menia	6	
	Assiout	5	
	Al-Wadi Al-Gadid	1	
	Suhag	6	
	Qena	4	
	Luxor	2	
	Aswan	2	
	Al-Bahr Al-Ahmar	1	

Constituencies of East Delta, based at Sharqiya Security Directorate,	Sharqiya	7	15
	Damietta	2	
	Port Said	1	
	Ismailia	2	
	Suez	1	
	North Sinai	1	
	South Sinai	1	
Constituencies of West Delta, based at Alexandria Security Directorate	Alexandria	7	15
	Behira	7	
	Matrouh	1	

Source: Law No. 202/2014

Table 4: Electoral constituencies for the Individual System: first phase

S/N	Governorate	No. of voters	No. of constituencies on individual system	No. of individual seats
1	Giza	4,856,578	16	37
2	Alexandria	3,614,649	10	25
3	Behira	3,528,484	10	27
4	Minya	2,974,649	9	25
5	Sohag	2,655,282	12	22
6	Assiut	2,367,337	9	20
7	Qena	1,768,949	7	15
8	Fayoum	1,713,332	6	15
9	Beni Suef	1,598,615	7	14
10	Aswan	923,141	5	8

11	Luxor	739,769	5	6
12	Red Sea	264,747	3	4
13	Matrouh	240,367	2	4
14	New Valley	156,454	2	4

Source: <http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?CatID=4324#.Vn1aTLaLTIU>

**Table 5: Electoral constituencies for the Individual System:
second phase**

S/N	Governorate	No. of voters	No. of constituencies on individual system	No. of individual seats
1	Cairo	6.864.559	24	49
2	Dakahliya	3.891.184	11	29
3	Sharqiya	3.761.535	13	30
4	Gharbiya	3.085.060	9	24
5	Qalyubia	2.762.260	10	25
6	Menoufiya	2.340.877	9	20
7	Kafr el-Sheikh	1.975.178	8	16
8	Damietta	908.546	3	7
9	Ismailia	750.504	4	6
10	Port Said	462.304	3	4
11	Suez	402.097	1	4
12	North Sinai	226.564	4	5
13	South Sinai	73.245	3	3

Source: <http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?CatID=4324#.Vn1aTLaLTIU>

3.2 VOTER REGISTRATION

Voting is compulsory in the Arab Republic of Egypt. Eligible voters are automatically enlisted and updated on the voters' roll from the National Identification Number (NIN) database. Egypt has a population of 83.4 million, of which 55,606,578 were eligible voters for the 2015 parliamentary election. For the first phase, 27,402,353 voters were eligible to vote during the polls

and there were 28,204,225 eligible voters in the second phase. Male voters constituted 51.1% of the total registered voters, while females constituted 48.9% of the total voters.

Articles 13 and 14 of Law No. 45/2014 on the exercise of political rights provide that whoever is entitled to exercise political rights must be registered on the voter database; and persons who meet voter eligibility criteria and who have not been disqualified from exercising their political rights throughout the year shall have their names automatically registered in the voter database compiled from the National Identification Number, thus making voting mandatory in the Egypt. During the EISA EWM, all the stakeholders consulted had a unanimous opinion and understanding of the process of registration of voters and the main source of the database for the parliamentary elections.

The EISA EWM noted the impact of the terrorism and protest laws on the citizens' right to vote. The terrorism law gave a wide definition to the concept of terrorism, while the protest law granted extensive powers to the security agencies to break up public gatherings. These laws were used as the basis for the arrest and conviction of a number of activists. The case of Yara Sallam, the human rights lawyer who was arrested in June 2014 along with 23 other persons while involved in street protests to demand the release of political prisoners and the repeal of the Protest Law, was an example of the restrictions placed on the right to vote during the 2015 elections.

The mission noted that the voter register was duly updated ahead of the parliamentary elections in adherence to relevant laws guiding the conduct of elections as set by international standards, and all potential voters were allowed to check their participation status for the elections in the updated register using their national IDs. The mission commended the HEC for making copies of the voters' roll available to political parties and candidates. The EWM report on the 2012 presidential election recommended that the "voters' roll be made available to all parties and candidates contesting the elections, well in advance of the election".

Tables 4 and 5 above present a summary of voter registration data in the two phases of the 2015 parliamentary elections.

3.3 POLITICAL PARTY REGISTRATION AND NOMINATION OF CANDIDATES

The 2015 parliamentary elections provide a clear distinction in terms of representation of political parties. Nineteen political parties registered to contest during the elections, 16 of the political parties secured seats in the first round, while three succeeded in the second round only.¹⁷ Four of the 19 parties are represented by only one seat each, while the Free Egyptians Party, Future of the Homeland and Wafd Party are represented through a total of 228 seats. Only seven political parties are represented in the current parliament, which means that there is less representation as compared to the composition of previous parliaments in Egypt. The mission noted administrative lapses in the compilation of the final lists of candidates under the individual system that led to the cancellation of election results in four constituencies during the first round of voting in the first phase.

Registration of political parties and candidates for the parliamentary elections took place between 1 and 12 September 2015. The procedure for candidate nomination is set out in Article 8 of Egypt's 2014 Law on the House of Representatives. According to the Law, candidates are eligible for membership of the House of Representatives if they hold Egyptian citizenship only and do not have any civilian or political rights restricted; are registered on any of the Republic's governorates voter databases; are at least 25 years old when the opening day of application for candidacy arrives; are in possession of at least a certificate of primary education completion; have served in the military, or, if not, have a legal exemption from serving in the military; do not have a history of revoked membership due to the House of Representatives' loss of confidence/esteem in the candidate, or breach of membership duties. The President of the Republic may appoint a maximum of five per cent of the members of the House and the term of office is five years.

According to Article 12 of the Law of the House of Representatives, candidates may run for candidacy in only one constituency of their choice and are thus permitted to have their name on only one electoral list. After candidates have submitted their applications to their respective Elections

17 *تغيرات عاكسة.. الإفرزات العشرة لتרכيبة العضوية الأهرام اليومي* (n.d.). Retrieved December 25, 2015, from <http://www.ahram.org.eg/NewsQ/458500.aspx>

Committees, the Committees are responsible for examining submitted applications and preparing the candidate roll lists. Each of the Committees examining applications must be composed of a Judge ranked in Category A. The chairperson of the Committee must be a President of a Court of First Instance and there must be two Judges from Courts of First Instance that are selected by the Supreme Judicial Council. The Ministry of the Interior also selects a representative from within the Ministry to serve as the Technical Secretariat of the Committee. After the lists for Individual-Seat Candidates and List Candidates have been prepared, the two lists should be posted a day after the closing of the application for candidacy window in a manner that is in accordance with the High Elections Committee designation.

Article 107 of the Constitution gives the Court of Cassation jurisdiction to adjudicate the validity of membership of the House of Representatives but does not specify who can appeal. Appeals are to be made within 30 days of the announcement of the final election results and are to be adjudicated within 60 days of receipt. In the event that a judgement invalidates a membership, the invalidity of the membership is effective on the date that the court notifies the House of its decision. It is however unclear in this section who has locus to appeal the validity of membership in the House of Representatives.

The mission was informed by most stakeholders that political parties and independent candidates, as per the rules governing registration of candidates, had an opportunity to submit their registration documents for 10 days from 8 to 17 February 2015. However in some governorates, stakeholders expressed concern that only five days were granted for the submission of required documents. They alleged that was partly why some candidates were disqualified due to their inability to make timely submission of the required documents. Other reasons included the inability to conclude a medical check-up or candidates' inability to hand in all of the required documents on time. The mission further noted concerns, especially among the political parties, that the timeframe for the nomination of candidates was too short.

The HEC noted that a total number of 5900 prospective candidates and 12 party lists handed in their applications before the conclusion of the registration period. More than 500 individuals and three party lists were rejected due to the inability to meet the registration criteria. The final number

of candidates was 5420 candidates, while there were nine accepted party lists. It was also noted that some of the party lists did not fulfil the required quota as stipulated in the law.

Article 11 of the constitution requires that the state ensure equality between women and men in all civil, political, economic, social, and cultural rights. It also demands that the state take necessary measures to ensure the appropriate representation of women in the HOR. The stakeholders consulted expressed concern that women did not receive fair representation as guaranteed and had not been given the platform to participate as candidates, despite the provision in the law. In Demmietta, for instance, the party lists were compiled in accordance with the law, which required seven women among 15 candidates. However, the mission noted that under the individual seat system, nomination of female candidates became difficult, as most women could not meet the requirement and did not have the financial strength to campaign. In the end only seven women were among the 104 independent candidates in Demmietta.

Although the new electoral laws stated above encouraged the participation of women and youth as candidates in the elections, very few were able to compete in the elections. Explanations given by local stakeholders on the low participation of women and youth as candidates were related to the strong culture, customs and attitudes that restrict the participation of women and youth in politics and government and a lack of financial support for those wishing to run as candidates. In most governorates, the mission noted that less than five per cent of the candidates were women and youth. In Qena, for instance, the local HEC reported that only three out of 92 candidates that had applied to run as candidates were women.

3.4 WOMEN'S REPRESENTATION AND MINORITY RIGHTS

According to Article 5 of the Law No. 46/2014 of the House of Representatives, at least 70 out of 596 seats should be reserved for women, of which 56 would be elected seats and 14 seats appointed by the president. The EISA mission noted with satisfaction the introduction of quotas for marginalised groups and minorities for the party-lists system as enshrined in Article 224 of Egypt's 2014 Constitution. During consultations with electoral stakeholders and EISA witnesses, many stakeholders expressed satisfaction with the participation of women as voters, especially during the second phase of the electoral process.

The mission noted that only 308 women (6%), out of 5420 contested as electoral candidates for both party lists and independent seats during the polls. Of the 308 women, 110 contested both party and independent lists in the elections during the first phase in the 14 governorates in which the elections took place. 198 women contested the second phase in the 13 governorates in which elections were held. For the first-phase elections, 32 out of 110 women succeeded. Of these, 27 were elected under the party lists and five were elected as independent candidates, while 41 women were elected as Members of Parliament (MPs) in the second-phase elections, of which 12 were elected as independents and 29 elected under the party-list system. Five women candidates were elected during the runoff for the first-phase election.

Currently, there are 73 women, in addition to the 14 that were appointed by the president, making a total of 87 (14.8%) women represented in parliament. Of these 87 female MPs, 17 are directly elected individuals, 14 appointed by the president, and 56 through party lists. This marks the highest number of female candidates in the history of Egypt's parliament.

The mission noted that cultural barriers and economic constraints remain the main impediments to greater participation of women in public life and politics. The mission further noted that 87 (14.8%) women's representation in parliament still falls short of the minimum 30% representation of women in elective position as stipulated in the 2003 African Union Parity Principle. The mission further noted with dissatisfaction the absence of a mechanism that would ensure appropriate representation of women as enshrined in the laws stated above. Party lists in most governorates did not adhere to the specification of the number of women as provided for in the relevant laws; instead, the representation of women as party-based candidates was left to the discretion of the political parties.

3.5 QUOTA REPRESENTATION

Article 5 of the Law No. 46/2014 of the House of Representatives also sets aside a specific number of seats that must be reserved for people living with disabilities and Christians, commonly referred to as Copts. The Article also speaks to the issue of participation of women and minorities in the electoral process. It is however important to note that Article 5 categorically stipulates that the guarantee of minorities is restricted to the 'first elections of the House

of Representatives following the entry into force of the law'. This is seen by stakeholders as a major impediment for women and minority groups. The restriction on the participation of women and minorities goes against the principle of equal representation of men and women in public institutions embodied in the African Charter on Democracy, Elections and Governance. It also goes against Articles 8 (1) and 8 (2) of the same Charter, which calls on member states of the African Union to eliminate all forms of discrimination based inter alia on gender, ethnicity and religion and to adopt legal measures that guarantee the rights of women and minority groups.

Prior to the elections, a lot of sensitisation by the HEC was undertaken to encourage active participation of women across the 27 governorates. Although most of the stakeholders met did not express concern as to the restrictions of women as stipulated in Article 5 above, the mission finds it worthy of note that the newly elected MPs must take cognisance of the implication of these provisions towards future elections in Egypt, and that Egypt should maintain its role of making laws that will ensure that quota representation for women and other minority groups is enshrined in the legal framework guiding future elections in Egypt.

Table 6: Required quotas for party list

Group	No. of Seats	District No. 1	District No. 2	District No. 3	District No. 4
Women	56 (of the 120 list seats)	21	21	7	7
Copts	24	9	9	3	3
Workers & Farmers	16	6	6	3	3
Youth	16	6	6	3	3
Egyptians Abroad	8	3	3	1	1
Persons with Disabilities	8	3	3	1	1

Source: Morsy, Ahmed. "The Egyptian Parliamentary Elections 101". Middle East Institute. Jan 26, 2015.

3.6 CIVIC AND VOTER EDUCATION

The legal framework guiding elections in Egypt did not specify civic and voter education as the responsibility of the HEC. The law also does not stipulate whose responsibility it is to conduct civic and voter education; however, relevant laws guiding the elections provide for CSOs to conduct CVE. The absence of delegating specific obligations of voter and civic education to any of the stakeholders could lead to manipulation of the voters' free will by politicians, thereby endangering voters' perception and participation in the electoral process

The mission noted the paucity of voter education initiatives conducted by the HEC, which were largely limited to providing posters outside polling stations directing voters on key steps to voting. The HEC also employed the use of cartoon strips to explain the voting process to potential voters. Such material was displayed in public places like schools. In Damietta, for instance, several programmes were created by the office of the Governor to encourage participation especially among the youth through the opening of a Facebook page titled "Together We Can Make Demmietta the First". The initiative to encourage young voters could also be used in other instances to divert voters' attention. In other governorates, the mission noted few special educative programmes organised and publicised on TV stations and newspapers encouraging voter participation and educating voters on how to cast their vote appropriately.

In Ismailia, the mission noted the use of social media such as Facebook and Twitter on voter education. Also, the government initiated voter education activities that would increase voter awareness and improve participation. Such activities include pasting billboards in strategic places with the names of certain independent candidates.

Consultations and direct witnessing by the mission revealed that civic education was not a continuous process in both phases of the electoral process. Nevertheless, the High Electoral Committee conducted a nationwide campaign to educate voters on the dates of elections, voting procedures, etc. This information was broadcast on television and radio, and placed on billboards and in newspapers and posters. There was a consensus amongst the stakeholders consulted that the HEC was largely unsuccessful in conducting

civic and voter education. Thus educating voters and raising awareness on voting procedures and the importance of voting were largely dependent on the individual and party candidates who interacted with voters. Low levels of civic and voter education were a concern particularly in rural communities that often had high levels of poverty and illiteracy.

The mission noted that the high number of invalid ballot during both stages of the elections could be attributed to the low voter and civic awareness. Most of the voters were vulnerable to distorted messages on electoral procedures and possible manipulation by those with resources. Also, voters with internet access and computers had a greater advantage over poorer voters, most of whom have lower levels of education and tended to rely more on basic means of communication such as street posters.

The mission further noted a slight improvement in the nature of civic and voter education in the second phase of the elections. Most of the political parties and independent candidates intensified civic and voter education campaigns to enlighten their supporters. Most of them produced civic and voter education literature materials to enlighten their supporters and to enable them to remain visible in the political arena. There was some level of co-operation witnessed by the mission among electoral stakeholders (candidates/political parties, the media and the HEC), in terms of conducting voter education activities. It is critical to note, however, that most CSOs did not share in the responsibility of conducting voter and civic education due to the introduction of the anti-terrorism and protest law. This placed restrictions on civil society operations, especially amongst human rights groups. Many candidates used the influence of families and tribal leaders to reach their constituencies. For instance, in Port Said, some candidates confirmed that they conducted voter education through family and community meetings/conferences, where they explained the process of voting to the electorates.

The mission therefore concludes that the responsibility to educate and inform the public on elections should be a shared responsibility of the HEC, political parties and NGOs alike. NGOs have a responsibility to complement the voter and civic education efforts but they either lacked the resources or were too compromised to achieve results. The mission regrettably witnessed a lower turnout of voters in the elections.

3.7 CAMPAIGNS PROCESSES, USE OF PUBLIC RESOURCES AND CAMPAIGN FINANCE

The period for campaigning as released by the HEC was 29 September 2015 until the 15 October 2015 for the first electoral phase and 2 November 2015 until 19 November 2015 for the second electoral phase. The mission could witness only the last week of campaigning for the first phase, where only two public rallies were witnessed by the mission in the Alexandria and Giza governorates. Electoral stakeholders consulted affirmed the peaceful campaign environment also observed by the mission. Candidates and political parties, however, took the opportunity to get their campaign messages across in the last week of campaigning. Campaigns were generally conducted on a smaller scale, relying more on word of mouth and using the social, economic and political influence of families supporting the candidates; thus, campaigns were centred on family bonds. There were allegations of candidates changing from one party to another in Giza. One confirmed case is that of a candidate who joined the Free Egyptians Party during the last official registration day even though he had been campaigning as a member of the Al Wafd Party.

During the second phase, the mission noted that most electoral stakeholders were dissatisfied with the campaign duration allowed; they observed that the period was too short for candidates and political parties to convey timely messages to the electorate given the expansiveness of the constituencies. In Cairo, for instance, electoral campaigns commenced on the 2 November 2015, while in Menoufiya, Qaloubia, Demmietta and Dakahlia, stakeholders informed the mission that electoral campaigns started earlier than the scheduled date of 3 November 2015. This was confirmed to the mission by an independent candidate in Menoufia. Nevertheless, the mission acknowledged that in the first week of campaigns, there were targeted collaborative efforts among electoral stakeholders to build capacity and increase knowledge and understanding of electoral candidates towards their responsibilities and participation in the electoral race. In Menoufiya, for instance, local authorities organised a series of conferences for the contestants, with active participation of the media and civil society organisations. Although the HEC had a committee dedicated to the control and monitoring of the campaign period, with the right to disqualify any candidates if it was proven that they had violated the regulations on campaigning, stipulated by the constitution,

laws or High Electoral Committee's own decisions, by making a request to the administrative court, the Commission lacked the capacity to fulfil its mandate by practice.

The mission noted that campaign rallies and processes for both phases were conducted in an orderly manner without any incidents of violence from the electoral candidates (independent candidates and the political parties), as required in Article 31 in the Law on Exercise of Political Rights – Egypt 2014. Campaign messages at the rallies attended by the mission covered issues such as provision of good policies and enactment of good laws, curbing unemployment, provision of quality education, good health facilities, and improvement of teacher's salaries. Furthermore, the mission noted that the campaign rallies it attended were devoid of security personnel. This is in accordance with Article 73 of the Constitution, which provides for "the right to peaceful and private assembly without need for prior notification. Security forces may not attend, monitor or eavesdrop on such meeting". The mission also noted that campaign activities were mainly conducted between 7.00 pm to 1.00 am in most of the governorates.

The mission did not observe nor receive reports on the use of public funds. The government does not provide funding for parties and candidates, except for the presidential election. The mission noted that it had an adverse impact on the ability of parties and candidates to compete freely and fairly for political positions on an equal platform, and elections therefore become a practice for the elite few who were able to attract funding from private donors. In addition, the mission noted the advantage the role of money in the campaign and electoral process has, especially as it relates to the visibility of candidates with ample resources over those with little or no resources. In Cairo the mission noted that candidates with high visibility in the first week of campaigns were candidates who belonged to political parties. Generally, candidates had the right to hang posters and attract voters. However, in order to do so, candidates had to have a large amount of money to be able to finance their election campaign. This was confirmed by stakeholders that the mission witnesses met. In Demmietta, some independent candidates, mainly women, confirmed that lack of allocation of government campaign funding and use of public resources by political parties and candidates reduced the influence of government on candidates and in the electoral process.

Additionally, some stakeholders expressed concern over the timeframe for the campaign period. Most of the candidates and political parties consulted by the EISA teams claimed that the campaign period was too short for them to convey their messages to the electorates. Some candidates indicated that they were new and not known, especially in larger constituencies, where they would be contesting, and that there were too many candidates for very few seats.

Article 25 of Law No. 45/2014 on the Law on the Regulation of the Exercise of Political Rights specifies a spending limit of half a million Egyptian pounds (500,000EP) for the first round elections and 200,000EP for the runoff elections. Most of the candidates and parties consulted confirmed compliance with this regulation, indicating that there were some reported cases of violation. They further expressed the view that some candidates deliberately contravened the electoral law by exceeding the spending ceiling for electoral campaigns, and since the regulation is not adequately enforced there were no repercussions. Spending limits for the party list of 15 candidates cannot exceed EGP 2.5 million for the first round and EGP 1 million in the case of a runoff election, while spending limits for the party list of 45 candidates cannot exceed EGP 7.5 million for the first round and EGP 3 million for runoff elections.

The mission noted a lacuna in the said provision of the law as it relates to compulsory disclosure, as campaign spending limits were exceeded by many political parties and candidates, especially through receipt of donations in kind, which was not adequately addressed in the law. For instance in Cairo, some candidates confirmed that contestants violated the spending limits through massive usage of campaign materials in strategic areas in different districts such as stickers, paint tagging/graffiti, posters, banners and huge billboards.

Article 26 provides for the funding of political party/candidate campaigning: it states that candidates may receive donations in cash or in kind from any Egyptian natural person, or from Egyptian political parties, provided that the donation both in kind and in cash from any one person or party does not exceed 5% of the spending limit for electoral campaigning. It is prohibited to receive donations exceeding that percentage, and the candidate must

notify the HEC of the names of the persons from whom, or parties from which, he received a donation and the amount of that donation. The mission noted, however, that the majority of political parties and candidates fund themselves through contributions received from family and friends. Since there is no mechanism in place to regulate their spending, most of the candidates ignore compliance in terms of declaring their source of campaign funds and notifying the HEC of the amounts spent on campaigns. Moreover, stakeholders opined that such violations had occurred in both the first and second phase.

Article 27 of the same law No. 45/2014 provides that “candidates shall set aside campaign funds in an account in any of two state-owned banks as specified by HEC or a post office, where received cash donations, funds allocated from the candidate’s own purse and value of in-kind donations are also recorded”. In addition, Article 28 stipulates that the inspection of the electoral campaign accounts will be conducted by a body designated by HEC under its (the HEC) supervision to audit campaign accounts”. The mission noted that the law on the regulation of the exercise of political rights is silent on the timeframe for conducting such inspection and the mechanism in place to control spending limits for campaign expenses.

Overall, the mission’s assessment, based on its consultations with stakeholders, and in addition to the issues identified above, is that most of the stakeholders lacked concrete information on rules and regulations pertaining to party and candidate financing and campaign spending limits. This was due to the different interpretations received by the EISA witnesses on the set campaign spending ceilings and financing.

3.8 MEDIA ACCESSIBILITY, PERFORMANCE AND COVERAGE

Article 32 of Law No. 45/2014 on the Law on the Regulation of the Exercise of Political Rights provides for the regulation of media coverage. It states: “While providing media coverage of election or referendums, the media outlets licensed to operate in Egypt must observe objectivity in compliance with established professional norms. Coverage should be within the scope of shedding light on the electoral programs of candidates, or discussing the subject put to referendum objectively and impartially.” In this regard, media outlets must particularly adhere to the following:

1. Separation of reporting and opinion, and separation of reporting and advertisement.
2. Observation of accuracy in conveying information, and citing sources.
3. Using headlines which reflect the contents.
4. Refraining from publishing photographs which are irrelevant to the subject of coverage.
5. Refraining from confusing terms, over-generalisation, and misquotation.
6. Refraining from asking voters about the candidates they will elect or the opinion which they will express or have already expressed in the referendum.
7. Refraining from holding any opinion polls in front of polling stations or in their vicinity.
8. Pre-disclosure of the electoral identities, or ideological preferences with regard to the subject of the referendum.
9. Refraining from asking leading questions indicating a clear bias.
10. Ensuring that each party is granted an equal right to reply to and comment on criticism or flattery.
11. Refraining from publishing free or paid advertisements for candidates or proponents of a particular opinion with regard to a subject put to referendum after the legal campaigning period has elapsed.
12. Refraining from using religious slogans to support or oppose a candidate or a subject put to referendum.

Chapter 3 of Article 29 on the law promulgating the Law on the Regulation of the Exercise of Political Rights provides for the use of governmental media outlets. It states that “candidates shall have the right to use state-owned media outlets, within the limits of what is actually available”. It further states that the “HEC shall establish the regulations and procedures for such use, in order to ensure equal opportunity and non-discrimination between candidates”.

In order to ensure compliance with Article 37 of the Law No. 45/2014 on the Regulation of the Exercise of Political Rights, on sanctions for media

violation on media coverage,¹⁸ in August 2015 the HEC established three media commissions including representatives of the HEC, several ministers, private TV channels, governmental bodies and independent experts, to monitor and evaluate media coverage and conduct during the parliamentary elections to ensure adherence to professional standards. The EISA EWM, however, noted that the provisions in Article 37 are silent on what would constitute a violation. Furthermore, the commissions are entitled to rule that any media outlets guilty of violating the provision mentioned above publish an apology with a pledge not to commit any other violation in the future. In addition the commission can punish violators with a complete ban from covering the elections.

The media plays an important role in the proper functioning of a democracy. Discussion of the media's functions within electoral contexts often focuses on their "watchdog" role and that they should be entitled to conduct their duties free from harassment or intimidation, including reference to the successes and failures of candidates, governments, and electoral management bodies informing the public of how effectively they have performed in order to promote accountability. In addition, the media also has a role to play in informing the public of election processes and issues enabling full public participation in elections in Egypt. According to the EISA media analysis for the 2015 parliamentary elections, the media played the following roles during the elections:

- Educating voters on how to exercise their democratic rights
- Reporting on the development of an election campaign
- Providing a platform for the political parties and candidates to communicate their message to the electorate
- Distributing HEC statements, analysing them and keeping the citizens updated
- Providing a platform for the public to communicate their concerns,

18 Article 37, the HEC shall establish one or more committees from amongst its members and other independent experts in the field of media to undertake the following: compelling the media outlet to refrain from publishing coverage in any manner, or any polls about the elections, for a period to be determined by HEC. The decision shall be published in the manner determined by HEC. The legal representative of the media outlet may seek an Order on Petition from the Administrative Court repealing a decision of HEC in this regard. This request shall be subject to the provisions provided for in the Code of Procedure regarding Orders on Petition.

opinions, and needs to the parties/candidates, the Electoral management Body, the government, and other voters and to interact on these issues

- Allowing the parties and candidates to debate with each other
- Reporting results and monitoring vote counting
- Scrutinising the electoral process, including electoral management, in order to evaluate the fairness of the process, its efficiency and its probity
- Allowing the political parties and candidates to debate with each other
- Providing information that as far as possible avoids inflammatory language, helping to prevent election-related violence

The HEC conducted screening of applications from media outlets and civil society organisations for requests to cover the parliamentary elections from 13 to 20 August 2015, and granted permits to such organisations to be registered from 21 to 25 August 2015. The final permits for authorisation were issued from 26 to 30 August 2015.¹⁹ The HEC in its report mentioned that 81 local CSOs and six foreign NGOs were accredited to observe the elections. It is important to mention, however, that the presence of citizen observers during the poll was lower than in previous elections observed by EISA in Egypt.

Table 7: Media representation, participation and ownership in Egypt 2015 parliamentary elections

Type	Name	Governmental/ Private
TV Channels	Nile TV	Governmental
1.	Al Masryah	Governmental
2.	CBC	Private
3.	ON TV	Private
4.	Al Nahar	Private
5.	Dream	Private

¹⁹ <http://english.ahram.org.eg/NewsContent/1/0/136619/Egypt/0/Egypt-elections-committee-to-receive-media-reques.aspx>

6.	Ten	Private
7.	Mehwar	Private
8.	Sada El Balad	Private
9.	Al Faraeen	Private
10.	Al Hyah	Private
11.	Al Kahera Wal Nas	Private
Newspapers	Al Ahram	Governmental
1.	Al Ahram Al Masaa'y	Governmental
2.	Al Akhbar	Governmental
3.	Al Gomhoria	Governmental
4.	Youm 7	Private
5.	Al Masry Al Youm	Private
6.	Al Bawaba News	Private
7.	Al Shorouk	Private
8.	Al Dostor	Private
9.	Al Wafd	Private
10.	Al Watan	Private
Websites	Ahram Online	Governmental
1.	Egy news	Governmental
2.	Mada Masr	Private
3.	Egypt Independent	Private
4.	Daily News Egypt	Private
5.	Cairo Post	Private
6.	Aswat Masryia	Private
7.	Sada El Balad	Private
8.	Youm 7	Private
9.	MENA	Private
10.	Al Bawaba News	Private

Radio	Radio Masr	Governmental
1.	Nile FM	Private
2.	Radio Hits	Private
3.	Nagham FM	Private
4.	ARD (German Radio in Cairo)	Private

Source: HEC website

According to the Chairman of the HEC's media commission, while some media channels followed the international norms and the HEC regulations in monitoring the parliamentary elections, many TV channels violated the set regulations such as the lack of promoting equal access and appearance of candidates on TV and commitment to the legal time of electoral propaganda.²⁰ Specifically, the Media Performance and Evaluation Commission (MPEC), one of the three Media commissions, initially identified four satellite channels (ON TV, Al-Faraeen, Al-Kahera Walnas and CBC) that acted with immoderately while covering the elections, and demanded that these channels apologise in accordance with the media rules and regulations.

It was noted that based on some of the violations committed by political parties and candidates on the use of political money and exceeding campaign finance, there were no penalties imposed on the political parties and independent candidates by the HEC. For instance, the 28 September date set by the HEC as the official date for commencement of electoral campaigns was violated by many TV channels, as several channels conducted interviews with potential candidates that promoted these candidates. A number of other TV satellite channels were warned by the HEC in its 3 October statement for biased reporting, and were required to respond to the warnings within 24 hours – namely, CBC, Dream 2, Al Faraeen, Al- Hayat and Sada-El Balad. The HEC took steps to tackle infringements of the media regulations committed by media representatives/personalities on the HEC's media regulations by issuing warnings and receiving apologies.

In addition, the HEC's spokesperson Omar Marwan announced at the commission's press conference a week later that the number of stations that

²⁰ <http://www.albawabhnews.com/1580745>

violated the media regulations had increased to about 10 channels. Although most channels responded to these warnings by either clarifying their positions or apologising as requested, the penalties against legal violations included a total ban from covering the elections. The mission noted, however, that while there was no clarity as to what constituted violations in media coverage, most of these infringements could only be controlled to a certain point by the commission. It was noted for instance that there were interviews conducted during the first stage of the electoral campaigning that promoted prospective candidates for the second stage that should only have been promoted during the second electoral phase campaigning in November.²¹

Furthermore, the mission noted that media performance in terms of coverage and educating the voters was improved in the second phase of the electoral process. This performance however declined during the third phase (suspended elections for 13 seats), due to the protracted electoral process, which made it tiring for media representatives to cover the elections.

The EISA EWM engaged with the media throughout the period of its deployment. The EISA mission's media engagement included:

- Media interviews by Heads of Mission on election days
- Organising two press conferences for the release of interim statements on the two phases of polling.

The mission held its first press conference on 30 October and its second on 4 November 2015.

21 <http://www.dailynewsegypt.com/2015/10/11/elections-in-the-media-candidates-and-parties-exchange-accusations/>

4

The Election Phase



- 4.1 Opening of the polls and voting process
- 4.2 Polling station staff, party/candidate agents, citizen witnesses and security forces
- 4.3 The ballot and election materials
- 4.4 The voters' roll
- 4.5 Voter turnout
- 4.6 Closing and counting
- 4.7 Administrative court rulings

The 2015 parliamentary elections were held in two phases. The first phase covered voting for the first round on 17 and 18 October, and the runoff elections held on the 27 and 28 October 2015 in 14 governorates, namely, Giza, Fayoum, Beni Suef, Minya, Assiut, Sohag, New Valley, Qena, Luxor, Aswan, Red Sea, Beheira, Alexandria, and Marsa Matrouh. The EISA EWM covered 13 governorates, with the exception of the Red Sea governorate.

The second phase covered the second round of voting that took place on 22 and 23 November 2015. The runoff election was held on 1 and 2 December 2015. This phase covered 13 governorates, namely, Cairo, Daqahliya, Qalyubiya, Menofiya, Sharqiya, Kafr el Sheikh, Gharbiya, Damietta, Port Said, Ismailia, Suez, North Sinai, and South Sinai. EISA EWM covered 11 governorates, with the exception of North Sinai and South Sinai governorates.

Out-of-country voting was held in two phases. Egyptians abroad voted one day prior to the voting days in Egypt. The first phase of polling was held on the 17 and 18 October and the second phase was conducted on 21 and 22 November 2015. The runoff elections for both the first and second phase were held on the 26 and 27 October and 30 November and 1 December 2015 respectively.

Rerun elections in four suspended constituencies, i.e. El-Wasta and Beni Suef constituencies in Beni Suef governorate and El-Raml and Demonhour

constituencies in Alexandria and Beheira governorates respectively, were held during the first phase on 6 and 7 December and the runoff was conducted on 15 and 16 December 2015.

EISA witnesses visited a total of 1252 polling stations – 512 in the first phase and 679 in the second phase. EISA witnesses visited 61 polling stations in the rerun elections. The teams witnessed polling day activities, including the opening of the poll, the voting, the counting and tabulation of election results at both the polling stations and the aggregation centre level. Throughout the polling days, the EISA teams were equipped with handheld innovative computer tablets to ensure real-time transmission and accuracy of data collected in the field.

4.1 OPENING OF THE POLLS AND VOTING PROCESS

Voting took place from 9:00 am until 9:00 pm, including a recess of one hour. The EISA EWM noted that most of the polling stations opened on time. A few stations visited during the runoff elections opened late due to the late arrival of presiding judges and slow opening procedures and preparations by polling staff. The latest opening by a polling station visited during both phases was 10:00 am. The mission noted a general improvement in voting operations during the second phase of the elections. The HEC delivered election materials in most of the governorates on time. This impacted positively on the timely opening of the polls during the elections and its subsequent runoffs. The HEC demonstrated improved capacity in ensuring the timely opening of polls and arrival of polling officials.

During the rerun elections, two EISA teams were redeployed to observe the polling day activities in El-Wasta and Beni Suef constituencies of Beni Suef governorate and Al-Raml and Demonhour constituencies in Alexandria and Beheira governorates respectively. The mission noted sustained improvement in the overall assessment of the opening process, especially on the second day of voting. The mission also noted that polling stations opened on time.

The EISA mission noted that most of the polling stations visited were located in neutral places such as public schools. However, the teams witnessed poor accessibility of some polling stations for the elderly and persons with disability due to their location upstairs. The mission noted an improvement,

especially during the second phase and rerun elections, in the accessibility of such categories of voters to the polling stations due to the relocation of a few stations previously located on the first, second and third floors to the ground floor. The mission commends the HEC for improving its provision of wheelchairs located outside most of the stations for voters with special needs.

The voting process was conducted smoothly and efficiently, with voters being processed in approximately three minutes. There were a few instances of voters being turned away for being at the wrong polling station within the correct polling centre, or voters who were not in possession of appropriate and/or required documentation such as the voter card. The mission noted a sustained improvement in the assessment of voting procedures, especially during the second-phase runoff elections and the rerun elections. The polling stations visited were appropriately laid out and mostly promoted the easy flow of voters.

The secrecy of the vote was generally upheld, with the exception of isolated cases where secrecy was compromised due to the small size of the polling stations and/or refusal of presiding judges to render assistance to uneducated voters. The mission noted inconsistencies with the application of voting procedures such as the inking of the finger, with the voter's index and baby finger being used interchangeably and fingers usually not inked to the cuticle level. Also, application of the ink was left to the discretion of the judges at the polling stations. Lack of similarity in inking procedures may open the system to manipulation.

The EISA EWM commended the use of the voter identification technology in selected polling stations as a pilot project. This improved efficient and reliable identification of voters during voting days.

4.2 POLLING STATION STAFF, PARTY/CANDIDATE AGENTS, CITIZEN WITNESSES AND SECURITY FORCES

In accordance with the HEC guidelines and regulations for voting, each polling station is supervised by a judge. There were sufficient polling staff in the polling stations visited, although the mission noted that most of the staff were unidentifiable. The mission noted that since the first elections were held in 2011 there was an improved understanding of the voting process. There

was however a low presence of political party/candidate agents throughout the polling days. However, there was an improvement in their presence at polling stations during the second phase of the runoff elections and the rerun elections. Most of the candidate/party agents showed limited understanding of their role.

The mission noted that citizen observers and party and candidate agents were able to perform their duties without interference or restrictions during the elections except in few instances where restrictions were placed such as not being able to stay for as long as required at the polling stations. Also, in a few instances party/independent candidates were not provided with copies of the election results. The mission noted with concern the low presence of citizen witnesses in most of the polling stations visited. This may be attributed to the passing of the protest law, which made it difficult for civil society and human rights groups to deploy citizen witnesses. The protest law was aimed at curtailing human rights activities and in some instances led to the arrest of human rights advocates.

In all the polling stations witnessed, there was visible presence of security personnel from the opening of the poll to closing and counting. Security officials were mostly discreet and unobtrusive, and effectively managed voters waiting in queues to cast their vote. However, in a few polling stations, EISA witnesses noted that some officials were intrusive in a manner that obstructed the polling activities.

4.3 THE BALLOT AND ELECTION MATERIALS

The EISA EWM commends the timely and efficient distribution of election materials during the elections. During the elections there were two ballot boxes for each polling day, one for the party lists and the other for individual lists. The mission noted improved understanding of the use of the ballot boxes as compared to previous elections.

4.4 THE VOTERS' ROLL

The EISA EWM noted that a copy of the voters' roll was made available at the polling stations visited and to political parties and candidates contesting the elections. The mission noted in a few instances that voters were turned away from polling stations due mostly to being at the wrong station. Other

reasons were voters not being in possession of the required documentation or their national ID. In only a few cases were voters not registered on the voters' roll. The average number of registered voters at a given polling station was between 750 and 2500 voters.

4.5 VOTER TURNOUT

The mission noted that there were high expectations as regards voter turnout, especially among women and youth, because of the level of campaigning and improved voter education that had been done ahead of the second round by some contestants and the urban nature of these governorates. However, the turnout was low. As mentioned in the introductory section of this report, turnout in the 2015 elections was low, with an average of 28.2% turnout in both phases. The mission noted that the protracted transition period coupled with the lengthy period of voting contributed to voter fatigue.

4.6 CLOSING AND COUNTING

Most of the stations closed at 9:00 pm in accordance with the HEC regulations, and polling stations/centres were closed by security personnel, except in a few stations where voting was extended in order to accommodate voters who were in the queue at the polling stations before the closing of the polls. This is in accordance with the regulations, whereby if the election takes place over more than one day and the time set for the end of the voting process on the day of the election comes, voters in the queue at closing time are entitled to vote.

It was also noted that in a few polling stations the closing of polls was concluded earlier than in the stipulated regulations, while in others the counting of votes commenced before the official closing time. This was witnessed during the runoff for the second phase and rerun elections in the four suspended constituencies.

In most stations the gates leading to the polling centre/stations were closed by security personnel at 9:00 pm in order for the sorting of votes and counting to begin. The EISA witnessing teams noted that the closing of polls and counting of results proceeded peacefully and were free from any disruption in all the stations visited. At some stations, due to limited space, the polling stations where counting took place were very crowded. In most polling stations, the judges took time to explain the steps and procedures involved, and ensured

authorised personnel were updated as they observed the process. The sorting, counting and tabulation processes were participatory and were concluded in a timely manner. Upon conclusion of counting, results were submitted to the General Committee. in Cairo, LTWs witnessed live broadcast of closing and counting processes from some polling stations. The team further noted that the results announcement at the station was however not broadcast live as the TV station was instructed by the presiding judge to turn off the sound.

The mission noted inconsistencies in adherence to the closing and counting procedures in most of the stations visited. The mission also noted that results were not announced and posted at all the stations visited.

The mission notes the high number of spoiled ballots during the first phase of the polls due to the complexity of the electoral system adopted for the elections. The mission, however, noted a slight increase in voter awareness on voting procedures during the second-phase elections. in a few instances the EISA teams were not allowed to witness the counting process, for instance in Giza primary school during the first phase of elections. Granting witnesses access to witness the closing and counting process during elections was considered a favour by some presiding judges.

As required in the regulations, the chairperson of the sub-committee shall declare the end of the process in the presence of the attending representatives and delegates and the following procedures shall be followed:

- The boxes containing the ballots shall be safely sealedA report of closing procedures shall be drawn up, indicating the number of voters who have cast their votes
- The report of the sub-committee, unused ballots, and all papers shall be kept in one or more envelopes to be safely sealed
- The boxes and all the papers shall be kept at the headquarters of the sub-committee
- The headquarters shall be safely locked and the necessary guard duty shall be set up

In accordance with the above provision, closing procedures were mostly adhered to in the polling stations visited. The ballot boxes were correctly

sealed and stored in secured locations at the end of the first day of voting, and candidate agents were able to record the seal numbers. On the second day of voting, the presiding judges recorded opening procedure appropriately in most of the stations visited. At the closing of the second day, polling stations proceeded with the vote count after the closing of the poll. Voters in the queue at the time of closing were allowed to vote. Witnesses reported the closing of the poll as free from any disruption in the polling stations visited.

4.7 ADMINISTRATIVE COURT RULINGS DURING THE 2015 PARLIAMENTARY ELECTIONS AND THE CONDUCT OF SUSPENDED (RERUN) ELECTIONS IN FOUR CONSTITUENCIES

On 25 October 2015, the Administrative Court in Cairo annulled the election results in two constituencies – Beni Suef and Al-Wasta in Upper Egypt’s governorate of Beni Suef and two constituencies El-Raml and Demonhour in Alexandria and Beheira governorates respectively. in Beni Suef, the name of a judicially disqualified candidate was listed on the ballots. For the same reason the court cancelled the results in the El-Raml constituency after the candidate Aly Elba, who earned 23,000 votes, was excluded for not meeting some requirements for candidature such as loss of repute (article 8, Law No. 46/2014 as amended) in the first round. in Damanhour, a jailed parliamentary candidate won 18,472 votes. in another instance the candidacy of Mabrouk Zeatar was approved by the Administrative Court even though he was jailed, pending a retrial. These instances contravened the provisions of Law No. 45/2014 as amended, which bars persons convicted of crimes from enjoying political rights.

5

The Post-Election Phase



- 5.1 Aggregation of results
- 5.2 Complaints process and dispute resolution
- 5.3 Announcement of the results

5.1 AGGREGATION OF THE RESULT AT POLLING STATIONS AND FINAL ELECTION RESULTS

Upon completion of the vote count at polling stations, the results from individual polling stations were aggregated at the District General Committees (DGCs), where the presiding judges delivered the results from their polling stations. The EISA mission noted that aggregation centres were accessible to authorised persons such as the international and citizen witnesses, the media and party/candidate agents including the EISA witnesses. The mission noted with regret that its witnesses, as well as the party and candidate agents assigned to the Giza Primary School in Giza, were denied access to the counting process during the first-round elections. During the second-round elections in Menoufia moreover, EISA witnesses (LTWs and STWs) were refused access to the New Quesna School and also received a complaint from an individual candidate agent who was refused access to the polling centre as well as a domestic observer from the Menufiyah Human Rights Association. There was also a strong presence of security officers across the governorates covered. The mission further noted that political party/candidate agents and citizens witnesses were not represented in all the centres.

The process was largely transparent and free from obstruction or any incidences. The sorting, counting and tabulation processes went smoothly in most of the centres witnessed, except in a few aggregation centres where the

EISA teams witnessed inconsistencies with procedures of results aggregation. EISA teams noted a few other challenges during the aggregation process, such as limited space at some aggregation centres taking into consideration the high number of party and individual candidates participating in the process, seating arrangements of party/candidate agents and election witnesses in a position that made it difficult for them to verify or hear what was transpiring during the entire process including submission of results from polling station level. In Dakhalia, in Sherbeen District, at Sherben polling station and Sherbeen Stadium, EISA witnesses during the counting and tabulation processes reported non-verification of results by the candidates and their agents. The process was concluded by the judges and staff only.

In some aggregation centres, results were publicly announced and the party/candidate agents voluntarily countersigned the results. The mission noted the easing of the sorting and counting process in most aggregation centres in both rounds of the runoff elections due to the lower number of candidates contesting these elections, with the process being concluded between 9:30 and 11:00 pm. Compilation of results was conducted both manually and electronically in most of the governorates witnessed by the LTWs in Kafr El Sheikh, Dakhalia, and Cairo North governorates.

Following the conclusion of the aggregation processes, results from the District General Committees (DGC) were transmitted to the HEC Headquarters in Cairo on the following day. The mission noted that election results in most of the governorates covered were not announced or published at the polling or tabulation centres, except in Cairo where LTWs witnessed the announcement of results at both the polling station and aggregation centre and were provided with the election results as well.

Table 8: Election results for the 2015 parliamentary elections

Political Group	Total	Appointed members
Independents	351	28
Free Egyptians Party (Al Masreyeen Al-Ahrar)	65	
Nation's Future Party (Mostakbal Watan)	53	

New Wafd Party (Al Wafd El Gadeed)	36	
Homat Al Watan (Guards of the Homeland)	18	
Republican People's party (El Shaab el Gomhory)	13	
Conference Party	12	
El-Nour	11	
Conservative Party	6	
El Salam El Gomhory (Democracy)	5	
Modern Egypt Party (Masr Al Haditha)	4	
Egyptian Social Democratic Party	4	
Egyptian National Movement (El haraka el Wataneya)	4	
Freedom (Al-Horreya)	3	
Misr Balady ("My country Egypt")	3	
Reform and Development Misruna Party	3	
Progressive Nationalist Unionist Party (El Tagamo El Takadomy)	2	
Revolution Party	1	
Arab Democratic Nasserist Party	1	
El Sarh Al Masry Al-Hor	1	
Men	507	
Women	89	
% of women	14.93%	

Source: http://www.ipu.org/parline-e/reports/2097_E.htm

5.2 COMPLAINTS/APEAL PROCESSES AND ELECTORAL DISPUTE RESOLUTION

Chapter 6 of the Law No. 45/2014 on the Regulation of the Exercise of Political Rights addresses the disqualification of a candidate and petitioning against the voting and vote counting procedures. Article 52 provides as follows: “If HEC has come to the conclusion that a candidate has committed a violation of the regulations provided for under the Constitution, the Law or the Decisions of HEC regarding electoral campaigning, the Chairman of HEC is to submit an application to the High Administrative Court to remove the name of this candidate from the final list of candidates running in the Constituency, provided that said application contains the facts, evidence and supporting documents evidencing that the candidate has committed the violation. The Court Registrar shall notify the candidate or his/her delegate before HEC of the application within twenty-four hours from the date of submission of the application. The candidate may review the application and its attachments, and may file submissions and documents within the twenty-four hours following the end of the period determined for his/her notification. These periods may not be extended on grounds of official holidays or long distance. Without prejudice to safeguarding the right to legal defence, the Court may decide on the application promptly, and it may do so without hearing submissions or referral of the case to the State Commissioners Authority, where the papers suffice to decide on the application. The Court shall issue its ruling on the substance of the application either by declining the application or removal of the name of the candidate from the final list of candidates in the Constituency.”

The mission noted that the procedures of disqualification of a candidate are lengthy and cumbersome, as they firstly require convincing the HEC with requisite information and documented evidence to enable the HEC to submit an application with facts and evidence to the High Administrative Court for a candidate’s name to be removed from the final list of candidates. Furthermore, the short timeframe (24 hours) dedicated to achieving the above within which the candidate will be informed by the Court Registrar about the disqualification attempt, receive a copy of the application and review it to file submissions and documents disadvantaged candidates wishing to lodge a complaint. Article 53 further complicates the complaint processes by stipulating that all procedures are completed within 24 hours following the

notification period.²² Furthermore, Article 54 of the same Law No. 45/2014 provides for mandatory petitioning against voting and vote-counting procedures.²³ The mission noted that the official bodies – that is, the General Committee and the HEC – seemed to not be fully cognisant of the procedures concerning the submission of complaints. The witnesses noted a breach of Law No. 45 2014 on the management of complaints and appeals cases wherein the process of receiving complaints from the General Committee by the HEC conflicted with the short timeframe for adjudication. Most of them displayed a lack of understanding on how to guide candidates in lodging their complaints appropriately. The mission reiterates that a reasonable timeframe should be allowed for filing appeals, as most candidates and human rights/citizen observer groups were unable to deliver their complaints in a timely way due to limited knowledge and/or information on the appropriate processes to lodge complaints and appeals. Unsuccessful candidates informed the mission that the two-day period provided by the law to file appeals against results generated a lot of acrimony, especially from candidates.

Although the EISA witnessing teams reported that several complaints and appeals were filed during both rounds of elections, most of the complaints were thrown out either due to insufficient supporting documents or untimely submission of complaints/appeals. During the first phase elections were suspended and results cancelled in four constituencies following the High Administrative Court order that elections should be repeated in some districts of Alexandria, Beheira, and Beni Suif. The mission, however, noted there were no reports of violence in relation to the unsuccessful complaints. The elections were repeated in these constituencies within 60 days in accordance with the instructions of the court and provisions of the law.

22 If the papers and evidence presented suffice to decide on the application, the court may decide promptly, without hearing the defence. If a candidate is disqualified but he has already received a fair share of votes that has influenced the distribution of votes over other candidates or impacted on the final results and if compared with removal of that candidate from the ballot, like in the case of rerun elections in Alexandria, the HEC could decide to repeat the elections there and suspend the announcement of results to submit an application with documentary evidence to the HAC. If there will not be substantial impact on the results, the court may decide not to repeat the elections.

23 If a candidate wants to appeal against voting or vote-counting procedures, he should submit a petition to the competent General Committee during the polling, not later than 24 hours after the announcement of the results by the General Committee. The General Committee should refer the appeal to the High Electoral Committee, which the latter should consider and issue a decision within 48 hours from the date of its receipt.

The mission further noted that limited information was made available in regard to the official complaints and appeals lodged throughout the duration of the electoral process. In most cases, EISA witnesses could not receive or access information regarding complaints and appeals filed during the elections from the Administrative Courts, General Election Committee (GEC) or the HEC at the governorate level. Most of the complaints filed resulted from the first stage of the elections and the mission noted few complaints being lodged during the runoffs.

As a result of the gaps identified above, the mission noted with dissatisfaction an incident that led to the Dakhalia Administrative Court nullifying the results in Al-Mansoura City in the Dakahlia governorate due to voting and counting irregularities and an omission of a candidate's name on the ballot. This was overturned by the High Administrative Court in Cairo on the eve of elections during the second-stage voting process, causing confusion among voters as to whether the elections would be held or not. Such incidents could impact negatively on the number of potential voters that cast their votes in an election.

5.3 ANNOUNCEMENT AND ACCEPTANCE OF THE RESULTS AND THE OATH-TAKING OF THE MPS ELECTED

The presiding judges at the polling station level announced the results in each polling station at the end of the counting procedure and provided the candidate agents with a copy of the results. The mission noted that most of the results declared after polling day were not announced at the end of the counting processes, nor were they posted outside of the polling stations at the stations that they witnessed.

In order to promote transparency in the collation and announcement of results, there was a media presence (TV coverage) on the closing and counting procedure under the supervision of the presiding judges.

The oath of office and handing of certificates to elected MPs was conducted on the 20 December 2015.

A total of 568 MPs were elected to parliament, 555 were elected in the first and second round, while 13 were elected in the rerun elections. The appointment

of the 28 MPs by the president is yet to be confirmed. Political parties got 239 seats, i.e. 43.1% of the seats, while independent candidates got 56.9%.

6

Conclusions and Recommendations



6.1 Conclusions

6.2 Recommendations



6.1 CONCLUSION

The long-awaited parliamentary elections were held in two phases. Contrary to the background of insecurity and tensions that characterised the political environment prior to the elections, the elections themselves were conducted peacefully, marking the successful conduct of the elections and concluding the final milestone of a transition roadmap that will conclude Egypt's transition to a democracy. The conduct of the 2015 parliamentary elections was a significant accomplishment to ending the Egyptian transition to democracy. While this is a step in the right direction in terms of consolidating democracy in Egypt, it was not without setbacks which clearly impacted the context in which the elections were held.

6.2 RECOMMENDATIONS

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

Constitutional and legal framework

In line with Article 208 of the constitution, on the establishment of a permanent election management body, the EWM recommends that the process be fast-tracked to ensure that the new electoral body is in place ahead of the local elections.

The constitution should be amended to provide for an electoral system. The vagueness of the constitution on a crucial issue like the electoral system opens up the process of determining the process and mode of representation to undue influence of the executive.

The mission also called for inclusion of a specific delimitation criteria in the legal framework and various groups and political interest that will allow for a transparent process for future elections.

The mission further calls for reasonable time to be provided for electoral dispute resolution and filing of complaints and appeals processes for the courts to make determinations on election issues timeously.

Election management body

The mission recommends that the new election management body:

- Provide improved access to information covering each phase of the entire electoral process. International observers and other stakeholders should have access to information on complaints and appeals.
- Transfer polling stations located upstairs to accommodate and improve accessibility of polling stations in future elections.
- Increase the timeframe for the period of candidate nomination and campaign processes to avoid candidates in future elections being disadvantaged.
- The use of Voter Identification Technology in polling stations should be rolled out in all the polling stations in subsequent elections. This will hasten the polling processes and enhance the credibility of the electoral process.

Civic and voter education

There is need for continuous civic and voter education. Efforts should be made for collaboration with CSOs and other electoral stakeholders such as the media, to ensure a broader reach of voters. CSOs, media and the EMB should provide more effort in terms of civic and voter education and coordinate the work between them. The EMB should provide intensive voter education to the voters such as town hall meetings/trainings.

Gender representation

The EISA EWM in its 2012 report “urges the current Constituent Assembly to take decisive steps to improve women’s participation and representation in the political life of the Arab Republic of Egypt.” We reiterate the aforementioned recommendation and encourage a special programme for women and youth to be incorporated in voter education campaigns in order to encourage their participation in political life and the electoral process.

Campaign and campaign finance

There is need for the establishment of a mechanism that will support the oversight role of the HEC and implementation of sanctions insofar as it relates to campaign financing. The proposed Election Management Body (EMB) should find a better system to monitor the use of campaign funds and the ceiling for expenditure during the campaign period.

ANNEXURES**ANNEXURE I****COMPOSITION OF EISA EWM**

MISSION LEADERSHIP					
	Name	Nationality	Gender	Organisation	Role
1	His Excellency, Cassam Uteem	Mauritian	M	Former President, Mauritius	Mission Leader
	Sheik Abul Carimo Nordine Sau	Mozambican	M	National Elections Commission (CNE), Mozambique	Mission Leader (phase 1)
3	Denis Kadima	Congolese	M	EISA, Johannesburg	Deputy Mission Leader
4	Ilona Tip	South African	F	EISA, Johannesburg	Lead- Technical Team
LONG TERM WITNESSES					
	Name	Nationality	Gender	Organisation	Role
5	Yosra MkaDEM	Tunisian	F	Iwatch, Tunis	LTW
6	Bweenda Junior Muke	Congolese	M	Independent consultant	LTW
7	Chibuiké Mgbeahuruiké	Nigerian	M	Transition Monitoring Group (TMG), Abuja	LTW
8	Onesimo Setucula	Angolan	M	Platforma Elec- tora, Luanda	LTW
9	Laetitia Petro Ntangazwa	Tanzanian	F	The Voice of Women, Dar es Salaam	LTW
10	Safa Abuobeida Ibrahim Elbagari	Sudanese	F	Independent consultant	LTW
11	Mukenyi Henrikennyó Badibanga	South African	M	Independent consultant	LTW
12	Angelina Daniels Seeka Very	South Suda- nese	F	Stop Impunity, Juba	LTW

13	Randrara Rakotomalala	Malagasy	F	Independent consultant	LTW
14	Mamadou Thiam	Guinean	M	Coordination Nationale des Organisations de la Société Civile (CONA-SOC), Conakry	LTW
15	Sa'adatu Bowsan	Nigerian	F	African Policy Research Institute (APRI), Abuja	LTW Co-ordinator
SHORT TERM WITNESSES PHASE 1					
	Name	Nationality	Gender	Organisation	Role
16	Maimouna Bah	Chadian	F	CIEL	STW
17	Antonetta Hamandishe	Zimbabwean	F	Independent consultant	STW
18	Catharina du Plessis	South African	F	Media expert	STW
19	Habiba Olfa CHOUIKHA	Tunisian	F	Association Tunisian pour l'Intégrité et la Démocratie des Elections (ATIDE), Tunis	STW
20	HourdamSoukolgué	Chadian	M	CIEL	STW
21	Emmaculeta Makandipei Chiseya	Zimbabwean	F	Zimbabwe Electoral Support Network (ZESN)	STW (later LTW)
22	Moussa Sinko Coulibaly	Malian	M	Ecole de Maintien de la Paix "Alioune Blondin Beye"	STW
23	Jean Jacques Cornish	South African	M	Radio 702, Johannesburg	STW
24	Kati Miettunen	Finnish	F	Finn Church Aid, Somalia	STW
25	Jules Neville Hoareau	Seychellois	M	Seychelles Children's Foundation, Victoria	STW

SHORT TERM WITNESSES PHASE 2					
	Name	Nationality	Gender	Organisation	Role
26	Aichatou Fall	Senegalese	F	Consultant	STW
27	Ephrem Tadesse	Ethiopian	M	Consultant	STW
28	Tsepiso Makwetla	South African	F	South African Broadcasting Corporation (SABC), Johannesburg	STW
29	Martin Omwange	Kenyan	M	Election Observation Group (ELOG), Nairobi	STW
30	Beauty Katebe	Zambian	F	Zambia National Women's Lobby (ZNWL), Lusaka	STW
31	Richard Labrosse	Seychellois	M	Infinity Group, Victoria	STW
32	Gamuchirai Matsheza	Zimbabwean	F	Consultant	STW
33	Dalia Eissa Mohammed	Sudanese	F	Independent consultant	STW
34	Jean-Louis Ouraga	Ivoirian	M	Independent consultant	STW
35	David Ruwodo	Zimbabwean	M	EISA, Johannesburg	STW
36	Patson Chitopo	Zimbabwean	M	Independent consultant	STW
37	Macdonald Governor Chipenzi	Zambian	M	Foundation for Democratic Process (FODEP), Lusaka	STW
38	Faith Titia Adu	Kenyan	F	African Women's Development and Communication Network (FEMNET), Nairobi	STW
39	Sarah Kadima	Congolese	F	Student	STW

STAFF TEAM					
	Name	Nationality	Gender	Organisation	Role
40	Robert Gerenge	Kenyan	M	EISA, Johannesburg	Mission Coordinator/ Staff team lead
41	Naphtaly Sekamogeng	South African	M	EISA, Johannesburg	Co-coordinator
42	Noxolo Gwala	South African	F	EISA, Johannesburg	Admin and logistics officer
43	Pontsho Motaung	South African	M	EISA, Johannesburg	Finance officer

ANNEXURE 2
EISA EWM DEPLOYMENT PLAN

EISA EWM DEPLOYMENT PLAN – PHASE 1				
LTW DEPLOYMENT PLAN PHASE 1				
Areas of Responsibility	Team Location	Team Members	Gender	Nationality
Giza	Based in Cairo	Yosra Mkadem	F	Tunisian
		Randrara Rakotomalala	F	Malagasy
Qena and Luxor	Based in Luxor	Badibanga Mukenyi Henrikenyo	M	Congolese
		Safa Abuobeida Ibrahim Elbagari	F	Sudanese
Fayoum and Beni Seuif	Based in Fayoum	Mamadou Thiam	M	Guinean
		Angelina Daniels Seeka	F	South Sudanese
Asuit and El Wady El Geded	Based in Asuit	Chibuike Mgbeahuruike	M	Nigerian
		Onesimo Setucula	M	Angolan
Alexandria And Beheira	Based in Alexandria	Bweenda Junior	M	Congolese
		Laetitia Petro Ntangazwa	F	Tunisian
E-DAY DEPLOYMENT PLAN – PHASE 1				
Areas of Responsibility	Team Members	Gender	Nationality	Role
Giza (leadership team)	Sheik Abul Carimo Nordine Sau	M	Mozambican	Mission Leader
	Denis Kadima	M	Congolese	Deputy Mission Leader
	Ilona Tip	F	South African	STW
Fayoum	Kati Miettunen	F	Finnish	STW
	Habiba Olfa Chouikha	F	Tunisian	STW

Asuit	Hourdam Soukolgué	M	Chadian	STW
	Jean Jacques Cornish	M	South African	STW
Marsa Matrouh	Catharina Du Plessis	F	South African	STW
	Jules Neville Hoareau	M	Seychellois	STW
Aswan	Moussa Sinko Coulibaly	M	Mailian	STW
	Yosra Mkadem	F	Tunisian	LTW
Alexandria	Emmaculeta Makandipei Chiseya	F	Zimbabwean	STW
	Maimouna Bah	F	Chadian	STW
Giza	Antonetta Hamandishe	F	Zimbabwean	STW
	Randrara Rakotomalala	F	Malagasy	LTW
Luxor	Badibanga Mukenyi Henrikenyo	M	Congolese	LTW
	Safa Abuobeida Ibrahim Elbagari	F	Sudanese	LTW
Beni Seuif	Mamadou Thiam	M	Guinean	LTW
	Angelina Daniels Seeka	F	South Sudanese	LTW
Asuit	Chibuike Mgbahuruike	M	Nigerian	LTW
	Onesimo Setucula	M	Angolan	LTW
Alexandria	Bweenda Junior	M	Congolese	LTW
	Laetitia Petro Ntangazwa	F	Tanzanian	LTW

EISA EWM DEPLOYMENT PLAN – PHASE 2				
LTW DEPLOYMENT – PHASE 2				
Area of Responsibility/Governorates	Team's Location	Team Members	Gender	Nationality
Greater Cairo	Based in Cairo	Emmaculat-echiseya	F	Zimbabwean
		Yosra Mkadem	F	Tunisian
Demmietta & Dakahlia	Based in Damietta	Laetitia Petro Ntagazwa	F	Tanzanian
		Onesimo Setucula	M	Angolan
Menuofiyah & Qualoubiya	Based in Cairo	Randrara Rakotomalala	F	Malagasy
		Mamouda Thiam	M	Guinean
Kafar El Sheikh & Gharbia	Based Gharbia	Chibuike Mgbeahuruike	M	Nigerian
		Safa Abuobeida Ibrahim Elbagari	F	Sudanese
Port Said & Ismaliah	Based in Ismaliah	Bweenda Junior Muke	M	Congolese
		Angelina Daniel Seeka	F	South Sudanese
E-DAY DEPLOYMENT PLAN PHASE 2				
Area of Responsibility/Governorates	Team Members	Gender	Nationality	Role
Greater Cairo	Patson Tinowona Chitopo	M	Zimbabwean	STW
	Tsepiso Makwetla	F	South African	STW
Greater Cairo	Emmaculeta Chiseya	F	Zimbabwean	LTW
	Yosra Mkadem	F	Tunisian	LTW
Dakahlia	Laetitia Petro Ntagazwa	F	Tanzanian	LTW
	Onesimo Setucula	M	Angolan	LTW

Demmietta	David Ruwodo	M	Zimbabwean	STW
	Elaine Jemi- mah Nabburi Munyosi	F	Ugandan	STW
Menuofiyah	Momoudu Thiam	M	Guinean	LTW
	Aichatou Fall	F	Senegalese	STW
	Sarah Kadima	F	Congolese	STW
Qualoubiya	Randrara Rakotomalala	F	Malagasy	LTW
	Jean-Louis Ouraga	M	Ivoirian	STW
Kafar El Sheikh	Chibuike Mgbeahuruike	M	Nigerian	LTW
	Safa Abuo- beida Ibrahim Elbagari	F	Sudanese	LTW
Al Gharbia	Beauty Katebe	F	Zambian	STW
	Martin Omwange Onkundi	M	Kenyan	STW
Port Said	Richard Marc Labrosse	M	Seychellois	STW
	Dalia Mohammed	F	Sudanese	STW
Sharqia	Mcdonala Gov- ernor Chipenzi	M	Zambian	STW
	Faith Titia Achieng Adu	F	Kenyan	STW
Suez	Ephrem Tadesse Gebre	M	Ethiopian	STW
	Gamuchirai Matsheza	F	Zimbabwean	STW

ANNEXURE 3
EISA EWM interim statement on the first phase of voting



**EISA WITNESSING MISSION TO THE EGYPTIAN PARLIAMENTARY
ELECTIONS First Phase**

17 – 28 October 2015

Preliminary statement

The Parliamentary elections were technically well run and took place in a peaceful atmosphere. EISA urges more voter participation which is essential for the legitimacy of the new parliament

I. INTRODUCTION

Following an invitation by the Egyptian Ministry of Foreign Affairs and its subsequent accreditation by the High Elections Committee (HEC), the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed a mission to witness the 2015 Parliamentary Elections in the Arab Republic of Egypt. This statement presents the preliminary findings and recommendations for the first phase of the Parliamentary Elections held on the 17-19 October and subsequent run-off held on the 25-28 October 2015.

The EISA Election Witnessing Mission (EWM) is led by Shiek Abdul Carimo Nordine Sau, Chairperson of the Mozambique National Elections Commission (CNE) and is deputised by Mr Denis Kadima, EISA Executive Director. The EWM comprised ten Long Term Witnesses (LTWs) and ten Short Term Witnesses (STWs) drawn from 14 countries¹. The Mission witnessed the

¹ Chad, Democratic Republic of Congo, Guinea Conakry, Finland, Madagascar, Mali, Mozambique, Nigeria, Seychelles, South Africa, Sudan, Tanzania, Tunisia and Zimbabwe

first phase of the 2015 Parliamentary elections in 13 governorates, namely, Alexandria, Assuit, Aswan, Beheira, Beni Suef, El Eady Geded Fayoum, Giza, Qena, Luxor, Marsa Matrouh, Minya and Sohag.

The preliminary assessment of the electoral process is based on the principles and standards set out in the African Charter on Democracy, Elections and Governance, the African Union Declaration of the Principles Governing Democratic Elections in Africa, the

International Principles for International Observation of Elections, the Principles for Chad, Democratic Republic of Congo, Guinea Conakry, Finland, Madagascar, Mali, Mozambique, Nigeria, Seychelles, South Africa, Sudan, Tanzania, Tunisia and Zimbabwe

Election Management, Monitoring and Observation (PEMMO), as well as the Arabic Republic of Egypt's legal framework governing elections. The Mission's conclusion on the first phase of Parliamentary Elections is restricted to the period up to 29 October 2015.

The EISA teams of witnesses continuously engaged various electoral stakeholders and other witnessing teams in consultative meetings at national level and in their areas of deployment in the eleven governorates covered. The teams also witnessed the final election campaign activities as well as the delivery and receipt of voting materials in certain polling stations.

During the first phase of polling, 21 EISA witnesses visited 512 polling stations in 12 governorates where they witnessed the process of voting, counting, aggregation, and the declaration of results. The EISA witnessing mission remains in Egypt to observe the centralisation of results as well as the post-election period of phase one- as it prepares to also witness the forthcoming phase two of voting scheduled for November-December.

2. PRELIMINARY FINDINGS

2.1 Pre-election issues

The long awaited 2015 Parliamentary elections in the Arab Republic of Egypt presents a milestone in the country's transitional roadmap following the

removal of former President Mohamed Morsi from office in July 2013. The previous parliament was elected between November 2011 and January 2012 and was dissolved in June 2012 by the Supreme Council of the Armed Forces (SCAF) through a ruling by the Egyptian Supreme Constitutional Court. Since June 2012, Egypt has been without a legislature and the country has been governed through presidential decrees. The 2015 elections are therefore a crucial step because of the role the new parliament is expected to play with regard to law making and holding the executive to account.

Initially scheduled to be held from March to April 2015, the elections were postponed following Egypt's Supreme Constitutional Court (SCC) ruling that the country's Elections Constituency Division Law was unconstitutional. Subsequently, although the law was revised, political parties and candidates expressed discontent on the electoral timetable which they found to be lengthy. Candidates who were registered to contest in the March-April 2015 polls were not required to resubmit for nomination.

The EISA EWM noted that these elections are taking place within the context of heightened security surveillance due to the increased threat of terrorism within the country. It also notes that since the events of July 2013, the space for political dissent and competition has significantly shrunk. It also notes the reports of arrests and sentencing of persons with dissenting views.

Despite the low turnout during the first phase elections, the Mission commends the people of Egypt for their peacefulness and patience on the voting days. The Mission encourages Egyptian voters to continue to act peacefully throughout this protracted electoral process.

Egypt is a party to international and regional standards, most notably, the United Nations International Covenant on Civil and Political Rights (UN ICCPR). In the African region, Egypt has ratified the African Charter on Human and Peoples' Rights. Article 93 of the Constitution provides that those international instruments to which Egypt is a party have the force of law.

The 2015 parliamentary elections are held under the new constitution of 18 January 2014 and decrees made by the President of the Republic, in the absence of Parliament. The mission notes that the legislature has been absent

for the last three years, leaving the executive with the dual role of law making and execution. This contravention of article 3 of the AU Declaration on the Principles Governing Democratic Elections in Africa is expected to end with the election of a new parliament.

The stakeholders consulted by the Mission generally expressed confidence in the impartiality and ability of the HEC to successfully manage the elections despite some concerns over the short time period made available to submit complaints and appeals after the election.

2.2 Electoral campaign and campaign finance

The electoral campaign was remarkably quiet. It took place in a peaceful atmosphere. Chapter IV of Law No. 45/2014 Egypt has clear provisions on party and campaign funding. Articles 23-26 provides for campaign rights, campaign period, ceilings on campaign expenditure and stipulate acceptable sources of campaign funds. The law provides for two million Egyptian pounds as a maximum expenditure limit for each candidate, in the case of a runoff, this amount goes down to one million Egyptian pounds. Article 27 provides for the candidate to open the bank account in local currency in a bank specified by the High Elections Committee (HEC).

In an attempt to monitor compliance with the law, the mission noted, that it is required of both the bank and the candidate are required to notify the HEC of any transaction on this account. This increased transparency and accountability of the process.

2.3 Voter Participation

On 17 October 2015 President Abdel Fattah el-Sisi made an appeal to the electorate to turn up at the polls. The appeal was accompanied with the granting of a half day off for public servants in a bid to encourage a high turnout in the polls. Despite the appeal and the half day leave, the electoral authorities reported a turnout of 26.5% in the two days of the first phase.

The EISA EWM cannot conclusively provide an explanation for the behaviour of Egyptian voters in these elections. It appeared however that inadequate and insufficient sensitisation of voters, limited campaign period and long distances to polling centres in some areas, especially in sparsely populated

areas, may have contributed to the low turnout. Amongst the other reasons for low turnout could be, as a result of a lack of interest or voter fatigue considering that Egypt has had a protracted electoral process since 2011 comprising six elections or the fact that the new political parties and candidates and their campaign messages were not well known to the voters.

2.4 Electoral Dispute Resolution

Chapter VI of law NO. 45 of 2014 provides for complaints and appeals. The HEC released a statement on 26 October 2015 announcing that it suspended the runoff election in four constituencies, namely Damanhur, Al-Wasata, Al-Raml and Beni Suef. in its statement, HEC announced that it was implementing the Administrative Court's rulings.

EISA witnesses reported that many Egyptians, including candidates, were unaware of the appropriate avenues to complain. The Mission is unable to assess the complaint procedures as the information disseminated about complaints appeared limited. The mission notes that rules and procedures for HEC's adjudication of the electoral disputes may benefit from further articulation and publicity.

The Mission further notes that the law is silent on a timeframe for a court ruling on appeals. Any delay on appeal rulings can impact on re-elections.

2.5 Participation of Women

The Mission appreciates the introduction of quotas for marginalised groups and minorities as provided in Article 224 of the 2014 Constitution for the closed list ballot. Most stakeholders expressed satisfaction with major improvements in terms of the participation of women in this process.

The appointment of female polling staff and party agents in the first phase of the Parliamentary elections deserves to be encouraged. However, the Mission regretted the low number of female candidates across governorates during this phase.

This following is a summary of observations and relates to those polling stations observed by the EISA Witnessing Mission:

3. ELECTION DAY FINDINGS

The EISA EWM teams observed voting at 512 polling stations spread in the 13 governorates. The polls opened on time in 68% of stations visited by EISA teams on election days with the latest opening at 10h00 due to the late arrival of presiding judges or slow preparations by polling officials.

The atmosphere outside the polling stations was peaceful and orderly in and around 99% of the stations visited by EISA teams. The Mission noted with satisfaction the use of voter identification technology in selected polling stations as a pilot project which made the work of polling staff easier.

The Mission however, noted the inaccessibility of 27% of the polling stations to persons with disability and the elderly. These polling stations were located upstairs in buildings, making it difficult for persons with disability and the elderly to access the poll.

Election personnel were in sufficient numbers in polling stations visited. Personnel generally showed improved understanding of the voting procedures, with voters being processed in around three minutes in most stations visited. Women represented 29% of the polling staff.

The Mission notes that of an average of 2 party/candidate agents were met at polling station visited during the in the first two days of the polls. However, the witnesses found that not all parties/candidates were represented by agents at the polling stations. Notably, during the runoff election, the average was 1 party agent at the stations visited.

Closing and counting was free from disturbance or disagreement. The Mission also noted that the counting procedures were not applied consistently across polling stations visited and results were not announced and pasted at polling station level.

The Mission further noted with concern, the high number of spoilt ballots in the first two days of the polls. EISA EWM is of the opinion that the complex electoral system and insufficient voter education activities may have impacted on the high number of spoilt ballots.

The mission notes with regret that its witnesses deployed in Giza as well as party and candidate agents were not allowed to witness the counting process at Giza primary school during the first two days prior to the runoff.

4. PRELIMINARY RECOMMENDATIONS

Based on its findings, the Mission makes the following recommendations:

The Government:

The Mission recommends that government, together with the HEC and other national electoral stakeholders reflect, analyse and address the underlying causes of the low voter turnout before the second round. This will go a long way in ensuring the legitimacy of the electoral outcome and that of future elections.

To the High Elections Committee:

- **In future, increase the campaign period** in order to allow candidates and parties sufficient time to get their messages across to voters.
- **Polling locations:** Ensure that polling locations are easily accessible to the elderly and people with disability;
- **Civic and voter education:** Carry out robust voter education to sensitise voters on voting procedures.
- **Vote count procedures:** It is recommended that the HEC publicises procedures on the vote count and the publication of results, as well as regulations on the access of candidates, parties, and their agents to the counting centres and that they enforce these rules. The Mission recommends that results be posted at the entrance of polling stations after counting.
- **Release election results:** The Mission urges the HEC to make election results available at each polling station as well as publish overall election result per polling station in order to ensure traceability of the results. These are recognised international good practices aimed at enhancing public confidence in the results process.
- **Complaints and appeals:** The Mission calls upon election authorities to provide information on the complaints and appeal process to stakeholders timeously. The Mission further calls for reasonable

time for filing complaints and for the courts to make determinations on election issues timeously.

- **Election witnesses:** Allow witnesses to follow the entire voting and counting processes without limitations to allow them to freely and comprehensively assess the electoral process.

To Parties and Candidates:

- The Mission recommends that party agents and candidates increase their presence at polling station from commencement of voting up to the end of counting votes so as to increase the transparency and accountability of the process.
- Political parties and candidates should continue to sensitise supporters to participate in the electoral process.

5. CONCLUDING REMARKS

The EISA Mission commends the people of Egypt for their peacefulness and patience on the voting days. The Mission encourages Egyptian voters to continue to act peacefully throughout this protracted electoral process. The Mission notes that the parliamentary elections were technically well run and took place in a peaceful atmosphere. It urges more voter participation which is essential for the legitimacy of the new parliament

EISA will continue to closely follow the process through its long term witnesses until the conclusion of the election process. The Institute will issue another preliminary statement after the second phase of the election which will be followed by a comprehensive final report a few months later.

EISA is thankful to the Ministry of Foreign Affairs and the HEC for having afforded the Institute the opportunity to witness such a defining moment in the political history of contemporary Egypt.

ANNEXURE 4

EISA EWM interim statement on the second phase of voting



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’.

I. 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 Mission¹. 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.

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

1 The Mission witnessed the second phase of the 2015 Parliamentary elections in 11 of the 13 governorates, namely, Cairo, Dakhalia, Demmietta, Gharbia, Ismaila, 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.

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 candidates², 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 voter

2 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 posted 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 women³. 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.

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

³ 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.

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.

ABOUT EISA



EISA envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. It strives for excellence in the promotion of credible elections, citizen participation and the strengthening of political institutions for sustainable democracy in Africa.

EISA was established on 28 June 1996 as the *Electoral Institute for South Africa*. EISA extended its area of work to the Southern African Development Community (SADC) region and changed its name to reflect its new reach on 15 December 2000, when it became the *Electoral Institute for Southern Africa*. EISA undertook a further name change to reflect its extended geographic outreach to the entire African continent on 23 April 2010 when it registered the name “*The Electoral Institute for the Sustainability of Democracy in Africa*” and in 2011 amended the its name to the “*Electoral Institute Sustainable Democracy in Africa*”. The acronym EISA has been used throughout.

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