EISA ELECTION
WITNESSING MISSION REPORT

EGYPT

THE PEOPLE'S ASSEMBLY AND SHURA
COUNCIL ELECTIONS
NOVEMBER 2011-FEBRUARY 2012

EISA ELECTION OBSERVER MISSION REPORT No 43

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EISA strives for excellence in the promotion of credible elections, participatory
democracy, human rights culture, and the strengthening of governance
institutions for the consolidation of democracy in Africa.

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EXECUTIVE SUMMARY

In response to the invitation of the Supreme Judicial Commission for Elections (SJCE), EISA deployed a mission to witness and assess the integrity of the People's Assembly (PA) and Shura Council (SC) elections held in the Arab Republic of Egypt from 28 November 2011 to 22 February 2012.

The EISA election witnessing mission comprised seven long-term witnesses, three medium-term witnesses and 14 short-term witnesses drawn from Cameroon, Cote d'lvoire, the Democratic Republic of Congo, Kenya, Mozambique, Nigeria, Senegal, South Africa, South Sudan, Sudan and Tunisia. The mission was supported by the EISA Field Office in Egypt, which was headed by a Field Director. EISA long-term witnesses were on the ground in Egypt throughout the five phases of the People's Assembly and the Shura Council elections. The long-term witnesses were joined for a period of ten days for each phase of the elections.

The mission's activities before each election started with a pre-deployment briefing session for observers to inform them on the political context of the elections and the electoral system for parliamentary elections in Egypt. The briefing session for the PA elections was held on 27 November 2011 and for the Shura Council elections, briefing sessions were held on 26 January and 11 February 2012. Witnesses were briefed by technical partners of the SJCE such as uNDP, international organisations present in Egypt such as IFES and other witnessing missions such as The Carter Center. Witnesses were deployed in teams supported by interpreters to different governorates during each phase of the elections. Specifically, EISA witnesses were deployed in the following governorates for the three phases of the PA elections: Cairo, Alexandria, Fayoum, Hurghada, Aswan, Giza, Ismailia, Suez, Minya, Marsa Matruh, South Sinai and Qaliubia. For the two phases of the SC elections, witnesses were deployed in the following governorates: Qualiubia, Giza, Port Said, Suez, Aswan, Ismailia, Marsa Matruh, Elminya, Cairo, Alexandria, Red Sea (Hurgada), Fayoum, South Sinai, Asuit and Al Menoufia. EISA witnesses also consulted with Egyptian stakeholders in their areas of deployment.

The EISA mission's assessment of the 2011-2012 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, and the Declaration of Principles for International Election Observation and its associated Code of Conduct for International Election Observers. Based on its observations and findings, the mission concluded that the parliamentary elections were conducted in a credible manner that engendered the people's confidence and granted them the space and opportunity to express their will at the polls in a free atmosphere. The elections also set the framework for a truly democratic transition in Egypt. The EISA mission made recommendations for the improvement of future electoral processes in Egypt.

This is a report of the parliamentary elections that were held in Egypt from 28 November to 22 February. The People's Assembly elections were held from 28 November 2011 to 11 January 2012 in three phases and the Shura Council elections were held from 29 January 2012 to 22 February 2012 in two phases. This report presents the main observations and findings of the EISA mission. It also presents the mission's conclusions and recommendations for improvements of the electoral process in future elections.

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. It is within this broad context that EISA fields election observer missions to assess the context and the conduct of elections on the continent.

Following its authorisation by the Ministry of Foreign Affairs and its subsequent accreditation by the Supreme Judicial Commission on Elections, EISA deployed a mission to witness the People's Assembly and Shura Council elections in Egypt. The mission comprised seven long-term witnesses, three medium-term witnesses and 14 short-term witnesses. Long-term witnesses were on the ground in Egypt from November 2011 to February 2012. For each phase of the elections, long-term witnesses were joined by short-term witnesses for a period of 10 days.

The members of the mission started arriving in Cairo from 25 November, 2011. Before deployment for each phase of the elections, a pre-deployment briefing was held in Cairo. These briefing sessions served the purpose of refresher training on the rationale and methodology of election observation. During these sessions, witnesses were briefed by technical partners of the SJCE such as the uNDP, international organisations present in Egypt such as IFES and other witnessing missions such as The Carter Center on the level of preparedness for the poll and on their different perspectives on the electoral process.

Witnesses were deployed in teams comprising two witnesses to different governorates at least two days before each phase of the elections. Each team consisted of a long-term witness paired with a short-term witness supported by an interpreter. During the period of deployment, the teams consulted stakeholders in their areas of deployment to receive further briefings on the preparations for the polls and their perspectives on the elections. Each team was required to submit a weekly report that contributed to the mission's assessment of the elections.

On election days, EISA witnesses visited polling stations and counting centres in their areas of deployment to observer the opening of the poll, voting processes, closing of the poll and the counting and tally processes. Their observations were documented in checklists that were submitted to the secretariat in Cairo upon their return.

The teams of witnesses returned to Cairo on the day after the 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 phase of the elections, the mission released a preliminary statement of its observations. These statements were disseminated to Egyptian and international stakeholders.

List of Abbreviations

CD	Compact Disk
EWM	Election Witnessing Mission
FJP	Freedom and Justice Party
HEC	Higher Elections Commission
HPEC	Higher Presidential Elections Commission
IC	Individual Candidate
IFES	International Foundation for Electoral Systems
LE	(or EGP): Egyptian Pound ($ 1= LE 6.03)
NDP	National Democratic Party
PA	People's Assembly
PR	Proportional Representation
SADC	Southern African Development Community
SC	Shura Council
SCAF	Supreme Council of the Armed Forces
SCC	Supreme Constitutional Court
SJCE	Supreme Judicial Commission for Elections
SMS	Short Message Service
SPEC	Supreme Presidential Electoral Commission
UNDP	United Nations Development Programme

INTRODUCTION

Like many countries in North Africa, Egypt had been under authoritarian rule for decades since independence. Past electoral processes were marred by allegations of fraud and citizens' lack of trust in the possibility of changing government through the ballot.

The elections covered in this report are the first post 'Arab Spring'[1] parliamentary elections in Egypt. The 25 January 2011 'day of rage' protests in Egypt started with young people mobilising to demand the freedom to express their political rights, which they considered to have been denied them for decades. It was also a clear indication of the desperate need of citizens to shape their own destiny against the backdrop of social and economic stagnation. Prior to the 2011 revolution, President Hosni Mubarak had been in power for 30 years. His regime saw growing agitation for the restoration of democratic governance and an improvement in the economy. Egypt has a population of over 81 million people of which 22% live below the poverty national poverty line[2] and 12.4% of the labour force is unemployed. Egypt has an economy that is dependent on agriculture, industry and service. Much as it is reputed to be a growing economy, the impact of the economic growth on the average Egyptian is minimal due to a high level of corruption[3] and inequality. The literacy level in Egypt also remains a challenge, as it has an adult literacy rate of only 66.4%.[4]

At the political level the '2011 Revolution' brought about freedom of expression and association with the emergence of new political parties as well as the lifting of the ban on formerly banned parties. At the socio-economic level, the Egyptian economy has experienced a downturn since the January 2011 revolution. The political uprising had an impact on the macro-economy, leading to a severe reduction in confidence and investment outflows, as well as a drop in tourism revenues and foreign investment. The uprising and the continuing political uncertainty have created a number of economic vulnerabilities. Real GDP growth, which had averaged over 6% in 2006-2010, dropped to 1.8% in the financial year that ended in June 2011, and manufacturing and construction are among the hardest-hit sectors of the

economy. Poverty has increased over the past two years and the percentage of illiteracy among poor families has increased to 41% as opposed to 24% in non-poor families.[5]

Against this background of political unrest and socio-political challenges, the 2011-2012 parliamentary elections were scheduled to be held initially from November 2011 to March 2012; the dates were later revised and the elections ended in February 2012. In this context, Egyptians were keen to cast their votes in a truly competitive election that would reflect the people's will. It is also important to mention the relevance of these elections at the regional level. The Egyptian parliamentary elections were the second elections to be held in the North African region since the Arab Spring. The first elections held were in Tunisia during a period when Libya was engulfed in demonstrations, revolts and a war. The Egyptian elections were indicative of the further opening up of the political space in the North African region.

EISA's decision to deploy an election observation/witnessing[6] mission was aimed at contributing to the gradual institutionalisation of democratic procedures through enhancing public and voter confidence in the electoral process. Besides being an instrument for safeguarding the integrity of elections, EISA believes that election witnessing is also a useful tool for experience sharing, dissemination of international election standards and learning from best electoral practices.

1 Historical and Political Overview

Egypt, one of the main civilisations of the ancient world, has a history that goes back more than 5,000 years. The Pharaohs, who created a civilisation based on the banks of the Nile, were succeeded by foreign conquerors, mainly Persian, Greek, Roman and Byzantine. In 1517, Egypt formally became a part of the expanding Ottoman Empire, but this control was interrupted by the French in 1798 led by Napoleon. The French were forced out of Egypt by Mohamed Ali, an Albanian lieutenant in the Ottoman army. Then the British occupied Egypt in 1882 and formally declared it a protectorate in 1914. For the next several decades, Egyptian nationalists would push for independence from British rule. European influence in the nineteenth century gave way to a constitutional monarchy in 1922. For 30 years King Fuad and then his son Farouk ruled the country.

In 1952, disaffected army officers overthrew King Farouk, and declared Egypt a Republic in 1953. The first president, Mohamed Naguib, was soon ousted by Gamal Abdel Nasser, whose leadership over the next 18 years left a long-lasting imprint on the Egyptian political, economic and social landscape. Nasser was responsible for shifting Egypt towards socialism through nationalising industry, instituting sweeping land reform, and making the state the main provider of goods and services to citizens. Nasser died on 28 September 1970. His successor, vice-president Anwar El Sadat, was assassinated on 6 October 1981. Hosni Mubarak, Sadat's vice-president, was sworn in after Sadat's assassination and led Egypt from 1981, until his resignation on 11 February 2011 following an intense campaign of civil resistance.

The emergence of political parties in Egypt in the nineteenth century reflects the social, economic and cultural interactions as well as historical, national and political circumstances, leading to the creation and development of modern institutions of government administration and society in Egypt such as parliament, the cabinet, political parties and trade unions.

The emergence of political parties in Egypt has been gradual and has occurred in successive stages. This report will focus on the party pluralism era in Presidents Anwar El-Sadat and Hosni Mubarak's regimes. It will therefore not cover the era of President Gamal Abdel Nasser.

1.1   PRESIDENT SADAT'S ERA (1970–1981)

The enactment of the Law of Political Party in June 1977 marked Egypt's transition from a one-party socialist rule to a pluralistic regime. Socialism in Egypt dates back to the era of President Gamal Abdel Nasser (1956-1970). After the declaration of Egypt as a republic on 19 June 1953, Nasser promoted and implemented what was called 'Arab socialism'.

The law stipulated that party principles should not run counter to the Shari'ah tenets and should preserve the national unity, social peace, the socialist and democratic system as well as socialist gains. It also stated that the party should not be formed on ethnic, racial, geographical or discriminatory bases due to sex, origin, religion or creed.

Following the signing of the peace accord with Israel in 1979, the law further stipulated that the party founders and members should not be opponents of the peace accord. The political parties during Sadat's era were:

- The National Democratic Party
- The Liberal Socialist Party
- The National Progressive Unionist Party
- The Wafd Party
- The Socialist Labour Party

The stage of pluralism in Sadat's era (1977-1981) witnessed several important political transformations that favoured the development of party pluralism. The outbreak of the January 1977 incidents, also called the 'Bread Riots', when

there were spontaneous riots against the end of state subsidies on flour, rice and cooking oil, and Sadat's visit to occupied Al-Quds (Jerusalem) led to escalating confrontations with the opposition.

The ruling power resorted to several measures to restrict channels of political participation, including:

- Enactment of a host of laws to restrict the opposition and further restriction of the opposition political activities.
- Cracking down on opponents and allowing the prosecutor general to interrogate intellectuals on their affiliations under what was known as the 'political accountability'.

1.2 PRESIDENT MuBARAK'S ERA (1981–2011)

Ex-president Hosni Mubarak took office on 15 October 1981, following the assassination of President Sadat, amid extremely difficult political circumstances. His goal was to restore stability to the country following the mounting tension during the last days of Sadat's era.

Mubarak put in place measures to ease tensions in the polity. These included the release of political detainees, allowing the publication of some newspapers again and easing restrictions on party activities. During the Mubarak regime, the number of political parties in Egypt increased to 24. During this period as well, the Law of Political Party was amended to prohibit the formation of parties along religious lines. The law was also amended to allow parties that had been in existence for five years prior to the 2005 elections and had at least 3% of their members elected into the PA and SC to contest in the 2005 parliamentary elections. Much as these reforms opened up the political space, they did not create a framework for the conduct of truly competitive elections, because the laws were still in favour of the ruling party.

1.3 OVERVIEW OF ELECTIONS IN EGYPT

1.3.1 Referenda and presidential elections

In September 1956, a constitution which allowed Egyptians, via a public referendum, to approve or reject a presidential candidate was promulgated. President Gamal Abdel Nasser was elected president in 1956, gaining 99.9%

of the vote. He was the only candidate. When Nasser died, his successor, Vice-President Anwar El Sadat, introduced a new constitution in September 1971, keeping the yes/no referendum system in place but stipulating that a candidate had to be approved by two-thirds of the Members of Parliament. Sadat won a new term of office in the presidential referendum of September 1976. After President Sadat's assassination, his successor, Vice-President Hosni Mubarak, was elected president of Egypt in a yes/no referendum, gaining 98% of the vote. Mubarak was subsequently re-elected four times by yes/no referendum in the first 24 years of his rule.

Faced with growing international and domestic pressure for constitutional reforms that would allow the conduct of a democratically contested election, on 25 May 2005 a referendum was conducted to amend Article 76 of the 1971 Constitution, thus replacing the yes/no referendum system. Article 76 of the Constitution stipulates requirements for presidential candidates.

This amendment established strict requirements for presidential candidates. Persons intending to contest in the presidential election as party candidates were required to be nominated by a party that had been registered for at least five years. Independent candidates on the other hand were required to obtain the support of 250 elected members of the People's Assembly, the Shura Council and elected local councils, of which 65 were required to be members of the People's Assembly of Egypt. It is important to note that the councils and parliament were dominated by members of the ruling NDP at this time, thus making it almost impossible for any potential independent candidate to get the support of 250 elected members. Opposition parties called on voters to boycott the referendum as meaningless, but it passed with over 80% approval.

Mubarak, supported by the ruling National Democratic Party (NDP), won 88% of the vote in the presidential elections of September 2005.

1.3.2   The 2007 Shura Council elections
The last pre-revolution Shura Council elections were held on 11 and 18 June 2007. In these elections the NDP won 84 seats out of 88; 3 seats were won by independent candidates and the Tagammu Party won a seat. These elections were boycotted by the New Wadf Party and the Nasserist Party.

1.3.3   The 2010 Shura Council elections

On 27 April 2010, President Hosni Mubarak issued a decree calling for elections to elect half of 176 directly elected members (88) to the Shura Council. The elections were contested by a total of 452 candidates, of which the NDP had 115 candidates. The results were as follows:

Table 1: Results of 2010 Shura Council elections

Political group	Seats
National Democratic Party (NDP)	80
Independents	4
Tomorrow Party (Al-Ghad)	1
Nasserist Party	1
National Progressive Unionist Grouping (Tagammu)	1
Democratic Generation Party (El-Geel)	1

Source: www.ipu.org/parline-e/reports

Candidates backed by the Muslim Brotherhood failed to win representation in the Council. In addition to the elected members of the council, President Mubarak appointed 44 members, including eight Copts and 11 women.

1.3.4   The 2010 People's Assembly elections

On 20 October 2010, President Hosni Mubarak called for elections to the People's Assembly. They were the first to be held since legislative amendments in June 2009 raised the statutory number of members of the People's Assembly from 454 to 518. The amendments created 64 seats for women, while 10 others were appointed by the president.

The People's Assembly elections were held on 28 November (first round) and 5 December (second round) 2010. The distribution of seats after these elections was as follows (see Table 2):

Table 2: Results of 2010 People's Assembly elections

Political group	Seats
National Democratic Party (NDP)	427
Independents	69
New Wafd Party	7
National Progressive Unionist Grouping (Tagammu)	5
Jil (Generation)	1
Social Justice Party	1
Democratic Peace Party	1
Tomorrow Party (Al-Ghad)	1

Source: www.ipu.org/parline-e/reports

In all, 64 women were elected under the reserved seats provision and one was appointed by the president. So the People's Assembly included 447 men and 65 women (12.7%).

1.4 THE 2011 REvOLuTION

From 1981 to 2011 Egypt's political system was overwhelmingly influenced by the ruling NDP. During this period, the polity was largely characterised by a lack of freedom, political opponents' harassment and non-competitive elections. This system under the Mubarak regime remained in place until the 'Arab spring'. The string of events that started with the Tunisian revolution in December 2010 resonated across the North African region and Egypt was no exception. The demonstrations started on 25 January 2011 in Egypt, with young people who came out in their numbers to register their dissatisfaction over the following issues: corruption, lack of freedom of speech, rise in food prices, high unemployment, low wages and the enrichment of the ruling class. The key demands of revolutionists included: the resignation of President Mubarak, the abolition of the Emergency Law, the abolition of the State Security Investigation, and the right to publish newspapers without prior authorisation. The protests that started from Tahrir Square spread across the country: much as the government attempted to suppress the protests, citizens

were resilient and continued to mobilise. The events in Egypt also took on a global dimension with the use of social media such as Facebook and Twitter to broadcast the human rights abuses and mobilise international support. As events progressed, President Mubarak made promises of reforms to the protesters, but this was insufficient to meet their demands. On 11 February 2011, the resignation of President Mubarak was announced.

This was the second revolution in recent Egyptian history after the 1952 revolution when disaffected army officers overthrew King Farouk, to make Egypt a republic in 1953 under the presidency of the first president, Mohamed Naguib. After Mubarak's resignation on 11 February 2011, the Supreme Council of the Armed Forces (SCAF) announced that it would remain in charge of the country until an elected president took over. The military, headed by de facto Head of State Mohamed Hussein Tantawi, suspended the 1971 Constitution, dissolved the People's Assembly and the Shura Council and disbanded Mubarak's NDP.

1.5 THE 19 MARCH 2011 REFERENDUM

On 19 March 2011 there was a referendum to amend the constitution, and these amendments formed the legal framework for the 2011-2012 elections, which are assessed in this report. These changes included:

- Limiting the terms of the president to two consecutive terms of four years
- Obliging the president to choose a deputy within 30 days of election
- Installing new criteria for presidential candidates with a rule that they must be at least 40 years old and not married to a non-Egyptian
- Judicial supervision of the entire electoral process.

The turnout of the referendum was 41.2% of 45 million eligible voters, and 77% backed the changes. The 2011-2012 PA elections and 2012 SC elections were regulated by these amendments.

2 Constitutional, Legal & Institutional Framework

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2.1 THE CONSTITUTIONALAND LEGAL FRAMEwORK

The Egyptian 2011-2012 Parliamentary Elections were governed by four laws, in addition to the articles in the Constitutional Declaration published in the Official Gazette in issue No 12 (bis) (b) on 30 March 2011 and its amendments and decrees issued by the Supreme Council of the Armed Forces (SCAF) regulating the People's Assembly elections and the Shura Council elections. These four laws are: Law 110/2011 on the Exercise of Political Rights, amending Law 73 /1956; Law 108/2011 on the People's Assembly, amending Law 38/1972; Law 120/2011 on Shura Council, amending Law 120/1980; and Law 121/2011 on the delineation of electoral districts, amending Law 206/1990.

2.1.1 The Egyptian Constitution

The 1971 constitution, which was suspended after the Revolution, was adopted through a public referendum on September 1971. It asserted the rule of law and the independence of the judiciary. It established party plurality as the foundation of the political system (Article 5) and so allowed the formation of different political parties. However, political parties are not allowed to be established based on any discriminatory criteria such as religion, race, or sex.

The Arab Republic of Egypt is currently ruled under the Constitutional Declaration of 2011, which is the new fundamental law of the country. It

was adopted on 30 March 2011 by the SCAF. This Constitutional Declaration states that 'individual freedom is a natural right' and regards all Egyptians as equals. It guarantees a set of freedoms such as freedom of belief, freedom of expression, freedom of assembly and freedom of press and other publications. It also guarantees universal suffrage. It provides for the establishment of an election management body, elections organisation and an election conflict management mechanism (Article 28). It sets provisions for the parliamentary elections and the functioning and powers of both houses of parliament (from Article 32 to Article 45).

The 2011-2012 parliamentary elections, witnessed by the Electoral Institute for Sustainable Democracy in Africa (EISA), were conducted under this Constitutional Declaration, which stipulates that the newly elected parliament forms a Constituent Assembly to draft the new Constitution of Egypt (Article 60). The main changes brought about by the Constitutional Declaration are also mentioned on previous pages (see section 1.5 above).

2.1.2 The Executive

The Egyptian Executive is currently made up of the SCAF and the Cabinet of Ministers.

• The Presidency

The SCAF is a body comprising 20 members from the Egyptian military; it took over power and has been governing Egypt since the ouster of former president Hosni Mubarak on 11 February 2011. The SCAF pledged to oversee the transition to ensure the transfer of power to a civilian government scheduled to be elected in May or June 2012. The SCAF is chaired by Field Marshal Mohamed Hussein TANTAWI, who is the acting head of state. According to Article 56 of the Constitutional Declaration, the SCAF is mandated to deal with the administration of the affairs of the country.

• The Cabinet of Ministers

The Cabinet of Ministers is the executive body of the Arab Republic of Egypt. The responsibilities of the Cabinet of Ministers are determined by Article 57 of the Constitutional Declaration. The cabinet consists of the prime minister and ministers. The current prime pinister is Kamal Ganzouri, appointed by the head of the SCAF.

2.1.3   The Legislature

Egypt has a bi-cameral legislature, made up of a lower house called the People's Assembly, which wields legislative power, and an upper house called the Shura Council, which is a consultative body.

• The People's Assembly

The People's Assembly, Egypt's lower house of parliament, is regulated in accordance with Law No. 28 for 1972', commonly known as 'The People's Assembly law'.

This law was first introduced right after President Sadat changed the name of the parliament from the National Assembly to the People's Assembly and introduced a new constitution in September 1971. Loyal to a socialist-leaning tradition that was first introduced in the 1952 revolution, the law sets aside half of the assembly's seats for workers and farmers.

In the 1980s, the law was amended to introduce elections through party lists, also known as the proportional representation system. The earlier system of single-seat candidacy was abolished.

In 1990, another amendment fragmented the party list system and re-instituted the old system of single-seat candidacy.

On 20 September 2011, the SCAF amended the law again, lowering the age of candidacy from 30 to 25 years. According to this version of the law, 50% of seats would have been elected through the single-seat system and 50% through the party list, adhering to a proportional representation system. The draft maintained the occupational quota for workers and farmers, but the provision for 64 reserved seats for women was dropped.

To qualify for membership in the assembly, a party list must win at least 0.5% of nationwide valid votes. Information received during the EISA mission's consultation with Egyptian stakeholders indicated that many political bodies strongly criticised the single-seat candidacy, arguing that it would give powerful Mubarak regime remnants, also called 'Felool', a chance to get elected through vote buying.

The final version of the amended People's Assembly Law provided 508 seats for the People's Assembly, of which 332 were elected through party lists, and 166 through single seat candidacy/individual candidacy system and 10 appointed by the SCAF. Political parties could field candidates in party list races and single-winner races. The law requires each party list to include at least one woman, but fails to require that such women be placed in a winnable position on the party list. As will be demonstrated below (see Table 5) this gap combined with the removal of 64 reserved seats for women led to a significant reduction in the number of elected women in both chambers of the legislature.

According to Article 33 of the Constitutional Declaration, the People's Assembly 'will assume the authority to legislate and determine the public policy of the state, the general plan for economic and social development, and the public budget of the state. It will also oversee the work of the executive branch.'

• **The Shura Council**
The upper house of the Egyptian parliament, known as the Shura Council, was created in 1980 by the late President Sadat. Law 120 defines the power of the Shura Council, as well as how members are elected.

Although the role of the Shura Council is mainly advisory (Shura means 'consultation' in Arabic), the council is expected to prepare studies on issues of national interest. The council is also tasked with examining and revising government bills ahead of submission to the People's Assembly.

In the 1980s, this law was amended to allow members of the Council to be elected through a system of closed-list proportional representation, rather than through a single-member majoritarian system. In 1990, the law was amended once more to reinstate the single-member majoritarian system.

On 23 July 2011, the SCAF amended the Shura Council law again, lowering the age requirements for candidates from 30 to 25 years.

Of the 270 Shura Council members, 120 were elected through party lists, 60 were elected through single-winner races, and 90 members will be appointed

by the president (not the head of the SCAF). The law requires each party list to include at least one woman without specifying the order of positioning the women on the lists.

For both elections, disputes concerning candidacy bids are to be referred to the Supreme Administrative Court.

2.1.4. The Judiciary

The judiciary in Egypt is an independent arm of government consisting of the supreme constitutional court, the court of cassation, the courts of appeal, the courts of first instance, the courts of limited jurisdiction and family courts. It also includes the public prosecution and the administration judiciary. The judiciary in Egypt is believed by people to be the only system which has always remained really independent from the executive.

2.2   ELECTION MANAGEMENT IN EGYPT

2.2.1 The evolution of judicial supervision of elections

The issue of judicial supervision has been at the centre of a decade-long struggle between judges and the state. The judiciary has historically been a highly revered state institution. Thus, Egyptians see it as a body that can be trusted to conduct elections in a neutral manner. The 1971 constitution stipulated that a judicial body must supervise elections, but before 2000 elections were administered primarily by the Ministry of Interior, with judges playing no real supervisory role.

On the heels of growing domestic calls for electoral reform in June 2000, the Supreme Constitutional Court (SCC) suspended the existing electoral law and imposed full judicial supervision of elections for the first time in Egyptian history. Despite some positive changes, however, oversight of the elections remained with the Ministry of Interior and the Ministry of Justice - responsible for administering judicial supervision - and judicial personnel selected to cover polling stations included many state prosecutors and other non-judges.

In 2005, before Egypt's presidential and parliamentary elections, judges advocated increased autonomy in election supervision. As a result, Article

76 of the constitution was amended and two independent commissions - a High Election Commission and a Presidential Election Commission - were established.

The two commissions were not particularly effective in curbing electoral fraud, but judges played an important role in ensuring a degree of integrity, at least inside polling places, and in stopping abuses in many races. The two commissions were temporary and ceased to function following the 2005 elections. Furthermore, in 2007, the language of Article 88 of the Constitution was altered to remove elections from direct judicial supervision and place them under the control of a new body, also then named the Higher Election Commission (HEC), but having little or no independence. Disciplinary action was taken against judges who continued to demand judicial supervision.

The demand of judicial supervision of elections remained a key demand of the opposition from 2007 till the 2011 revolution.

2.2.2   The Supreme Judicial Commission for Elections (SJCE)

The post-Hosni Mubarak People's Assembly and Shura Council elections were organised by a Higher Election Commission (HEC) controlled by the judiciary (the Supreme Judicial Commission for Elections) rather than by the Ministry of Interior, as had mostly been the case in Egypt. This was an important victory for the protesters who brought down Mubarak regime and included judicial supervision of elections among their demands.

Article 39 of the interim constitution promulgated by the SCAF on 30 March 2011 specifies that the HEC will be chaired by the head of the Cairo Court of Appeal and composed entirely of judges. Although HEC is not under the supervision of the Ministry of Interior, it could request the assistance of any state agency in carrying out its tasks. Restoration of full judicial supervision of the electoral process was an important demand of the demonstrators during the 2011 uprisings, because Egyptians seemed to associate credible elections with judicial supervision, and the creation of a commission staffed entirely by judges was seen as an important victory.

Details of the formation and membership of the commission are outlined in the amended Article 3 of the Law 73 of 1956 as follows:

- President of the Cairo Court of Appeal, Abdel-Moez Ibrahim, as chair
- The two highest-ranking deputies of the president of the Court of Cassation
- The two highest-ranking deputies of the president of the State Council
- The two highest-ranking members of the Cairo Court of Appeals in line after the president of that court

The terms of reference of the Supreme Judicial Commission for Elections are stated in Article 3 of the law on Exercise of Political Right:

- Composing the general election, polling and counting committees stipulated therein and appointing the secretary of each committee.
- Supervising the preparation, content, method of review, editing and updating, registration and correction of voter lists based on the national ID data.
- Developing and applying an electoral symbol system for political party and independent candidates.
- Receiving reports and grievances in connection with the electoral process and verifying the validity and eliminating the causes thereof.
- Developing rules regulating the participation of Egyptian and international civil society organisations in observing all the electoral processes.
- Developing rules regulating electoral campaigning.
- Developing rules for allocating time slots, especially during prime time of TV and radio broadcasting, for electoral campaigning in formal and private media outlets on a full equality basis.
- Declaring the general results of elections and referenda.
- Determining run-off election times.
- Forming opinion on election-related draft laws.

The HEC-selected individuals will serve on polling and counting committees, manage voter lists and the national ID database, and establish election guidelines for domestic and international civil society organisations.

The HEC is also tasked with issuing regulations concerning elections and referenda, and is the body responsible for responding to complaints related to the electoral process.

2.3   THE ELECTORAL system

The Egyptian Parliament is elected through a mixed system in which some seats are contested through the majoritarian system and others through the closed-list proportional representative system. This system has been in place since the 1990s, with several amendments to the number of seats to be elected under each system. The post-revolution electoral system borrowed much from the pre-revolution system.

Under the electoral system of the 1990s and 2000s, 444 of the 454 seats were contested by way of a two-round system in two-member districts, and 10 were appointed by the president. As previously mentioned, in the 2010 elections, the number of seats in the People's Assembly was increased to 518, with 508 elected by two-member districts and 10 seats appointed by the president. A total of 64 of the 508 seats within the country's governorates were reserved for female candidates. Article 87 of the suspended constitution also required at least one winning candidate to be a 'worker' or 'farmer' (i.e. 50% of the membership).

The post-revolution electoral system[7] introduced, for the People's Assembly and the Shura Council, a mixed (parallel) electoral system that includes a proportional representation (PR) and individual candidate (IC) districts (majoritarian two-member, two-round system) in which 50% of seats are elected under the majoritarian system and the other 50% elected under the PR system.

Article 15 of the People's Assembly Law (for the People's Assembly elections) and article 12 of the Shura Council Law stipulate the method for the allocation of seats in parliamentary elections.

- **How individual candidate seat winners are determined per district**
Each district has two seats to be awarded to two candidates, one of whom must be a worker/farmer. Elections for individual candidate district seats are determined by absolute majority and compliance with the required

occupational quota requirement. In the first round a seat is won when a candidate gets votes greater than 50% of the total votes cast (50% + 1 vote).

Each voter is mandated to choose two candidates on the IC ballot; thus each ballot contains two votes. Should two candidates meet the 50% + 1 requirement in the first round of voting, seats could be secured in parliament without a run-off, provided one of candidates is a worker / farmer. Candidates who are unable to secure a seat by garnering the required percentage of votes go to the run-off.

With regard to the implementation of the occupational quota, the following are the different cases in which there could be a run-off:

- If no candidates secure an absolute majority, then the run-off would be contested by the top two professionals and the top two workers.
- If the winner in the first round is a professional, the top two worker/farmer candidates would contest in a run-off.
- If the first winner is a worker/farmer, the next two candidates with the highest votes contest the run-off irrespective of their occupational category.
- If both candidates elected in the first round are professional then the one with the highest number of votes would secure a seat, while the top two worker/farmer candidates would compete in a run-off.

- **How list winners are determined per district**

The party list is ordered in a manner that ensures that two professionals do not appear on the list consecutively. Any candidate could be placed at the top of the list. In each district, a number of seats are allocated to the list system. The number of votes required for a party to secure a seat is determined by calculating the total number of valid votes divided by the number of seats allocated for party lists in each constituency.[8] For a list to be eligible to win seats, the list must win at least 0.5% of national valid votes.

Fractions of the full quota of a seat follow certain rules determined by a system called the 'largest remainder' system. In its simplest form, it requires

that after all the whole seat quota has been deducted from the total number of votes for each party, the largest number of votes remaining for any of the lists receives a seat.

The general rule for seats allocation within party/coalition lists is that each list has an ordered list of candidates. The candidates on the list appear in order. The candidates on the list win seats according to their order within a list. If for example a list wins three seats, then the first three candidates on the list win seats in parliament.

The exception to this rule is when the number of professionals elected to parliament exceeds the required 50%. In this case, the professional on the list is skipped, and the seat is allocated to the next worker/farmer on the list. In such a case, the list with the lowest 'coefficient' is disadvantaged. A 'quota' is calculated as the total number of valid votes divided by the number of seats allocated to be won by the list system.

• Who is a worker?

A worker is a person who depends mainly on income from manual or mental work in agriculture, industry, or service (Article 2 of Law No38 1972 amended by Decree-law No. 108/2011). Such a person should be a member of a trade union, or recorded in the commercial register, or hold a high academic qualification. Worker candidates were required to provide a certificate from the employer certified by the Office of Social Insurance stating their benefit of employment, remuneration and qualification; a certificate from the union they belong to showing their registration number, type of membership and history; and proof that the candidate began working before acquiring a university degree and is still registered in the union.

• Who is a farmer?

A farmer is an individual whose sole profession and main income is through farming, who lives in the countryside (village/rural area) and does not own more than 10 acres (called feddans) of land. Farmer candidates were required to provide official documentation for the acquisition of agricultural land held by the candidate, his wife or wives and minor children, whatever the type of the legal possession of the property owned or rented.

Nationwide allocation of seats for Peoples' Assembly is as follows:

- Number of elected individual seats: 166 (1/3 of total seats)
- Number of elected list seats : 332 (2/3 of total seats)
- Total number of seats that must be allocated to farmers/ workers: at least 50%

2.4   SUMMARY OF OBSERVATIONS ON THE CONSTITUTIONAL AND LEGAL FRAMEwORK

The EISA election witnessing mission found that the Constitutional Declaration of the Arab Republic of Egypt provides for the fundamental freedoms and basic human, civil and political rights. The legal framework for elections also provides for mechanisms to address conflict management in the electoral process and a right of appeal for aggrieved persons. These provisions are in line with the Principles of Election Management, Monitoring and Observation (PEMMO).[9]

The EISA witnessing mission noted that the differentiation of independent candidates between 'farmers / workers' and 'professionals' with a quota of at least 50% of elected seats in the chambers reserved for farmers/workers at the expense of professionals is inconsistent with the key democratic principle of equality among candidates.

The mission noted that a set number of seats are reserved for appointment by the president. Such a practice undermines the principle of separation of power between the executive, the legislative and the judiciary, which is of paramount importance in a democracy and such a provision is not in line with international best practices for democratic elections.

The mission noted that the 'largest remainder' system of seat allocation was difficult for voters to understand, as they could not follow the mathematical dynamics and calculations for determining seat winners.

The Pre-Election Phase

3.1 DELIMITATION OF CONSTITUENCIES AND POLLING DISTRICTS

For the election of the 498 members of the People's Assembly, Egypt was divided into 83 two-member individual candidates districts and 46 multi-member proportional representation districts. The seats distribution is presented in the table below. From the information provided in Table 3 it is clear that the distribution of seats per district is quite uneven in Egypt, and this does not provide for an equal value of the vote across all the districts.

The 10 smallest governorates in Egypt (Port Said, Ismailia, Suez, North and South Sinai, Red Sea, New Valley, Marsa Matruh, Aswan and Luxor) each elect six members, four from a single PR district and two from a majority run-off district. Thus, in these elections they elected 12% of the PA seat, with 7% of the population.

The largest PR district with a large number of members in size enhanced some space for newer parties with low levels of national support but some degree of geographical concentration. In those districts a full quota for election is, respectively, 10% and 8% of the district vote.

These districts are found in Cairo (two 10-member districts), Alexandria (one 10-member district), Sharqiya (two 10-member districts), Gharbyia (two 10-member districts), Beheira (one 12-member district), Giza (two 10-member districts) and Sohag (one 12-member district).

Table 3: Proportional representation list seats (332 seats) and individual member district seats (166 seats)

	Governorates	Population in 2010	Number of districts	Number of seats elected by PR list	Number of seats elected by individual candidate system
1	Alexendria	4,362,168	02	16	08
2	Aswan	1, 258,882	01	04	02
3	Assiut	3,701,392	02	16	08
4	Beheira	5,071,346	02	20	10
5	Beni Suef	2,470,960	02	12	06
6	Cairo	7,137,218	04	36	18
7	Dakahlia	5,338,831	03	24	12
8	Damietta	1,180,991	01	08	04
9	Fayoum	2,721,478	02	12	06
10	Gharbia	4,262,200	02	20	10
11	Giza	3,326,444	02	20	10
12	Ismailia	1,029,136	01	04	02
13	Kafr el-Sheikh	2,798,942	02	12	06
14	Luxor	484,132	01	04	02
15	Marsa Matruh	352,885	01	04	02
16	Minya	4,481,879	02	16	08
17	Menoufia	3,496,380	02	16	08
18	New Valley	199,810	01	04	02
19	North Sinai	374,071	01	04	02
20	Port Said	604,451	01	04	02
21	Qaliubia	4,546,564	02	12	06
22	Qena	3,209,982	02	12	06
23	Red Sea	306,722	01	04	02
24	Sharqia	5,736,644	02	20	10
25	Sohag	4,004,613	02	20	10
26	South Sinai	154,941	01	04	02
27	Suez	549,759	01	04	02

Compiled with information obtained from: www. elections2011.eg (the official website of the SJEC), www. egynews.net (the website of the state-owned television) www.citypopulation.de/Egypt (population on 01-01-2010)

Elections for the 180 elected members of the Shura Council were conducted in 30 two-member IC districts and 30 multi-member districts using the PR list. Each of the multi-member districts elected four members. With the exception of Cairo, Daqahilya and Giza, which had two four-member districts, each governorate was a single four-member PR district apart. It is also important to note that the 10 smallest governorates are further over-represented in the Shura Council, with 7% of the population electing 33% of the Shura Council.

3.2 VOTER REGISTRATION AND VOTERS' ROLL

To qualify as a voter, an individual must be a citizen of Egypt, be at least 18 years old and be able to practise his/her political rights. Those who are naturalised are registered five years after they acquire nationality (Article 4 of Law No. 73 of 1956 on Exercise of Political Rights Amended). For the parliamentary elections a voter database/election lists was created from the national civil register. The names of persons who meet the eligibility requirements for voting were compiled using the national ID data established in the Ministry of Interior's Civil Status Authority database.

To prepare the election lists, the SJCE formed three subcommittees. The first subcommittee was mandated to update the voter lists by delisting deceased persons and emigrants and adding the names of individuals stripped from exercising their political rights during the Mubarak era to the list of voters. The second subcommittee was mandated to update the list by compiling the names of newly eligible voters. The third subcommittee was mandated to determine the exact number of eligible voters and allocate polling stations accordingly.

The mission noted that there was no specific voters' roll, because there was no voters' registration as such. The voting address is the residential address stated in the national ID card, and the ID card is the only document an individual needed to cast his/her vote. The mission witnessed the display of the voters' registers/election lists. Voters could easily find their names and polling stations through various means such SMS or the website of the SJCE. Moreover, according to Article 10 of the People's Assembly law, each candidate or a party which has candidates in the constituency may obtain a statement containing the names of voters in that constituency on a CD, for

a fee of 200 LE. However, the EISA mission witnessed rare cases of election lists being posted at the entry of polling stations.

3.3   POLITICAL PARTIES AND CANDIDATE NOMINATION PROCESS

3.3.1   Political parties in post–revolution Egypt

As noted above, political parties have existed in Egypt for a long time. But the political arena was dominated by the NDP. After the fall of Mubarak, the NDP was officially disbanded in April 2011. Many formerly dormant parties came back onto the scene and a new political landscape took shape with the main parties described in the table below. Post-revolution parties are regulated by Decree No. 12 of 2011, issued by the Supreme Council of Armed Forces amending some articles of Law No. 40 of 1977, previously mentioned. The main features of the Decree are Article 6 on membership quality and Article 11 on party finance.

Table 4: List of the main post-revolution political parties in Egypt

Party/ coalitions	Ideology and political platform	Component parties
Democratic Alliance for Egypt led by the Freedom and Justice Party (FJP)	*Islamist-Muslim Brotherhood.* The FJP supports the establishment of a civil state with Islam as state religion and Islamic law as legislative source. It calls for a parliamentary system and promotes a market economy with social justice.	- Freedom and Justice Party - Al-Karama - Al-Hadara - Labour Party
Islamist Bloc (led by Al-Nour Party)	*Islamist- Salafi.* The Al-Nour Party advocates the implementation of Shari'a in Egypt and the preservation of right to property and free economic competition as long as it does not hurt the interests of society.	- Al-Nour Party - Building and Development Party - Al-Asala
Al-Wafd Party	*National liberal.* The party promotes economic development through neo-liberal, free market principles. It supports cultural and religious rights for all Egyptian and decentralisation by delegating enhanced power to local governing institutions.	

Party/ coalitions	Ideology and political platform	Component parties
Egyptian Bloc	*Social liberal.* The bloc mainly promotes a free economy while ensuring social justice. It also supports a strong focus on liberal rights such as freedom of expression, equality before the law and religious freedom. It opposes an Islamic state in Egypt.	- Egyptian Social Democratic Party - Free Egyptians Party - Al-Tagammu Party
Al-Wasat Party	*Moderate Islamist*	
Reform and Development Party	*Liberal*	
The Revolution Continues Alliance	*Leftist*	- Social Popular Alliance Party - Freedom Egypt Party - Equality and Development Party
National Party of Egypt	*NDP offshoot*	
Freedom party	*NDP offshoot*	
Egyptian Citizen Party	*NDP offshoot*	
Union Party	*NDP offshoot*	
Conservative Party		
Democratic Peace Party		
Justice Party		
Arab Egyptian Unity Party		

Compiled with information obtained from:

Ahmad Abed Rabo, *Egyptian Political Parties and Parliamentary Elections 2011/2012,*
Arab Centre for Research & Policy Studies. Doha, December 2011.

Parties and Alliances-Egypt"s Transition. www.egyptelections.carnegieendowment.org. Visited on 11 December 2011.

Sherif Tarek, on www.english.ahram.org.eg. Saturday, 21 January 2012

3.3.2   Nomination of candidates

Article 5 of the People's Assembly Law stipulates the criteria for the registration of People's Assembly election candidates. Candidates for PA election are required to:

- be of Egyptian nationality and born of an Egyptian father
- have their names registered in the voter database in any of the governorates of the republic, without any impediments that could require the cancellation of their names from the record in accordance with the relevant law.
- be at least 25 years old on the day of election
- hold at least the elementary education certificate or its equivalent, for those born before 1 January 1970, and be able to read and write satisfactorily.
- have fulfilled the obligatory military service, or have been exempted from it according to the law.
- not have been deprived of their membership by a decision of the People's Assembly or the Shura Council due to the loss of trust or repute.

The law further provides that candidates may be nominated in either of the two following cases: a lapse of the legislative term during which the decision depriving them of their membership was issued; or if the PA or SC issued a decision to annul the impediments that prevent nomination.

Article 6 of the People's Assembly law requires independent candidates to submit a written request for nomination for membership of the People's Assembly, for the individual system constituencies, to the election committee in the governorate where they intend to be nominated. It also requires that an application for nomination should be submitted with a deposit receipt of 1,000 LE to the treasury of the competent court of first instance, along with the documents determined by HEC as a proof that the candidate has met the conditions required by this law. The worker or farmer candidates were required to provide supporting documents confirming their status.

The same requirements applied to candidates on the closed party lists. The competent body of the party or related parties shall take charge of their

nomination procedures through an application submitted as per the form prepared by the HEC, and the 1,000 LE amount provided for needs to be deposited for each candidate from the list candidates.

The requirements for nomination for membership of the People's Assembly elections were the same as those for membership of the Shura Council as stipulated in the Shura Council law.

Statistics released by the SJCE, on 25 October 2011, showed that a total of 8,627 candidates were registered as independent candidates, 6,591 for the People's Assembly and 2,036 for Shura Council. In addition, 590 party-based lists were registered for the People's Assembly and 272 candidates for the Shura Council.

3.4 wOMEN AND POLITICAL REPRESENTATION

The legal framework in Egypt has provided full and equal suffrage to women since 1956, but the legal basis for women's human rights in Egypt is limited by a lack of proper implementation mechanisms to ensure women's equal access to justice and the law. Egyptian women have limited influence at the national and community levels, despite filling leadership positions as ministers, ambassadors, media heads, members of parliament and university professors.

Women's representation in the Egyptian parliament has been a contentious issue over the years. Since obtaining the right of political participation in 1956, women's representation in elected bodies has generally been marginal, fluctuating between 0.5 and 2.4%.

After the introduction of a 30-seat nomination quota in 1979, women occupied 9% of seats in the 1979-1984 PA and 8.3% in the 1984-1987 PA. However, the quota was repealed in 1986, and women's representation in parliament has declined since then. In the 2005 parliamentary elections, women secured only nine of the 454 seats in the PA, four of whom were elected and five appointed by the president. However, women's representation in the Shura Council has increased over the years (3.3% in 1980, 5.7% in 1996 and 2002, and 8% in 2007), due at least in part to the president's authority to appoint one-third of the seats.

In response to the low level of women's representation in the PA, a new quota for women's representation was introduced for the 2010 PA elections. A total of 64 seats were reserved to be contested by women candidates, and all voters were able to vote for those candidates. The new quota system was to be applied for two legislative terms (10 years), which some argued was not long enough to change deep-rooted conservative views on women's roles. Although the introduction of the women's quota was an important step, it raised significant challenges for civic and voter education.

The gains of the women's nomination quota were lost when it was revoked in the post-revolution electoral laws. The amended election law requires that each party includes at least one female candidate on the party list, but does not mandate the parties to place the female candidates at the top of the lists or in positions on the list that would guarantee that they win.

The EISA mission noted that most party lists included women just to meet the legal requirements, but these female candidates were placed near the bottom of the lists, thus reducing their chances of winning. It was also noted that some Islamist party lists did not include photos of female candidates. In some cases, photos of female candidates were replaced with the photos of their husbands or the picture of a rose. From the mission's consultations with political parties, it was gathered that some parties considered the election of women as a form of corruption; thus they saw their inclusion on the list as an evil. Some stakeholders also argued that Islam forbids political participation by women.

During the People's Assembly elections as well as the Shura Council elections, women had to wage two battles: the first was how to convince the party to place their names closer to the top of the party list and the second was how to convince the electorate that a woman could represent them in parliament. As a result of these challenges, of all female candidates who contested in individual candidate districts in the People's Assembly elections, none won a seat. On party lists, only nine seats were secured by women. The new People Assembly would therefore include 12 women (including the three women appointed by the SCAF) out of 508 members (2%). This is a significant reduction from the 64 reserved seats for women in the previous parliament. The Shura Council would include five women out of 180 members (2%).

A party list poster with a rose in place of a female candidate's photo.

3.5   CIVIC AND VOTER EDUCATION

Article 40 of the Law on the Exercise of Political Rights states that citizens who abstain from voting will be fined up to 500 EGP, thus making the vote compulsory without clearly providing means of any public outreach.

Considering the fact that article 3 bis (f) does not mandate the SJCE to provide civic and voter education, there was minimal information provided to inform the electorate about the requirements for voting, apart from some posters in polling centres indicating the voting procedures. Most local NGOs met by the mission did not conduct civic and voter education initiatives. The mission was informed that a few political parties did door-to-door voter education as well as handing out flyers to voters. Political parties also carried out voter education campaigns through the use of social media such as Twitter and Facebook. But these activities were more in the nature of campaigning than voter information.

The mission noted that many voters at polling stations visited displayed a lack of knowledge of voting procedures and were indecisive over whom to vote for. It was also witnessed that the secrecy of the vote was compromised in several instances, with voters receiving assistance from officials after asking questions about whom to vote for. This was the case during the early phases of the parliamentary elections. Most of the voters who needed assistance were encouraged to vote for a particular candidate or party. Such practices notably decreased as the process progressed, but assistance by the presiding judge remained a common practice. The EISA mission therefore emphasised the need for civic and voter education given Egypt's complex electoral system, its illiteracy rate[10] and the fact that many voters cast their vote for the first time in a competitive election during the 2011-2012 parliamentary elections.

3.6   ELECTION CAMPAIGNS

Campaigning during the parliamentary elections in Egypt was governed by one main instrument: the Law on the Exercise of Political Rights. According to Article 50 of the Law on the Exercise of Political Rights, electoral campaigns based on religious slogans or involving sexual or ethnic considerations are punishable with a minimum of three months in prison and a fine ranging from 6,000 EGP to 12,000 EGP. And the SJCE placed a 500,000 EGP ceiling on campaign expenditure for independent candidates, and 1 million EGP for party lists.

Stakeholders met by the EISA mission complained that the confused political circumstances affected the campaign. The release of party lists was delayed until 1 November 2011, following the Administrative Court's review of appeals against nomination, just 27 days before the polling. Campaigning began on 2 November and lasted 24 days, because the law bans all campaigning 48 hours before voting day.

The election campaigns were carried out in a calm and orderly manner for both People's Assembly elections and Shura Council elections.

For the People's Assembly elections, the campaign entailed the use of posters, advertisements on billboards, political rallies, television appearances, voter outreach through newspapers, graffiti, etc.

Conpaignposters

During election days, however, EISA witnesses reported widespread and vibrant campaigning in the street as well as the polling stations, which was in violation of Resolution 21 of 2011, issued by the SJCE.[11] Witnesses noted that parties and individual candidates actively distributed pamphlets and used vehicles and loudspeakers for publicity. Some parties even set up information tables with computers to assist voters seeking information about their polling stations to locate their assigned polling station. While it is appropriate to provide information for voters, the mission noted that this kind of assistance on election days could be interpreted as illegal campaigning, because the party agents simultaneously provided campaign documents or related literature while they assisted voters.

During the next phases, the mission commended the SJCE for putting a halt to this illegal campaigning. The chairperson of the SJCE issued resolution No (67) of 2011 on 10 December 2011, which contributed to the reduction of campaigning on election day. The resolution reiterated the provision of

resolution 21 and gave strict instructions to counsellors, heads of primary courts and heads of operating rooms (presiding judges) and polling staff regarding any violation.

During the Shura Council elections, the mission noted that debates on the value and role of this consultative house affected the participation of voters, as there was a drastic reduction in political campaigning and the overall turnout of voters.

4 | The Election Phase

- 4.1 Polling stations and polling staff
- 4.2 The ballot and election materials
- 4.3 Voting process and voter turnout
- 4.4 Security forces and party agents
- 4.5 Independent election witnesses
- 4.6 Closing and counting processes

The parliamentary elections were conducted in five phases over a three-month period (28 November 2011 - 22 February 2012). Below is the schedule of elections:

Table 5: Schedule of the 2011-2012 parliamentary elections

Phases	Dates of election	Governorates covered
PEOPLE'S ASSEMBLY ELECTIONS		
Phase 1	28 and 29 November 2011	Cairo, Fayoum, Port Said, Damietta, Alexandria, Kafr El-Sheikh, Assiut, Luxor, Red Sea
Run-off for phase 1 PA elections	05 and 06 December 2011	
Phase 2	14 and 15 December 2011	Giza, Beni Suef, Menoufiya, Sharqiya, Ismailia, Suez, Behira, Sohag and Aswan
Run-off for phase 2 PA elections	21 and 22 December 2011	
Phase 3	3 and 4 January 2012	El Minya, Qaliubia, Gharbiya, Daqahliya, North Sinai, Marsa Matruh, Qena and Al Wadi Al Gadeed (The New Valley)

Run-off for phase 3 PA elections	10 and 11 January 2012	
SHURA COUNCIL ELECTIONS		
Phase 1	29 and 30 January 2012	Alexandria, Assiut, Cairo, Dakahliya, Damietta, Fayoum, Gharbiya, Menoufiya, Al Wadi Al Gadeed (The New Valley), North Sinai, Qena, Red Sea, South Sinai
Run-off for phase 1 SC elections	07 February 2012	
Phase 2	14 and 15 February 2012	Aswan, Beheira, Beni Suef, Giza, Ismailia, Kafr El Sheikh, Luxor, Marsa Matruh, Minya, Port Said, Qaliubia, Sharqiya, Sohag, Suez
Run-off for phase 2 SC elections	22 February 2012	

4.1 POLLING STATIONS AND POLLING STAFF

The SJCE established polling stations throughout the governorates during each phase of the parliamentary elections to enable voters to cast their vote easily. Voters appeared to be aware of the location of the polling centres to which they were assigned. A hotline was established prior to the elections to enable voters to receive information on the polling stations they had been allocated. To receive such information, voters were required to send a text message (SMS) to a toll-free phone service (number 140) containing their names, and they would receive a reply providing their polling station's name and number. They could also find their polling stations on the website of the commission (http //www.elections2011.eg). It appeared that this voter hotline developed by the SJCE was effective. The polling stations were mostly located in neutral places such as schools. The mission noted that many stations were on the first, second and third floor, which posed a challenge to disabled and elderly voters. Some of them were helped by security forces up to the polling stations, which was not the primary role of the latter, who were required to stay outside the polling stations.

During the People's Assembly elections there were two polling stations in the same polling room, because of the limited number of presiding judges and owing to the reduction of election phases from three to two. During the Shura Council elections polling rooms hosted up to three polling stations. With polling stations having approximately 1,100 registered voters the high turnout of the early phases made it chaotic in most polling stations visited. In some cases, the layout of polling stations neither allowed an easy flow of voters nor guaranteed the secrecy of the ballot.

Polling stations were staffed with adequate numbers of polling staff. Each station had a presiding judge, who oversaw the work of staff drawn from the local civil service (predominantly teachers from the Ministry of Education).

During the earlier phases of the elections, it was challenging for the polling staff to manage the process. During the later phases, the mission noted that the polling staff gained better control of the polling station management, though with varied levels of electoral knowledge among the staff. The mission hails the sizeable presence of women among polling staff in female-voter-only as well as male-voter-only stations. Witnesses observed that polling staff did not wear their identification gear provided by the SJCE, and this made it difficult to differentiate electoral staff from other persons present in the polling stations such as political party agents.

4.2   THE BALLOT AND ELECTION MATERIALS

Election materials were available at all polling stations visited at the beginning of the day and were sufficient throughout the voting process. During the first-round elections, polling rooms had two ballot boxes per polling station, one for party-list and the other for individual candidates. They also had two sets of ballot papers, one for party-list and the other for individual candidates. During the run-offs there was only one ballot box per polling station, as run-offs were held only for individual candidates. Ballot papers had no pictures of the candidates. Candidates were represented by symbols of all kinds. They were not always easy to understand by voters, who sometimes resorted to asking polling staff to help them find the symbols representing their candidates. Due to the small space provided in polling rooms, only one booth was place in many stations visited, instead of two.

Each polling station had a copy of the voters' register that had the names and photos of the voters assigned to the polling station. The registers were clear and easy to use by polling staff, who could easily find records of voters. All the polling stations were provided with indelible ink.

Ballot paper for individual candidate elections

The mission commends the SJCE for replacing the old wooden and plexi-glass ballot boxes used during the People's Assembly elections with plastic boxes with a securable ballot slot in the centre of the lid. These boxes improved transparency as well as the security of boxes overnight, given that the voting took place over two consecutive days. Despite the initial difficulties in the use of the seals, the plastic boxes were a remarkable improvement, especially in view of the short time lapse between the PA and SC elections.

Wooden ballot boxes used during the PA elections

4.3 VOTING PROCESS AND vOTER TuRNOuT

Article 28 of the Law on the Exercise of Political Rights requires that elections or referenda take place from 8:00 am to 7:00 pm. It also requires that the names of voters in the queue at 7:00 pm be recorded on a list and that the voting continues until they have cast their votes.

The EISA mission noted that during the parliamentary elections, many polling stations opened after the prescribed time. The reasons for late opening included late arrival of judges and the absence of party / candidates' representatives. Such delays caused anxiety and frustration among voters, mostly in the early stages where queues were formed along streets long before the opening time, and could affect the perception of the integrity of the ballot. The mission believes that much as it is a right for parties or candidates to be represented in the polling station at the opening, the onus rests with them to ensure that their accredited representatives are present at the stipulated time. The absence of a party's/candidate's representative should not be an obstacle to the start of voting.

In the first and second phases of the People's Assembly elections the SJCE ordered that all polling stations stay open until 9:00 pm as a result of the high turnout and delayed poll openings. This last-minute decision brought about suspicion and speculation in some polling stations.

The mission witnesses noted that on arrival and presentation of his/her ID card (the only document required), the voter's name was easily found on the voters' roll. After this verification, the voter was immediately issued the ballots papers. Voters were not consistently checked for indelible ink before being issued ballot papers, in order to ensure that they did not vote more than once. After the vote, the application of the ink was a procedural inconsistency, as it was applied on different fingers no matter the hand used by the voter. This inconsistency may be attributed to the lack of fully developed regulatory framework to provide a standard and consistent interpretation of the provision of the People's Assembly law and the Shura Council law, leaving the presiding judges to use their own judgement in the application of procedures.

The voting procedures for the parliamentary elections are stipulated in Article 29 (bis) of the Law on Exercise of Political Rights, which mandates the head of the committee to provide each voter with two ballots, one for the closed party lists and the other for the individual candidate system. The law also stipulates that the ballot for the party list system should contain the names and emblems of parties, while the ballot for the individual candidate system should contain the names of candidates contesting the constituency. It is also required by law that each polling station should be supplied with two separate ballot boxes.

According to Article 5 (bis) of the People's Assembly law, in the constituencies allocated for the lists, the voter may express his/her opinion by choosing one of the lists as a whole, without making any amendments to it. Votes are considered invalid if the voter elects more than one list or candidates from more than one list, or if the voter records his/her opinion on a ballot other than the one he/she was handed by the head of the committee, or on a paper signed by the voter, or marked by him/her with any indicating sign or mark.

Voting for individual candidates from each constituency shall be carried out at the same time of voting for closed lists, on a separate ballot. Votes are considered invalid if the voter elects more or less than the required number of candidates, or if the voter records his/her opinion on a ballot other than the one he/she was handed by the head of the committee, or on a paper signed by the voter, or marked by him/her with any indicating sign or mark.

An Egyptian voter casting his vote during the PA elections

During the earlier phases of the parliamentary elections, the secrecy of the vote was a concern, as the mission witnessed voting on the ballot box, on the table and against the wall in a number of polling stations visited. Secrecy of the vote was largely undermined because a good number of voters were not familiar with the voting procedure or did they know who to vote for and they resorted to asking for assistance. As the process unfolded, voters got more familiar with the voting procedure and cases of assistance by the polling staff decreased in number.

The mission was concerned that voters' enthusiasm, which was the dominant feature of the earlier phases of the People's Assembly elections (more than 60%, according official figures),[12] reached its lowest point during the Shura Council elections. For the Shura Council elections, there were no queues in most of the polling stations, as voters came sporadically. This low turnout was pointed out by the chairperson of the SJCE. In the first phase it was 15.4% (first round) and 6.5% (run-offs). In the second phase it was 12.2% (first round) and 7.2% (run-offs). Information received from stakeholder consultations attributed the very low turnout to people's perception of the Shura Council as a mere consultative body which does not wield any real power. Stakeholders also mentioned the issue of voter fatigue as a result of an overly extended electoral process. Inadequate civic and voter education was also mentioned as a reason for the low voter turnout.

4.4   SECuRITY FORCES AND PARTY AGENTS

Articles 26 and 27 of the Law No. 73 of 1956 on the Exercise of Political Rights prohibit the presence of security personnel inside polling stations unless authorised by the committee head. In spite of this law, the mission witnessed their presence inside polling stations. The mission noted the strong presence of armed security forces in polling centres and, in a number of cases, inside polling stations visited. There were armed military and police personnel deployed in all the stations visited. It was, however, noted that the roles of both security structures at the stations were not clearly defined. In some cases, the security personnel interfered in the management of the polling process.

During the early stages it was noted that political party agents were present in most polling stations visited, with the Freedom and Justice Party and Al-Nour having the most sizeable number of representatives. But as the process drew to its close there was a sharp decrease in the participation of party/candidates' representatives in the process. In most polling stations visited during the Shura Council elections there were no party/candidates representatives.

The mission noted that during the entire process most of the party / candidates' representatives encountered did not appear to have a clear understanding of their roles and responsibilities, nor did they have a systematic approach

to election monitoring. The level of preparedness and vigilance varied significantly from one poll watcher to the other. Party agents met by the mission confirmed that they were just briefed about poll watching without any systematic training.

4.5   INDEPENDENT ELECTION wiTNESSES

The role of national and international observers is very important as a means of reinforcing the transparency and credibility of an electoral process, and allowing impartial scrutiny of and commentary and recommendations on the process.[13] The EISA mission noted that the SJCE took the decision to facilitate wider participation of domestic witnesses by making accreditation free for each accredited observer.

Despite all these guarantees, the mission noted that election witnesses, international and domestic witnesses alike, had difficulties accessing polling and counting centres. During the early stages of the elections, security forces appeared not to be aware of the presence of international witnesses. As a result, in a number of cases, the accreditation badges and the invitation letter from the national authorities often requested by the security forces at the entrance of polling stations did not grant the required access. The lack of procedural guidelines did not help the case of witnesses, especially when there was an undefined chain of command at the polling and counting centres. The mission noted that access by witnesses to polling centres and polling stations improved during the later phases of the elections.

It is important to note that up to the end of the process, international witnesses' access to polling centres and stations was subject to the good will of the security forces and presiding judges. In some cases witnesses missed out on essential aspects of the opening procedures and the counting of ballots after it was decided that counting would take place in the polling stations.

The EISA mission believes, however, that the presence of national witnessing groups contributes to the transparency of an electoral process and its ownership by the people of the country. The mission noted the presence of only a few national witnesses during the People's Assembly elections and their absence entirely in polling stations visited during the Shura Council elections.

4.6   CLOSING AND COuNTING PROCESSES

The counting process adopted during the People's Assembly elections was different from the counting procedure during the Shura Council elections. During the People's Assembly elections counting took place in large and centralised counting centres, in compliance with Article 34 of the law No 73 of 1956 on the Exercise of Political Rights (amended by Decision-law No167 of 2000). Despite the traffic, mainly in Cairo, Giza and Qaliubia, the majority of witnesses were able to follow ballot boxes to the counting centres. The mission noted that transportation was provided for polling personnel and the security forces secured the transfer of boxes and polling staff. However, there seemed to be no clear logistical plan for the orderly transfer of boxes from polling stations to counting centres. At the counting centres themselves, the arrival of boxes and polling staff was observed as very chaotic. There seemed to be no precise procedure to record the arrival and intake of ballot boxes and other voting materials at the counting centres. When witnesses did gain access to the counting centres, they had difficulty viewing the sorting and tabulation process due to the layout of the centres and the simultaneous counting of ballots by other polling officials at the counting centres.

In its first preliminary statement on the People's Assembly elections (28-29 November 2011), the EISA election witnessing mission recommended that the counting of ballots at polling station level be considered for the Shura Council elections for enhanced transparency and efficiency. In a very significant procedural change from the People's Assembly elections to the Shura Council elections, the SJCE decided that the counting should be conducted in the polling stations. This change enabled presiding judges and their staff to carry out closing activities, rearrange the polling stations and start counting activities in better conditions, which made the tabulation of results much easier.

In the polling stations visited, the mission noted that judges generally checked to ensure that only authorised people were present in the polling station for the counting. Here again there were cases of inconsistencies. In some polling stations witnesses were authorised to stay in the polling stations during the counting, whereas in others the presiding judges asked witnesses to stay outside and watch the process from the door or window. However, it was noted that prior to the counting, presiding judges arranged the polling station

so that the layout provided an easy view for witnesses in cases where they were authorised to be inside the polling stations.

Boxes were emptied before counting and the ballot papers were counted to ensure that they tallied with the actual number of voters who cast their votes. The process was made easy by the very low turnout that attended the SC elections. After counting, judges completed the required results forms and packed the sheets. The counting methods varied from one polling station to the next. Witnesses observed that in some instances reconciliation was conducted prior to counting, while in others judges proceeded with the counting of ballots without reconciling the ballots received with the number of voters who turned up to vote.

It was also observed that there was no provision for party / candidates agents to sign the results sheets and forms, and results were neither announced nor posted at the polling stations. The mission believes that signing the result sheets and forms by party/candidates representatives, announcing the results in the polling stations and posting them at the polling station are good practices in so far as they reinforce the transparency and the integrity of the vote.

5 | The Post-Election Phase

5.1 Vote tabulation

5.2 Results of the elections

5.3 Complaint process

5.1 VOTE TABULATION

During the People's Assembly elections, the mission could not witness the tabulation process due to the layout of the big counting centres and the chaotic atmosphere of the counting. The decision to conduct the counting at polling station level during the Shura Council elections made it easier for the witnesses to observe the tabulation process in the counting centres.

A counting centre during the PA elections

Following the counting of ballots, the presiding judges and some members of their staff were required to take the ballots, counts sheets, the minutes and other documents to the tally centres. At the tally centres the judges deposited the ballots and submitted the various sheets to sub-committees. After verification, the forms were handed to administrative staff operating computers to input the information into spreadsheets. The system seemed to have been designed to meet imperatives of speed, security and accuracy. The mission witnesses noted that the conducting of counting in polling stations before the tally centres during the Shura Council elections allowed tally centres to be run in a more orderly manner than the counting centres during the People's Assembly elections.

5.2   RESuLTS OF THE ELECTIONS

Article 37 of the Law No 73 on the Exercise of Political Rights requires the chairman of the electoral commission to declare results of the elections by a decree within three days following the general committee heads' declaration of results in the constituencies under their responsibility.

During Egypt's 2011-2012 parliamentary elections there were cases of delay and speculations about the results, but this had no significant impact on the post-electoral mood. That is why the mission commended the people of the Arab Republic of Egypt for the culture of acceptance of election results and hopes that they will adopt such an attitude during the next steps of the transitional process (presidential elections and the referendum). The combined results of the parliamentary elections are presented in the tables below:

Table 6: 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 7: Women in the People's Assembly

Party	Seats won by women
Freedom and Justice Party	4
Al-Wafd	3
Egyptian Social Democratic Party	1
Reform and Development Party	1
SCAF-Appointed women	3
TOTAL	12

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
**No women won seats in the IC district races

Table 8: 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 90 appointed members would be appointed by the elected president after the presidential elections scheduled to be held in May or June 2012.

5.3   COMPLAmT PROCESS

According to the law, disputes concerning electoral results are examined by the Higher Court of Appeals (also known as the Court of Cassation). But many stakeholders met by witnesses seemed to be unaware of the complaint process. The mission believes that efficient and reliable dispute mechanisms are essential to address violations of fundamental rights relating to an electoral process. The mission did not witness any complaints.

6 Conclusion and Recommendations

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6.1 CONCLUSION

Egypt's 2011-2012 parliamentary elections were unique and presented unique challenges, because they were the first democratic elections after the 2011 revolution. They were therefore considered to be the first truly competitive elections in the history of Egypt. The timetable required the resolution of major issues in a relatively short period of time. While there were a number of procedural and organisational challenges identified by its teams, the EISA Election Witnessing Mission commends the smooth running of the complex electoral process by the SJCE, given the circumstances in which the elections were initiated.

The mission further commends the generally peaceful and responsible conduct of the voters. It is of the opinion that the SJCE has laid the foundation for a smooth transition to civil democratic regime in Egypt should it draw lessons from the shortcomings of the parliamentary elections and address the technical and procedural issues raised by independent witnesses and stakeholders during the these elections in a proactive manner before the presidential and subsequent elections.

The mission agrees that in a region where democratic enthusiasm is greater than democratic experience, patience and sustained effort will be needed to ensure that transitional elections in Egypt and other Arab countries will satisfy the high expectations of the people.

Based on its findings from the first phase of the People's Assembly elections to the second and final phase of the Shura Council elections, the successive improvements implemented by the election management body across the phases, 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, and the Declaration of Principles for International Election Observation and its associated Code of Conduct for International Election Observers, the EISA Election Witnessing Mission concludes that despite the cases of inconsistencies mentioned above, the Egypt's parliamentary elections of 2011-2012 were conducted in a fair and credible manner. The people of the Arab Republic of Egypt were granted the space and opportunity to freely express their will at the polls in a free atmosphere and the candidates and parties enjoyed equal opportunity.

6.2   RECOMMENDATIONS

Based on its findings throughout the process and considering that the Egyptian transition needs to be conducted in a peaceful and transparent way, the mission makes the following recommendations with the aim of contributing to the improvement of future electoral processes in Egypt:

- **Constitutional and legal framework**

International jurisprudence, declarations and resolutions recognise that 'there is no single political system or electoral method that is equally suited to all nations and their people and that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each state's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural system'.[14] It is important, however, to note that there are international principles and best practices that Egyptians need to be implement.

As mentioned above, the legal framework of the Egypt's 2011-2012 parliamentary elections meets the fundamental conditions for the holding of democratic elections. Nevertheless, there are some weaknesses that need to be addressed:

- The differentiation of candidates between 'farmers/workers' and 'professionals' with a quota of at least 50% of elected seats in the

houses reserved for farmers / workers at the expense of professionals needs to be reconsidered in the next cycle of parliamentary elections in order to have an electoral law which is in line with international democratic principles of equality between candidates.

- The delimitation of constituencies and the allocation of seats per governorate should be commensurate with the population size. This would address the current disparity in the value of the vote across governorates.

- The provision which allows the president to appoint members of parliament is inconsistent with the democratic principle of the separation of powers between the executive, the legislative and the judiciary. All seats in the People's Assembly elections as well as the Shura Council elections should be contested rather than a set number being reserved for appointment by the president.

• Women's representation

The mission is concerned by the under-representation of women in both houses of the Egypt parliament,[15] as a result of deeply rooted perceptions about women's participation in political activities and the lack of an effective quota to ensure female representation. The EISA Election Witnessing Mission urges the Constitutional Drafting Committee to take decisive steps to improve women's participation and representation in the political life of the Arab Republic of Egypt. These could include introducing a minimum quota to ensure effective representation of women in both houses of the parliament. The mission strongly encourages women associations to carry out information and training sessions to sensitise women about their rights and their place in post-revolution Egypt, as well as to encourage men to vote for good female candidates.

• Civic and voter education

For the next elections, and particularly the presidential elections, where the stakes will be higher, the mission recommends that the SPEC be given a clear mandate for voter education. And civic and voter education should be provided in a manner that is non-partisan, independent, co-ordinated and consistent. An officially and impartially informed electorate is of paramount importance for electoral and democratic processes. In doing so the SPEC is called upon to work closely with NGOs and political parties on civic and voter

education in order to ensure consistency in quality and balanced geographical provision of civic and voter education. The mission encourages local NGOs to be more involved in civic and voter education. A systematic and robust approach to civic and voter education will be critical in developing a culture of participative democracy. The EISA mission is of the view that voter and civic education needs to be a long-term activity, and not merely limited to an election. Citizens of a country that is generally in a transitional process should be permanently provided with general information on democracy, democratic governance, human rights and citizen participation, and specific voter information for specific elections.

The mission also encourages Egyptian political parties to provide their supporters with civic and voter education and information about voting process which should be consistent with the voter education and information provided by the SPEC.

• Training of polling staff
The role of polling staff is vital in ensuring that voters, candidates and agents have confidence in the election process. The mission is of the opinion that the procedural inconsistencies noticed across the different phases of the parliamentary elections were mainly due to the lack of a procedures manual, which should form the basis of the training for polling staff. In some cases, these inconsistencies were due to their failure to use the manuals provided by the SJCE, because of the belief that presiding judges already know the law. Judges need to be fully briefed during training sessions about the election and polling station management to enable them to share the same standards and criteria and apply the regulations consistently. They should not be left to rely solely on their knowledge of the law. Similarly, polling clerks who are drawn from the educational service also need to be trained on all aspects of poll work.

APPENDICES

Appendix 1
Composition of the EISA Election Witnessing Mission

	Name	Gender	Role	Country of origin
1	Denis Kadima	Male	Mission leader & short-term witness	Democratic Rep of Congo
2	Justin Gore Doua	Male	Field director and long-term witness	Cote D'Ivoire
3	Angelina Daniels Seeka Very	Female	Long-term witness	South Sudan
4	Cecile Bassomo	Female	Long-term witness	Cameroon
5	Bweenda Muke (Junior)	Male	Long-term witness	Democratic Rep of Congo
6	Safa Abuobeida Ibrahim El-bagari	Female	Long-term witness	Sudan
7	Naphtaly Sekamogeng	Male	Long-term witness	South Africa
8	Karen Ogle	Female	Long-term witness	South Africa
9	Anissa Izidine	Female	Long-term witness	Mozambique
10	Ammar Garouachi	Male	Short-term witness (PA elections) and medium-term witness (SC elections)	Tunisia
11	Maysa Bouderbela	Female	Short-term witness	Tunisia
12	Eralda Vahidi	Female	Short-term witness	Sweden
13	Aichatou Fall	Female	Medium-term-witness	Senegal
14	Olufunto Akinduro	Female	Short-term witness	Nigeria
15	Vincent Tohbi	Male	Short-term witness	Cote D'Ivoire
16	Ilona Tip	Female	Short-term witness	South Africa
17	Funanani Nemaheni	Female	Medium-term witness	South Africa
18	Aime Konan	Male	Short-term witness	Cote D'Ivoire
19	Wasseem Holland	Male	Medium-term witness	South Africa
20	Hector Lubamba	Male	Short-term witness	Democratic Rep of Congo

21	Gaston Kalombo	Male	Short-term witness	South Africa
22	Ebrahim Fakir	Male	Short-term witness	South Africa
23	Magdalena Kieti	Female	Short-term witness	Kenya
24	Jackie Kalley	Female	Short-term witness	South Africa
25	Willis Evans K'Ochieng	Male	Short-term witness	Kenya

Appendix 2

Terms of Reference of the EISA Election Witnessing Mission

The Terms of Reference describe the role and responsibilities of the EISA Election Witnessing Mission during deployment for the 2011-2012 People's Assembly and Shura Council elections in Egypt. They provide a summary of the mission's objectives and outline the activities of EISA witnesses.

All EISA witnesses are guests in Egypt. The election and related processes are for the government and people of Egypt to conduct and participate in. As witnesses, members of the EISA mission are expected to assess these processes without interfering in the process.

In line with its vision of an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment, EISA gives focus to the crucial role that election observation/witnessing plays in sharing expertise and experiences among nations. EISA believes that international witnesses can play a critically important supportive role that will enhance the credibility of the elections, reinforce the work of domestic witness groups and increase public confidence in the entire electoral process.

The deployment of this mission is an integral part of EISA's Assessing Electoral Integrity in Egypt Project. Through this project, the Institute seeks to contribute to the integrity of the Egyptian electoral process and transfer its knowledge and skills to its observers. In this endeavour, observers are drawn from North Africa and other selected countries in Africa in order to encourage peer learning that may equip them with new knowledge and skills that would help improve electoral processes in their respective countries.

Objectives of the Mission

The overall objective of the mission is in line with EISA's attempts to promote credible elections and citizen participation, and to strengthen political institutions for sustainable democracy in Africa. Specifically, the mission is deployed to:

- Assess the integrity of the electoral process in Egypt through the witnessing and documentation of pre-election, election day and post-election activities in Egypt.
- Ascertain whether the elections in Egypt meet international benchmarks set out in the African Union Declaration on Principles Governing Democratic Elections in Africa, the Declaration of Principles on International Election Observation and Code of Conduct for International Observers and the Principles for Election Management, Monitoring and Observation (PEMMO).
- Provide an opportunity for peer learning among witnesses drawn from across the continent.

Methodology

To enable the mission to undertake an informed and objective assessment of the elections, it will adopt a holistic approach in its witnessing and documentation of the electoral process in Egypt.

Due to time constraints, long-term witnesses will arrive in Cairo alongside short-term witnesses for the first phase of the People's Assembly and Shura Council elections. The long-term mission will remain on the ground for three (3) months and will be joined by successive groups of STOs at different stages of the electoral process for a period of up to seven (7) days. The activities of the mission will be co-ordinated by the EISA Field Director, who will remain in Cairo for the duration of the mission. The mission will be supported by a group of interpreters who will escort the witnesses as they move across the country.

Before deployment, briefing sessions will be conducted in Cairo. These briefing sessions will serve the purpose of a refresher training session on the rationale and methodology of election observation. During these sessions, witnesses will also receive briefings from election stakeholders in

Egypt such as the Higher Election Commission (HEC), political parties, civil society organisations (CSOs), media, security agencies, academics and other stakeholders on the level of preparedness for the poll and on their different perspectives on the electoral process.

Witnesses will be deployed to the districts at least two (2) days before the elections and are expected to consult with stakeholders in their areas of deployment.

On election days, witnesses will observe the opening of the poll, voting processes, closing of the poll and the counting and tally processes.
After deployment, witnesses are expected to return to Cairo for a debriefing session at which they will share their experiences and discuss their observations and formulate the mission's preliminary assessment of the elections.

The final report of the mission will be published after the end of the mission.

Form of Analysis

The mission's method of analysis is both qualitative and quantitative. Witnesses will be required to complete checklists and reporting forms to capture information received from stakeholder consultations, media review and direct observation. The content and method of completing these documents will be emphasised during the witnesses' briefing sessions.

The mission will endeavour to ensure that all aspects of the electoral process are covered by the witnesses, bearing in mind that the election is not a one-off event. The witnesses will need to take into account the various stages of the election, including the institutional and political context of the elections, pre-election activities, election day activities and post-election activities. This includes the campaign, voting and counting, compilation and announcement of results.

Specific attention should be given to the ongoing uprisings and current events and trends in the country and its implications for the electoral process and the outcome of the electoral process.

Election witnesses

To enable witnesses to gain first-hand knowledge of the institutional and political context of the elections, they will be required to:

- Sign a pledge to adhere to the Code of Conduct for witnesses.
- Reside in the district where they have been deployed with trips outside to cover additional districts should these fall under their deployment area.
- Consult with electoral stakeholders, including the Higher Election Commission, representatives of political parties, CSOs and academic institutions ahead of the elections at national and local levels.
- Participate in briefing and debriefing sessions for witnesses.
- Witness campaign activities.
- Assess the state of readiness and preparedness for the election by stakeholders.
- Submit a briefing on the institutional and political context of their areas of deployment. This should be submitted within the first two weeks of deployment.
- Prepare and present a briefing on the regional peculiarities of their areas of deployment during the briefing sessions for short-term observers.
- Work with the field co-ordination office to make necessary logistical arrangements for the arrival of short-term observers.
- Report to the Field Director.
- Submit a weekly briefing to the Field Director.
- Respond to all queries from the Field Director.
- Witness the opening of the poll, the voting process, the end of voting and closing of the poll.
- Witness the counting of votes at the voting stations.
- Witness the movement of material from the voting stations to the centralised counting centres
- Witness the compilation of results up to the final official announcement of results.
- Contribute to the interim and final report.

Code of Conduct for Election witnesses:

- Election witnesses are guided by the following principles as stated in the HEC Regulations, Declaration of Principles on International Election Observation and Code of Conduct for Observers:
- Respect for the sovereignty of Egypt as the host country and the human rights of the citizens
- Respect for the laws and authority of the Higher Election Commission
- Proper personal behaviour
- Strict political impartiality, objectivity and professionalism
- Respect the integrity of the mission
- Observe - do not interfere
- Refrain from speaking to the media
- Cooperate with other observers

Appendix 3

Stakeholders consulted by EISA EWM during the People's Assembly elections

Stakeholders consulted in RED SEA Governorate		
Date of visit	**Organisation**	**Name & designation of person(s) interviewed**
1/12/11	High Court of Appeal	Judge Akram Omar, head of operations
1/12/11	Egyptian Union of Human Rights Organisation	Mr Ezzat Bandary, executive director
	Sky Development	Mr Mosad Sady, director
2/12/11	Union of Lawyers	Mr Hussein Assy, lawyer
2/12/11	Saint Mary Mina	Mr Mamdouh Zekky
3/12/11	National Organisation for Human Rights	Mr Nasser El Deshnawi, director
3/12/11	Freedom and Justice Party	Mr Reda Ghonem, secretary of the party
Stakeholders consulted in ALEXANDRIA		
1/12/ 2011	TRUST	Yunis
1/12/2011	Freedom and Justice Party	Husni Mohamed Dowydar
2/12/2011	NDI and TCC	
Stakeholders consulted in FAYOUM		
1/12/2011	Fayar Masry Political Party	Miss Yasmin Hasam, representative of the party in Fayoum
1/12/2011	Ibn Khaldoum Centre for Development Studies	Mr Nabil Khaled, head of the organisation
2/12/2011	The Egyptian Association of Progress by Social Participation	Mr Samir Abdelbaky, head of the organisation
Stakeholders consulted in ASWAN		
11/12/2011	Justice Department	Gamal Salem, most senior judge in Aswan responsible for the deployment of judges in polling centres
11/12/2011	Egyptian Democracy Institute (EDI) Debate	Amina Mohatisen, manager for the Aswan branch

12/12/2011	Egyptian Arabic Union Party	Karrima Bakar, female candidate no. 2 on the list
12/12/2011	Conservative Party	Samira Ragheb, candidate
12/12/2011	Eltagmo Party	Mona Mohamed Rabi, female candidate no. 3 on the list
	NAZRA for Feminist Studies	Mozn Hassan, Executive Director
	The National Organisation for Human Rights and Human Development	Mohammed Helmy Ebrahim, domestic witness for the area Nasreknoba Tashika Shark
13/12/11	Al-wadf Party	Ramadan Abunoor, local secretary-general of the party
13/12/11	Independent - Christian	Joseph Fozi, independent candidate
13/12/11	Freedom and Justice Party	Mohammed EL Abdul Fataar, candidate no. 2 on the list, local secretary-general of the party
13/12/11	Wasat Party	Tamir Mohammed, lawyer for the party and human rights activist
Stakeholders consulted in GIZA		
13/12/11	High Elections Committee in Giza	Mr Roshdy Amaar, head judge
13/12/11	Egyptian Organisation for Human Rights	Mr Sherif Etnam, foreign relations officer
13/12/11	Al Wafd Party	Dr Wafiq Kamel Al Ghitani, operations officer - elections division
Stakeholders consulted in ISMAILIA		
11/12/11	Supreme Judicial Committee for Elections	Mr Ashraf
11/12/11	Supreme Judicial Committee for Elections	chief judge
12/12/11	Liberal Party - A lecturer at the Suez Canal University	Mr Mohammed Salim
13/12/11 and 16/12/11	The Carter Center witnesses	
17/12/11	Binaa Association	Dr Rasha Selim
18/12/11	The Egyptian Association for Developing Citizens' Rights	Malak Farghal
20/12/11	Supreme Judicial Committee for Elections	President Mostafa Mohamed Mostafa

20/12/11	Coalition of 25 Jan Youth, Awareness Party	Aida Elkilany
20/12/11	Civil Bloc	George W. Khella, chairperson, and Ibrahim Shawky, coordinator and assistant professor at the University of Tanta:
Stakeholders consulted in SUEZ		
11-12-2011	Egyptian Mass (Political Party)	Mr Mohamed Samy, political officer
12-12-2011	Democratic Front Party (Political Party)	Mr Hany Thabet, coordinator of the party
16-12-2011	Rakib observer group	Mr Aymann
Stakeholders consulted in MINYA		
29/12/2011	Head of Security	Mumdh Mogalad
31/12/2011	HEC	Hadem Kamal
31/12/2011	Freedom & Justice Party	Hiaym Hussein
01/01/2012	Egyptian Mass Party	Dr Raymond Mkram
Stakeholders consulted in MARSA MATRUH		
31/12/11	Anti-mines Committee	Chairman: Ahmed Amer Alejny
31/12/11	Organization Against Corruption	Chairman: Ali Abdel Mounem
02/01/12	Independent Candidate	Gad El Mawla Abdellatef
02/01/12	Court	President judge: Mustafa Mohamed
02/01/12	NDI and TCC witnesses	
Stakeholders consulted in SOUTH SINAI		
31/12/2011	Al Wasat party	Ms Salha Feleem, candidate
01/01/12	Modern Egyptian Party	Ms Rasha Sharaarawy, candidate
01/01/12	Sharm El Sheikh weekly	Mr Mohmed Abdul Fatah, founder and editor in chief
02/01/12	HEC	Mr Sameh Helmy, presiding judge
02/01/12	Freedom and Justice Party	Mr Ayman Alzoheri, chair of FJP in South Sinai
02/01/12	Al-Nour Party	Mr Khaled Fathy, chair of the party in South Sinai

Appendix 4

Stakeholders consulted by EISA EWM during the Shura Council elections

Stakeholders consulted in MARSA MATRUH		
Date of visit	Organisation visited	Name & designation of person(s) interviewed
13/ 02/12	Al-Nour Party	Assistant manager: Mahmoud Abdalkrem
13/ 02/12	Freedom and Justice Party	Head director in Matrouh: Fouad Mahmoud
13/02/12	Independent Candidate	Independent candidate: Mohammed Nagy Abdelkader
15/02/12	Human Rights	Member heading West Egypt -El Said Abdl Leaslem Aly
Stakeholders consulted in SOUTH SINAI		
27/01/12	Independent candidate	Ms Ayman Fayek Al Shahat
28/01/12	Al Wafd Party	Ms Eida Ouda Khattab, candidate
28/01/12	Freedom and Justice Party	Mr Hosni Mohamed Hossan
28/01/12	HEC	Mr Sameh Helmy, presiding judge
01/02/12	HEC	Mr Sameh Helmy, presiding judge
01/02/12	Freedom and Justice Party - individual candidate	Mr Suleyman Mohamed Musa
01/02/12	Al-Nour Party - individual candidate	Mr Awad Mohamed Saleh
Stakeholders consulted in ASSIUT		
28/01/2012	Appeals Court (HEC)	President of the Appeals Court Assuit: Abdel Malek El Komer
Stakeholders consulted in FAYOUM		
28-01-2012	HEC	Mr Yasser Arafa Behery
01-02-2012	Ibn Khaldoum Centre for Development Studies	Mr Nabil Khaled (head of the organisation)
02-02-2011	The Egyptian Association of Progress by Social Participation	Mr Samir Abdelbaky (head of the organisation)

Stakeholders consulted in RED SEA (Hurgada)		
28/01/2012	HEC/Vice-President of the trial court	Mr Omar Akram
31/01/2012	Red Sea Council	Mohamed Saaid, director of the board
01/02/2012	Egyptian mass	Engin Suhair Sedky candidate
02/02/2012	Lawyer / Domestic witness	Hussein Fahmy Assy
04/02/2012	Sky Organisation for Development and Human Rights	Massad Saadi, executive director
04/02/2012	Egyptian Union for Human Rights	Iegat Lucas, chairman of the board
04/02/2012	National Organisation for Human Rights	Nasser Aldhnaoy, director of the organisation
05/05/2012	Freedom and Justice Party	Engin Mohammed Awad, member of parliament
Stakeholders consulted in MENOUFIYA		
28/01/2012	Supreme Judicial Committee for Elections	Mr Mahmoud Khalaf
28/01/2012	Freedom and Justice Party	Mr Ramadaan El Dokky
28/01/2012	Al-Wafd Party	Mr Abd El Mornem
28/01/2012	TCC witnesses	Serena Alborghetti and Nerda Cherig
01/02/2012	Al Masrien El Ahrar Party	Mr Taimour Arafa
02/02/2012	Rural Development Association (RDA)	Mr Shaabel Shaleem
Stakeholders consulted in ASWAN		
13/2/2012	Justice Department	Gamal Salem, most senior judge in Aswan responsible for the deployment of judges in polling centres
13/02/2012	Al Wafd Party	Assistant head of party
13/02/2012	Justice and Freedom Party	Secretary-general of the party
Stakeholders consulted in PORT SAID		
13/02/2012	National Police, Port Said/HQ	Mr Moomen Sebaen, security cfficer
13/02/2012	The Carter Center Mission	Sanne
14/02/2012	Higher Electoral Commission	Mohammed Elattar, judge/presiding officer of a PS
14/02/2012	MISR 25 Channel	Ayman Gad, journalist
16/02/2012	Freedom & Justice Party	Mr Mohammed Zakaria

Stakeholders consulted in ISMAILIA		
13/02/2012	HEC	Adeel, supreme judge of Ismailia Circuit
13/02/2012	Ismailiya Governorate Council	Ibrahim Mursi Abul Eina, manager council affairs, Ismailiya governorate
13/02/2012	Al-Nour Party	Sheikh Muhammad Shazley, party leader Al-Nour Ismailiya
15/02/2012	Al-Nour Party	Dr Gamal Hussein, member of parliament
16/02/2012	Freedom & Justice Party	Dr Hisham Elsoly, member of parliament
13/02/2012 15/02/2012	The Carter Center Witness Team	Ellen-Kathrin Fauske & Paolo Maligaya
Stakeholders consulted in SUEZ		
13/02/2012	HEC	Mr Medhat Khatter, head of the HEC in Suez
13/02/2012	The Carter Center mission	Tadzrul Adha & Sulafa Musa
13/02/2012	Freedom and Justice Party	Party representative in Suez
13/02/2012	El Wafd party	Ali Mohamed; Mohamed Mahran; Mohamed Saleh; Farag Makh Louf
Stakeholders consulted in EL MINYA		
19/02/2012	Egyptian Mass party	Haile Slassie, member of Shura Council
19/02/2012	Egyptian Center for Human Rights	Ezaat Ibrahim Ezaat
18/02/2011	The Carter Center Mission	Nicholas Alexander -Haissam Minkara

Appendix 5
Programme of EWM briefing sessions

WITNESSES BRIEFING PROGRAMME
HILTON ZAMALEK, CAIRO
27 NOVEMBER 2011

TIME	TOPIC	PRESENTER/FACILITATOR
09:00 - 09:45	Perspective from IFES on the 2011-2012 Legislative Elections in Egypt	Antonio Spinelli Chief of Party, IFES Egypt
09:45 -10:30	Involvement and role of UNDP in the 2011-2012 electoral process in Egypt	Carlos Valenza Valenzuela, CTP UNDP, Egypt and Tunisia
10:30 -10:45	Tea/coffee break	
10:45 -11:30	Preliminary Assessment of the Electoral Process: Perspective From The Carter Center	Sanne Van Den Bergh, Field Office Director, The Carter Center, Cairo,
11:30 -12:45	Checklists: Election Day, counting and summary forms	Denis Kadima, Executive Director, EISA
12:45 -14:00	Lunch	
14:00 -15:30	DEPLOYMENT PLANS	Eralda Vahidi, Finance Manager, EISA
15:30	End of briefing day	

WITNESSES BRIEFING PROGRAMME
NOVOTEL CAIRO EL BORG, CAIRO
THURSDAY, 26 JANUARY 2012

TIME	TOPIC	PRESENTER/FACILITATOR
11:00	Welcome, presentation of the mission and explanation of the Code of Conduct	Justin DOUA
11:20	Overview of the Egyptian Parliamentary Elections: Analysis of the People's Assembly elections ahead of the Shura Council elections	Justin DOUA
12:20	Tea/Coffee break	
12:50	Checklists: Shura Council election forms	Karen OGLE Junior MUKE
13:50	Deployment plans and elections kits	Justin DOUA Cecile BASSOMO
14:30	End of the briefing session and group photos	

WITNESSES BRIEFING PROGRAMME
NOVOTEL CAIRO EL BORG, CAIRO
SATURDAY, 11 FEBRUARY 2012

TIME	TOPIC	PRESENTER/FACILITATOR
12:00	Welcome, presentation of the mission and explanation of the Code of Conduct	Justin DOUA
12:20	Overview of the Egyptian Parliamentary Elections: Analysis of the People's Assembly elections and findings of phase 1 of the Shura Council elections	Justin DOUA
13:00	Tea/Coffee break	
13:30	Checklists: Shura Council elections Phase 2 forms	Karen OGLE Junior MUKE
14:00	Deployment plans and elections kits	Justin DOUA Cecile BASSOMO
14:30	End of the briefing session and group photos	

Appendix 6

**Preliminary statement of the EISA EWM on the first phase of the
People's Assembly elections**

O s A
Electoral Institute for Sustainable Democracy in Africa

EISA WITNESSING MISSION TO THE EGYPT PEOPLE'S ASSEMBLY ELECTIONS
28-29 NOVEMBER 2011
PRELIMINARY STATEMENT

1. INTRODUCTION

Following the granting of an authorisation to the Electoral Institute for
Sustainable Democracy in Africa (EISA) by the Egyptian Ministry of Foreign
Affairs and its subsequent accreditation by the Supreme Judicial Commission
for Elections, the Institute deployed a mission to witness Egypt's People's
Assembly elections. The voting process is staggered to take place across three
regions on separate polling days, namely: 28-29 November 2011 (Phase I);
14 December 2011 (Phase II); and 3 January 2012 (Phase III) with the possibility
of run-off elections. This preliminary statement covers Phase I of the People's
Assembly elections which were held on 28-29 November 2011.

Led by Mr Denis Kadima, the Institute's Executive Director, the mission is
presently composed of 10 members drawn from civil society organisations
from South Africa, Tunisia, Sudan, the Democratic Republic of Congo, South
Sudan, Cote d'Ivoire and Cameroon.

These parliamentary elections are the first truly competitive elections
since the fall of the former regime headed by Hosni Mubarak, following
the January-February 2011 revolution. These elections offer Egypt a unique
opportunity to start the building of a democratic state. It is against this
backdrop that EISA deployed this mission as a sign of solidarity vis-a-vis the
people of Egypt in their tireless effort toward democratic change.

The EISA mission has made its assessment of the 28-29 November 2011 Egyptian elections, and its early findings and recommendations are presented in this statement.

Our views are based on the Constitution and laws of the Arab Republic of Egypt, EISA's Principles for Election Management and Witnessing (PEMMO), the African Union's Declaration on the Principles Governing Democratic Elections in Africa and the Declaration of Principles on International Election Witnessing. The mission met various national electoral stakeholders and other witnessing teams. Following a one-day briefing in Cairo, EISA deployed teams of witnesses to cover the following areas: Cairo, Alexandria, Fayoum and Hurghada. On election days, the EISA teams visited a total of 162 polling stations and subsequently observed the counting of ballot papers at the counting centres.

As the counting and tallying are still in progress, the mission's conclusion on the conduct of Phase 1 of these parliamentary elections is restricted to the period up to 30 November 2011.

2.   FINDINGS AND RECOMMENDATIONS

The EISA mission has made the following preliminary findings:

Constitutional and legal framework for elections

- The mission found that the constitutional and legal framework of elections in Egypt largely meets the minimum conditions for the holding democratic elections. However, several weaknesses were identified. For example, the differentiation of independent candidates between 'farmers/workers' and 'professionals' with a quota of at least 50% of elected seats in the chambers reserved for farmers/workers at the expense of professionals was inconsistent with the key democratic principle of equality between candidates. It is therefore recommended that this provision be reconsidered in the next cycle of parliamentary elections.

Atmosphere of voting

- The EISA mission commends the people of Egypt for the high voter turnout and their peacefulness and patience on the voting

days. The mission encourages Egyptian voters to continue to act peacefully throughout this protracted electoral process.

- Security forces are also acknowledged for their contribution to the peaceful atmosphere which prevailed throughout the voting and counting process.
- The political and electoral authorities are lauded for their decision to extend voting to two days, a decision that allowed more voters to cast their ballots.

voting and counting operations

EISA witnesses noted the following key points during the voting and counting operations, notably:

- There was a sizeable number of female polling staff. The mission regards this as a positive development.
- The layout of polling stations often did not allow for the easy flow of voters, nor did it ensure the secrecy of the ballot.
- In several polling stations, polling staff failed to check voters' hands for ink or to apply it properly after voting, which is an important safeguard against multiple voting.
- Illegal continuation of electioneering with the distribution of candidate posters and party messages to the queuing voters on voting days.
- Some voters appeared not to be familiar with the voting procedures.
- Party and candidate agents and domestic witnesses were not adequately represented in most polling stations visited.
- International witnesses were denied access to some polling stations and counting centres.
- The centralisation of counting caused logistical challenges and delays. The mission recommends that the counting of ballots at polling station level be considered in the next electoral cycle for enhanced transparency and efficiency The EISA mission believes that many of these weaknesses and procedural inconsistencies could have been avoided if a manual of procedures was compiled and distributed to all polling staff, and training of these polling staff conducted.

3.   CONCLUSION AND WAY FORWARD

At this stage of the process, the mission notes with satisfaction that the opportunity was largely given to the Egyptian voters to express their free will. It is the hope of the mission that the counting, tabulation and announcement of results as well as the remaining phases of the parliamentary elections will be conducted in such a manner as to ensure that the final electoral outcome reflects the will of the Egyptian voters.

The Institute will produce successive preliminary statements after key steps in the electoral process, and a final report about three months after the holding of the last leg of parliamentary elections. The report will provide an in-depth analysis, detailing findings and recommendations. In the meantime, the Electoral Institute plans to witness the remaining parliamentary elections.

The EISA Election Witnessing Mission is grateful to the people of the Arab Republic of Egypt for their warmth and hospitality vis-a-vis our teams. We acknowledge and appreciate the courteous and friendly manner in which the Ministry of Foreign Affairs and the Supreme Judicial Commission for Elections assisted our Mission.

Appendix 7

Preliminary statement of the EISA EWM on the second phase of the People's Assembly elections

O s A

Electoral Institute for Sustainable Democracy in Africa

EISA ELECTION WITNESSING MISSION TO THE ARAB REPUBLIC OF EGYPT
INTERIM STATEMENT
14 AND 15 DECEMBER 2011

1. INTRODUCTION

At the invitation of the Higher Election Commission (HEC) of the Arab Republic of Egypt, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Witnessing Mission for the 2011-2012 People's Assembly elections. The mission has already issued a preliminary statement on the first phase that took place from 28 to 29 November 2011 followed by a run off that took place from 5 to 6 December 2011.

The EISA mission has made its assessment of the second phase of the People's Assembly elections process held on 14 and 15 December 2011, and its preliminary observations, findings and recommendations are presented in this interim statement. Our observations and views are based on the African Union's Declaration on the Principles Governing Democratic Elections in Africa, the Declaration of Principles on International Election Observation and the Principles for Election Management, Monitoring and Observation (PEMMO).

EISA will produce a final, more comprehensive report on the entire election process after the last phase of Shura Council elections. The report will provide an in-depth analysis, detailed observations, findings and recommendations.

EISA noted the improvement in voter turnout from 62%[16] to 67%[17] in the second phase and the delivery of ballot boxes and material the day before the elections took place, which helped to ensure that voting started on time in most polling stations visited. On the negative side witnesses from different organisations, including EISA, were denied access to the counting centres by security forces.

Although the election environment of this phase has been generally peaceful, it has been overshadowed by scenes of violence that erupted outside the cabinet and parliament building in central Cairo in the past few days, where demonstrators clashed with security forces, resulting in deaths and injuries. The mission notes with deep regret the loss of life and is concerned by the violence and the disproportionate use of force by security forces and urgently recommends that this matter be investigated.

2. MISSION COMPOSITION

During the second phase the mission deployed eight long-term witnesses drawn from Civil Society Organisations from a variety of countries in Africa.

3. MISSION METHODOLOGY

In order to have a holistic approach to election assessment, the mission continued to meet various electoral stakeholders, including HEC's governorate branches, political parties, Civil Society Organisations, the media and domestic and other international witnessing teams.

Following a one-day debriefing in Cairo after the first phase, EISA deployed four teams of witnesses on Thursday, 08 December 2011, covering the following governorates: Giza, Aswan, Suez and Ismailia. Upon arrival in their areas of deployment, the EISA teams held further meetings with the main local stakeholders. This period was also used by the teams to familiarise themselves with the local context and witness the last days of campaigning.

During the second phase of voting, the EISA teams visited a total of 103 polling stations and witnessed the voting at the polling stations. The mission also attempted to witness the counting of results at the counting centres of

the areas of deployment. Regrettably, EISA witnesses were denied access to the counting stations by security forces.

4. PRELIMINARY FINDINGS
After considering relevant legislation and documentation, statements by electoral stakeholders, media reports, and observations made by its different teams deployed on the ground, and basing itself on guidelines contained in the instruments mentioned above, the EISA mission has made the following preliminary findings:

4.1. The Legal Framework for Elections
The Mission notes that there are several pieces of legislation that govern the conduct of these elections. These include Law No. 73 of 1956 Exercise of Political Rights and Law No. 38 of 1972 concerning the People's Assembly. The basic requirements for participation by citizens in the electoral process are provided for in Article 1 of Law No. 73 of 1956. The mission noted that several stakeholders raised concern about the provision in Law No. 73 of 1956 making it mandatory for voters to cast their vote or face a fine.

In terms of addressing grievances, Law No. 38 of 1972 makes provision for addressing disputes in the electoral process and a right of appeal for aggrieved persons in regard to the nomination process and validity of the membership of the People's Assembly. However, because of the short period between the different rounds of phases, unresolved complaints delayed the announcement of results.

As highlighted in EISA's first interim statement, the quota of at least 50% of elected seats reserved for farmers/workers is inconsistent with the key democratic principle of equality between candidates, and EISA reiterates that this be reconsidered in future parliamentary elections. A further area that requires reconsideration is that the electoral law needs to provide clear rules and mechanisms in regard to party financing. The absence of a Code of Conduct for Political Parties should also be addressed.

4.2 THE ELECTORAL SYSTEM
The current electoral system provides for two-thirds of the 498 seats (332 seats) for the People's Assembly to be elected through the PR system and

one-third (166 seats) through the individual candidacy (IC) system. The country has been divided into 83 IC districts and 46 PR districts, and the average size of the People's Assembly multi-member districts is 7.2 seats per district, while the two member majoritarian districts are much larger in size. Up to 10 seats will be appointed by the Supreme Council of the Armed Forces (SCAF). The electoral law introduced in October 2011 revoked the 64-seat quota for women members of parliament.

A minimum of 50% (249) of all PA members must fulfil the worker/farmer quota. On the PR lists, workers/farmers do not need to top the list, but professional candidates cannot be placed consecutively on a list. IC seats from each district must include at least one worker/farmer. Meetings with stakeholders have drawn the mission's attention to the need for the electoral system to be reviewed and simplified.

4.3   THE ELECTION MANAGEMENT

The mission notes that the first post-Hosni Mubarak PA elections were organised by a Higher Election Commission controlled by the judiciary rather than by the Ministry of Interior. The HEC is chaired by the President of the Cairo of Appeals. The mission also noted that Egyptian people generally welcomed the judicial supervision of the electoral process because they trust the impartiality and credibility of the judiciary.

Voting was extended to 21:00 pm on the first election day. The news about the extension arrived late, as some polling stations visited received the information either when they were about to close or after they had already closed.

The mission congratulates the Higher Election Commission for its integrity and dedication to hard-work in the management of these rather complex People's Assembly elections under politically difficult circumstances. While the mission noted that from phase 1 to phase 2 the polling staff have gained more control of the polling station management, the varying levels of professionalism among election staff need to be addressed and some procedural aspects need to be improved such as systematic checking of indelible ink, the finger used to apply the ink must be specified for the sake of consistency and the verification of the identity of voters prior to voting.

4.4 vOTER REGISTRATION

The mission was informed that there was no voter registration as such. The Egyptian registration process is based on the National Identification Database. Eligible voters are registered according to their home address listed on their national ID card. Therefore voters were only required to present the ID card to cast their vote. Best electoral practice recommends that voter registration processes should include legislative prescription for sufficient time for the inspection of the voters' roll and easy access of political parties to the voters' roll. Neither requirement was met.

4.5 THE REGISTRATION OF POLITICAL PARTIES AND NOMINATION OF CANDIDATES

In order to operate as legally recognised entities, political parties are required to be registered. Political parties and independent candidates were free to register to compete, provided that they do not use religious slogans, or discriminate on the basis of gender, language, origin, or religion. The mission commends the Egyptian political stakeholders for the respect of this provision, even if in some rare cases some candidates' eligibility was challenged due to alleged dual nationality.

The mission notes the tendency by political parties not to place female and minority candidates in top positions on the PR list. Female candidates have been penalised not only by the removal of the nomination quota, but also by the fact that parties are not required to put them in winnable positions on the lists. These practices are not in line with international and regional best practices for democratic elections to facilitate the election of women candidates.

4.6 THE ELECTORAL CAMPAIGN AND CAMPAIGN FINANCE

The mission noted the enthusiasm with which the election campaign was conducted during phase 2. Campaigning took the forms of posters, advertisements on billboards, and other types of outreach. The campaign process took place without major incidents. The issuing of Resolution No. 67 of 2011 on 10 December 2011 by the Chairperson of the HEC contributed to a reduction in overt illegal campaigning, which was decried during phase 1. Isolated incidents of illegal campaigning such as display of posters on the walls of polling centres were noted and the mission urges the HEC to enforce Resolution No. 67 during the next phase.

The mission received no report of campaign-related incidents of violence perpetrated by supporters of political parties, and witnessed no incident in the areas of deployment. The mission has an overall positive assessment of the level of peacefulness of the electoral campaign.

Law No. 38/1972 concerning the People's Assembly elections was amended by Decree Law No. 108/2011, which prohibits the use of public funds for campaigning purposes. Although there is a mention of ceiling on campaign expenses in the law, it does not provide for a specific amount. Furthermore, the law prohibits parties from receiving and utilising funds from foreign donors for the purpose of campaign financing. The mission notes that the law is conspicuously silent on the disclosure of source of campaign funds. The mission recommends the introduction of relevant legal mechanisms and their enforcement in order to ensure transparent and fair campaign financing.

4.7   THE ROLE OF SECuRITY FORCES
Security forces were visible in phase 2 of the People's Assembly as in the first phase. The military still maintains a large presence on the ground as opposed to the police. In most polling stations visited the military had a noticeable presence at entry of the polling centres and the counting centres. This has contributed to the peaceful atmosphere of the voting day.

4.8   CiviC AND vOTER EDuCATION
The provision of civic and voter education is not one of the responsibilities of the HEC according to Law No. 73 of 1956 on Exercise of Political Rights. Most local NGOs met by the mission did not conduct civic and voter education as such. The mission was informed that a few political parties have reportedly done door-to-door voter education as well as handing out flyers to voters. Political parties also carried out voter education campaigns through the use of social media such as Twitter and Facebook.

The mission noted that many voters at polling stations visited displayed a lack of knowledge of voting procedures and were indecisive about whom to vote for. It was also witnessed that the secrecy of the vote was compromised in several instances, with voters being encouraged to vote for a particular candidate or party. The mission believes that provision of civic and voter education is of greater significance given Egypt's complex electoral system,

its illiteracy rate and the fact that many voters cast their vote for the first time in a competitive election.

4.9   PARTY AGENTS AND wiTNESSES

The mission noted the visible presence of party and candidate agents at polling stations visited. However, a number of smaller political parties complained that they were unable to deploy agents due to the lack of resources. The mission also noted the efforts of local NGOs to deploy domestic witnesses, though their numbers were limited.

Law No. 73 of 1956 on Exercise of Political Rights confers upon the HEC the power to formulate regulations on the participation of domestic and international civil society organisations in witnessing the electoral process. The Mission commends Egyptian authorities for having allowed international witnesses for the first time in the electoral history of the country. Besides the Electoral Institute for Sustainable Democracy in Africa (EISA), other international organisations such as The Carter Center (TCC), the International Republican Institute (IRI) and the National Democratic Institute (NDI) were granted accreditation by the HEC to witness the elections in 2011 and 2012. The mission is grateful to the HEC for having accredited EISA election witnesses prior to the start of the first phase of the People's Assembly elections in November 2011.

Regrettably, the mission noted that election witnesses, international and domestic witnesses alike, had difficulties accessing polling and counting centres. Security forces were not aware of the presence of international witnesses. As a result, accreditation badges and the invitation letter from the national authorities often required by the security forces did not serve their purpose. The lack of procedural guidelines did not help the case of witnesses, especially when there was no chain of command at the polling and counting centres.

4.10   GENDER REPRESENTATION

The mission noted a fair representation of women among the electorate and the polling staff in most polling stations visited. However, there were few female judges. Participation of women as party agents and domestic witnesses was also not highly visible.

The electoral law introduced in October 2011 revoked the 64-seat quota for women members of parliament. Under the new electoral law every party contesting the elections has the legal obligation to field a female candidate on its proportional representation list. The EISA mission recommends that the law be amended to ensure greater representation of women in decision-making positions.

4.11 ELECTION DAYS

4.11.1 Polling Stations

Most polling stations were located at schools. The mission noted that a number of polling centres and polling stations visited were not accessible to physically challenged voters. The layout and size of some polling stations did not promote the easy flow of voters nor did they ensure secrecy of the vote. The size was further reduced in polling stations where voters queued up inside the polling station.

Article 29 of the Law on Exercise of Political Rights provides for disabled voters to be assisted. The degree of assistance provided to illiterate voters is not provided for and varies from one station to another. The mission recommends that the law should clearly state the nature of such assistance with a view to limit the manipulation of the voter's choice.

Most polling stations visited opened at the legislated time, 8:00 am. The mission commends the HEC for having deployed ballot boxes and voting booths to the polling stations on the eve of the first polling day in an effort to avoid delays experienced during the first phase of the People's Assembly.

4.11.2 Ballot Papers, Ballot Boxes and Election Materials

The HEC used wooden ballot boxes with a glass at the front of the boxes to enable voters and stakeholders to see the ballot papers. The boxes were locked but they were not sealed.

The HEC handed over ballot papers to the judges on the eve of the first election day to avoid delays experienced in phase 1. Although security was reportedly not provided for the overnight storage of ballot papers at the judges' residence, stakeholders expressed confidence in the integrity of

judges to safeguard the material overnight. The mission did not record any shortage of election materials, as they were available in adequate quantity in all polling stations visited.

4.11.3 The voting Process
Secrecy of the vote was a concern as the mission witnessed group voting, voting on the ballot box, on the table and against the wall in a number of polling stations visited. Secrecy of the vote was largely undermined, because a good number of voters were not familiar with the voting procedure nor did they know whom to vote for.

There were consistently no checks on the ink before voters were given ballot papers. The application of the ink was a procedural inconsistency, as it was applied on different fingers.

In some stations veiled women were not identified.

4.11.4 Closing, Counting and Tabulation Process
Most polling stations visited closed at 19:00 pm on the second day of voting. Voters in the queue at the legislated closing time were all allowed to vote on both election days. Most polling stations visited followed the closing procedures: ballot boxes were sealed with wax; the slot of the boxes was equally sealed and the minutes of closing were completed. After closing on the first election day, ballot boxes were stored overnight at all the polling stations visited under the supervision of the security forces. The mission witnessed the arrival of ballot boxes at the counting centres. The counting centres lacked a coherent system of receiving the ballots.

The mission was able to follow the transfer of ballot boxes from the polling centre to the counting centre. The mission is unfortunately not in a position to make a pronouncement on the counting and tabulation process, as EISA election witnesses were denied access to the counting centres. The mission recommends that consideration be given for future elections for counting to be conducted at the polling station to avoid delays in commencing the count and staff fatigue, and to facilitate a smooth reconciliation, counting and tabulation process.

5. RECOMMENDATIONS

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

1. The Legal Framework for Elections
The mission encourages the enactment of a comprehensive Electoral Law in line with international principles.

2. The Electoral System
In the light of the complexity of the present electoral system, it is clear that a discussion on the most appropriate electoral system for Egypt has not been concluded. The mission encourages Egyptians to debate during the constitution-making process and reach an agreement on an electoral system that encourages the translation of votes cast into legislative seats. Such debates should pay particular attention to the relationship between the electoral system and the fair representation of women.

3. Election Management
The Mission recommends that in the forthcoming phase 3 of the People's Assembly elections, Shura Council elections, the presidential elections and the constitutional referendum, due consideration be given to a process of thorough training of electoral staff. With the full judicial supervision of the elections, judges have now become key stakeholders of the electoral process. It is necessary that they be trained in election management and be provided with procedures manual, so as to avoid the procedural inconsistencies witnessed in phase 1 and to a lesser extent during phase 2.

4. Stakeholder Dialogue
The mission calls upon the HEC and the authorities to create an inclusive dialogue platform between all the stakeholders to favour information sharing, the transparency of the process and the acceptability of the results of elections.

5. Electoral Code of Conduct

A stronger effort should be made in future elections to introduce and enforce a Code of Conduct which can bind political parties and ensure a peaceful atmosphere during election and in the post-election period.

6. Registration of Political Parties and Nomination of Candidates

The mission strongly recommends that political parties be encouraged by law and through codes of conduct to enshrine internal democratic practices in relation to the selection of candidates. Parties should implement mechanisms aimed at ensuring a meaningful representation of women.

7. Political Party and Campaign Finance

The mission recommends a review of the electoral law to allow for the inclusion of legal rules on political party finance, and for the provision of public funding for political parties and election campaign. The revised law should state the amount of ceilings on election campaign expenses. Strong enforcement mechanisms should be put in place to ensure compliance with the regulations and to hold accountable violators of the law. In order to encourage transparency and accountability, an audit of the accounts of political parties should be required by law.

8. Civic and voter Education

For the next elections, the mission calls upon the HEC to closely work with local NGOs and political parties on civic and voter education in order to ensure consistency in quality and balanced geographical provision of civic and voter education. The mission encourages local NGOs to be more involved in civic and voter education. A systematic and robust approach to civic and voter education will be critical in developing a culture of participative democracy.

9. Gender Representation

The mission strongly recommends legal reforms and the consideration of mechanisms to ensure the election of female representatives from both the party and individual candidate lists, by compelling political parties not just to field female candidates but to place them in winnable positions.

10. Polling Stations

The mission recommends that due consideration be given to the question of accessibility of polling centres and stations to physically challenged voters to guarantee that all eligible voters stand an equal chance to cast their vote.

The mission also suggests that the HEC take the size of polling stations into account to avoid congestion. Easy layout will contribute to better placement of voting booths and to the safeguarding of the secrecy of the vote. It will also ensure the easy flow of the electorate and make room for party agents, domestic and international witnesses for greater transparency.

11. Ballot Papers, Ballot Boxes and Election Material

The mission calls upon judges and polling officials to be firmer and stricter towards voters regarding the importance of using the voting booths to ensure secrecy of the vote.

The mission strongly recommends that the HEC opts for transparent ballot boxes and the use of seals for greater security of the ballot papers.

12. The voting Process

The mission strongly recommends the development of procedural guidelines for polling and counting officials to address the question of procedural inconsistencies and ensure harmonisation in the execution of tasks. Thus the mission also suggests that polling officials attend orientation workshops on voting and counting procedures.

The mission strongly recommends the assignment of female polling officials to women and mixed polling stations to ensure that fully veiled women are appropriately identified. Because of the extension of voting during the first two phases, the mission suggests that the HEC officially announces beforehand the extension of voting for the final phase of the People's Assembly elections to avoid last-minute improvisations.

13. The Counting Process

For the next phase onwards, the mission appeals to the HEC to provide a set of procedural guidelines to the security forces on the presence of international witnesses at the counting centre.

The mission strongly recommends to the HEC that the vote count be conducted at every polling station in order to do away with logistical challenges related to the transfer of election materials, the transportation of polling officials and as one of the solutions to the question of access of international witnesses and domestic witnesses. Should counting continue to be conducted at counting centres, the mission recommends that additional staff be made available to ensure adequate procedures are in place for ballot reconciliation.

6. CONCLUSION

At the time of the release of this statement, the tabulation and announcement of results were still in progress. Our conclusion on the conduct of the first round of the second phase of the People's Assembly elections is restricted to the witnessing period up to 19 December 2011. Based on its findings and the guidelines enshrined in the PEMMO, the AU Guidelines and the Declaration of Principles on International Election Observation, the EISA Election Witnessing Mission concludes that the first round of the second phase of the People's Assembly elections held on 14-15 December 2011 in nine governorates in Egypt were conducted in a manner that allowed the active participation of Egyptians from these governorates in this election.

The mission trusts that the announcement of results will be conducted in a peaceful manner to ensure that the final outcome reflects the choice of these Egyptian voters. The mission appeals to the people, all political parties and candidates to remain calm until the declaration of the results, and to use legal means to resolve any disputes related to the elections.

The EISA Election Witnessing Mission is grateful to the people of the Arab Republic of Egypt for the warmth and hospitality extended to its teams. The mission acknowledges and appreciates the courteous and friendly manner in which the Ministry of Foreign Affairs and the Supreme Judicial Commission for Elections assisted its teams.

Appendix 8

Preliminary statement of the EISA EWM on the third and final phase of the People's Assembly elections

EISA Witnessing Mission to the Egyptian People's Assembly Elections
Third and Final Phase
10-11 January 2012
Preliminary Statement

1. INTRODUCTION

In pursuance of its commitment to supporting the democracy building process in the Arab Republic of Egypt, the Electoral Institute for Sustainable Democracy (EISA) responded to the invitation of the Supreme Judicial Commission for Elections (SJCE) by deploying an Election Witnessing Mission to the People's Assembly (PA) elections staggered in three phases from November 2011 to January 2012. The EISA Mission witnessed all the three phases of these elections and issued preliminary statements for the first and second phases. This statement deals with the third and last phase of the PA elections of which the first round was held on 3 and 4 January 2012, and the run-off on 10 and 11 January 2012. The statement presents findings and recommendations on these elections and offers an overview of the mission's findings on the entire PA elections as the first leg of the parliamentary elections draws to a conclusion.

Composed of six long-term witnesses and three short-term witnesses drawn from civil society organisations from Cameroon, Cote d'Ivoire, the Democratic Republic of Congo, Mozambique, South Africa, South Sudan and Tunisia, the mission witnessed the third phase of the PA elections in four governorates, namely Marsa Matruh, El Minya, Qaliubiya and South Sinai. The mission was informed of the cancellation and postponement

of elections of party list and/or individual candidate in Aswan, the city governorate of Cairo, in one constituency of Sohag, South Sinai and Bhana in the governorate of Qaliubiya.

The mission has been informed that the cancelled elections were to be re-run from 10 to 19 January 2012.

The constitutional, legal and regulatory framework of Egypt, the Principles for Election Management and Witnessing (PEMMO), the AU Declaration on the Principles Governing Democratic Elections in Africa and the Declaration of Principles on International Election Witnessing served as the basis for the mission's assessment of the PA elections. Similarly, the election assessment of the EISA mission builds on findings made during the first and second phases of the PA elections.

Throughout the process, EISA teams of witnesses continuously engaged various electoral stakeholders and other witnessing teams in consultative meetings at national level and in the various deployment areas in 12 governorates, namely Alexandria, Aswan, Cairo, El Minya, Fayoum, Giza, Ismailia, Marsa Matruh, Qaliubiya, Red Sea (Hurghada, Safaga and Ras Gharib), South Sinai (Sharm El Sheikh, Dahab, Nuweiba, Abur Deiss, Abu Zneema and El Tur) and Suez. On election days, the mission visited a total of 455 polling stations, and subsequently witnessed the counting of ballot papers at the counting centres.

As re-run elections are scheduled to take place until 19 January 2012, the mission's conclusion on the People's Assembly elections is restricted to the period up to 13 January 2012.

2. FINDINGS OF THE MISSION

The mission's assessment of the three phases of the People's Assembly elections is based on the legal framework of the Arab Republic of Egypt, and regional and international best practices. The EISA Witnessing Mission made the following findings and recommendations with a view of contributing to the improvement of the electoral process ahead of the Shura Council elections and other future electoral processes:

Participation of the electorate: Egyptians voters must be commended for their participation on election days. However, the mission noted a lower turnout during the run-offs in comparison to the relatively high voter turnout in the first rounds of the People's Assembly elections. Furthermore, the mission hails the visible enthusiasm and impressive turnout of women across the three phases of the elections. Their presence was noted both in women-only polling centres as well as in mixed polling centres. Voters were able to exercise their civic duty, as most voters were in possession of the national ID and had prior knowledge of their polling station. Nonetheless, the mission notes that long distances to polling centres in some areas, especially in sparsely populated areas, posed a challenge to voters to participate effectively in the elections.

The role of security forces: The mission noted the presence of security forces in all polling centres visited. However, in some instances, the mission witnessed security forces getting involved in some of the responsibilities of polling staff, a practice which should be discontinued.

Secrecy of the vote: Due to voters' uncertainty over voting procedures, the low level of literacy in some areas, overcrowding, the set-up of voting booths facing the polling officials and the narrow size of some polling stations, secrecy of the vote was not always safeguarded in the first and second phases of the elections. There was a noticeable improvement in the protection of the secrecy of the ballot during the third phase, as a number of polling stations had one stream only and the voting was more orderly.

Voter education: Voters' limited knowledge of voting procedures was frequently noted across the three phases of the PA elections. The assistance of judges was frequently required due to voters' inadequate familiarity with voting procedures.

Women's participation and representation: Women have been highly represented among the polling officials, as female polling staff were present in 329 out of 455 polling stations visited in the three phases. The number of women polling officials has consistently increased across the three phases: the mission noted the presence of female polling staff in 116 out of 174 polling stations visited in the first phase, in 137 out of 171 polling stations visited in the second phase and in 75 out of 110 polling stations visited in the third

phase. Regrettably, the mission noted the low number of female party and candidate agents and female candidates across governorates throughout the process. It was observed that there were too few women in winnable positions on the party lists (e.g. top of party lists). Most political parties invariably placed women at the bottom of the list, thus denying them any chance of being elected. The inclusion of women on the party list seemed to be for the sake of meeting a legal requirement as opposed to genuinely ensuring the fair representation of women.

Contribution of party agents to the transparency of the process: There was a significant presence of party agents on voting days, particularly in the last phase of these elections. This mission views their presence as an indication of transparency. Party agents, however, displayed limited knowledge of their role and responsibilities.

Participation of domestic witnesses: The number of domestic witnesses decreased considerably as the People's Assembly elections drew to their conclusion. Their insufficient number was noted during the second and third phases. Lack of capacity and funding, highlighted by civil society organisations in the consultative meetings, contributed to the reduction in the numbers of domestic witnesses.

Access of international witnesses to polling centres, polling stations and counting centres: Access to polling and counting centres has appreciably improved across the phases in view of the difficulties international witnesses encountered in the first and second phases in particular. In the third phase of the elections, judges have been more welcoming and receptive to international witnesses. In many instances, judges and security forces have misunderstood the presence and role of international witnesses. Occasionally, international witnesses were subjected to harassment by security forces or asked to wait for the authorisation of judges to enter the polling centres or stations. As a result, international witnesses were unable to follow critical steps of the voting process such as the opening and closing procedures. In some instances, international witnesses were requested to step out of the polling stations before closing of the polling stations due to judges' denial of permission. The mission noted the inconsistency as to who has the final say over authorisation of entry to the polling centres.

Campaigning: Active campaigning and electioneering at the polling centres and stations was a major concern during the first phase in particular, as various tactics were used by political parties during this phase. Although the mission noted subtle canvassing and campaigning on voting days during the third phase of the elections, there has been an improvement as regards active electioneering. The mission noted the efforts to remove campaign posters from the walls of some polling centres. Campaign materials were clearly displayed throughout the voting process in the first and second phases. The mission was pleased to observe the compliance of political parties with the 48 hour end-of-campaign period.

Inconsistency in the application of the indelible ink: Across the three phases, the mission noted the lack of consistency in the application of the ink. The ink was not used at all in some polling stations. Throughout the entire process, polling officials did not check ink residue on voters' fingers prior to the issuance of ballot papers. Polling agents endeavoured to apply the ink on the same finger, as in previous rounds, in a few polling stations during the third phase.

Access of physically challenged voters to polling centres and stations: Physically challenged voters had difficulties accessing the polling centres and stations because of the lack of logistical arrangements and the location of some polling stations. The set-up of metal detectors in one of the governorate further restricted the access of physically challenged voters to the polling centres.

Reconciliation of ballot papers: Uncertainty over the reconciliation of ballot papers still remains, as the mission witnessed inconsistency of counting methods across all three phases. In some instances, reconciliation was conducted prior to counting, while in others judges proceeded with the counting of ballots without any reconciliation.

Counting process: Disorganisation prevailed during the counting process in the first and second phases of the elections. There has been an improvement, as counting centres were more orderly and organised in the third phase. The mission noted across the three phases the lack of standardised counting procedures. It noted with concern the invalidation of ballots during the count.

Ballots were rejected in terms of Article 33 of Law No. 73 of 1956 on the Exercise of Political Rights. According to this Article, a ballot is considered spoilt if the voter votes for fewer or more than the stipulated number of votes. The mission noted that the intention of the voter who had cast one vote only on the individual candidate ballot instead of the required two votes was not taken into account due to the strict interpretation of Article 33. The mission is of the view that the invalidation of ballots could lead to candidates disputing the validity of the outcome of the elections.

Election procedures: The mission witnessed a number of inconsistencies in the application of the voting and counting procedures. Due to the absence of written procedures on voting and counting and a lack of systematic training for judges, polling and counting staff, different methods were applied for instance in opening polling stations, the application of the indelible ink, sealing of the locks, the reconciliation and counting of ballots and the handling of sensitive materials after the poll.

3. RECOMMENDATIONS OF THE MISSION

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

Legal framework:

- For the purpose of improving the transparency of the results process, the counting should take place at the polling stations with the official results displayed at polling station level. The legislation should include detailed provisions for the publication of results.
- Legislation should be amended to include provisions on delimitation so as to specify criteria on the identification of polling centres. Legislation should ideally provide for the establishment of an adequate number of polling stations for maximum participation of voters.
- Amendments to electoral legislation should be enacted sufficiently in advance of elections to provide political parties, candidates and voters adequate time to become informed of the rules of the election process.
- The mission recommends that Articles 26 and 27 be reinforced to ensure that only authorised persons are allowed in the polling stations. In

addition, there should be an amendment specifying the clear role of the military and the police. The mission recommends that the military and police maintain an appropriate distance from the polling stations, as required by the electoral law in Article 26 of Law No. 73 of 1956 on the Exercise of Political Rights.[18]

- The mission recommends reasonable, specific and adequate time limits should be included in the legislation for the timely and effective filing, hearing and determination of election-related petitions.

- In order to ensure that the intention of the voter is taken into account, the mission recommends the revision of Article 33 of Law No. 73 of 1956 on the Exercise of Political Rights.

Civic and voter education: Civic education and voter information and education are important to ensure not only that all eligible citizens are aware of their rights to vote and their obligations, but also that they are familiar with the voting procedure. The mission recommends the development and implementation of a broad voter education programme.

Training of polling officials: The mission recommends that the HEC put in place detailed procedures on voting and counting and implements a systematic training programme for all polling staff, including the judges.

Gender representation: The mission recommends that corrective measures, such as appropriate legal reforms and possibly quota requirements, be undertaken in order to achieve gender parity not only in the nomination process, but also in the final makeup of the representative chambers. Legal mechanisms should be put in place to ensure that political parties place women in winnable positions.

Counting process: The mission strongly recommends that the counting of votes take place at polling station level, as a decentralised counting process will ensure more transparency and efficiency. The HEC should issue standardised counting guidelines and training counting staff on these procedures.

4. CONCLUSION AND WAY FORWARD

At the time of the release of this statement, re-run elections were taking place in a number of governorates where elections were cancelled. In addition, the tabulation and announcement of results of the third phase of the People's Assembly elections in some of the governorates was ongoing. The EISA mission's conclusion on the conduct of the People's Assembly elections is therefore restricted to the period up to 13 January 2012. Based on its findings and the Egyptian legal framework, the guidelines enshrined in the PEMMO, the AU Guidelines and the Declaration of Principles on International Election Observation, the EISA Election Witnessing Mission concludes that the People's Assembly elections were conducted in a manner that allowed the free expression of the choice of the people of the Arab Republic of Egypt. The mission calls upon the SJCE to ensure the timely, transparent and efficient completion of the People's Assembly elections, as a lengthy process could affect the preparations for the Shura Council elections. The mission trusts that the re-run elections and the announcement of results will be conducted in a peaceful manner to ensure that the final outcome of the People's Assembly elections reflects the choice of the Egyptian electorate.

EISA will issue a comprehensive final report on the whole legislative election after witnessing the Shura Council elections.

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

Appendix 9

**Preliminary statement of the EISA EWM on the first phase of the
Shura Council elections**

O s A
Electoral Institute for Sustainable Democracy in Africa

EISA WITNESSING MISSION TO THE EGYPTIAN SHURA COUNCIL ELECTIONS
FIRST PHASE
29 JANUARY-07 FEBRUARY 2012
PRELIMINARY STATEMENT

1. INTRODUCTION

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

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

The constitutional, legal and regulatory framework of Egypt, the Principles
for Election Management, Monitoring and Observation (PEMMO), the AU
Declaration on the Principles Governing Democratic Elections in Africa and

the Declaration of Principles on International Election Observation served as the basis for the Mission's assessment of the Shura Council elections. Similarly, the election assessment of the EISA Mission builds on the findings made during the Peoples' Assembly elections.

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

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

2. FINDINGS OF THE MISSION

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

- **Counting at the polling station:** In the first preliminary statement of the People's Assembly elections (28-29 November 2011), the EISA Election Witnessing Mission noted that centralisation of counting caused logistical challenges and delays. The mission recommended that the counting of ballots at polling station level be considered for the Shura Council elections for enhanced transparency and efficiency.

- **Participation of the electorate:** Egyptians voters must be encouraged to participate in the transitional process. The mission noted a very low turnout during phase one of the Shura Council elections. The mission notes that inadequate sensitisation of voters, limited campaigning, long distances to polling centres in some areas, especially in sparsely populated areas affected the turnout. Furthermore, the general mood following the tragedy at the Port Said Stadium also impacted on the turnout for the first round run-off elections. The low voter turnout could also be the result of voter fatigue considering the lengthy the electoral process. The perceived 'honorific' role of the Shura Council might have contributed to low participation.

- **The role of security forces:** The mission noted the presence of security forces in all polling centres visited. However, in some instances, the mission witnessed the interference of security forces in the conduct of voting and counting, taking over some of the responsibilities of polling staff. They were even present inside polling stations during the counting session, despite Articles 26 and 27of the Law No. 73 of 1956 on Exercise of Political Rights forbidding the presence of security personnel in polling stations unless authorised by the committee head. Such practice should be discontinued. Furthermore, there have been situations where EISA witnesses have been expelled or prevented from witnessing polling and counting by the security forces. The role of security forces needs to be specified in allowing national and international witnesses in the polling and counting stations.

- **Women's participation and representation:** The participation of female polling staff and party agents is regarded as positive in the first phase of the Shura Council elections. However, the mission noted the low number of female candidates across governorates in this phase, as in the Peoples' Assembly elections. Once again it was observed that there were few women in winnable positions on party lists.

- **Contribution of party agents to the transparency of the process:** Despite the high presence of party/candidate agents, the mission noted their limited knowledge of their role and responsibilities. In all the stations witnessed, party agents did not have a reporting form or checklist by which to assess the process.

- **Participation of domestic witnesses:** Domestic witnessing plays a vital role in ensuring credible elections. Regrettably, the mission noted the absence of domestic witnesses in polling stations visited.

- **Access of physically challenged voters to polling centres and stations:** Physically challenged voters had difficulties accessing the polling centres and stations because of the lack of logistical arrangements and the location of some polling stations.

- **Polling station layout:** The mission noted with concern that the polling station venues were very small for the number of polling staff present. This is due to the fact that many voting streams were located in one venue.

- **Reconciliation of ballot papers:** Uncertainty over the reconciliation of ballot papers still remains, as the mission witnessed inconsistency

of counting methods from one station to the other. In some instances, reconciliation was conducted prior to counting, while in others judges proceeded with the counting of ballots without any reconciliation.

- **Low voter turnout:**[19] The mission noticed with the concern the low voter turnout of 6.5% for the Shura Council first round and run-off elections.

3. RECOMMENDATIONS OF THE MISSION

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

- **Legal framework:**
  - The decision on the counting process should also include detailed provisions for the publication of results. The mission recommends that results be posted at the entry of polling stations after counting.
  - The mission recommends that Articles 26 and 27 be reinforced to ensure that only authorised persons are allowed in the polling stations. In addition, there should be an amendment specifying the clear role of the military and the police. The mission recommends that the military and police maintain an appropriate distance from the polling stations, as required by the electoral law in Article 26 of Law No. 73 of 1956 on the Exercise of Political Rights.[20]

- **Voter education:** With regard to the low voter turnout, the mission recommends that the HEC embarks on an extensive voter education programme in partnership with civil society organisations (CSOS) countrywide.

- **Voter fatigue:** The mission recommends that elections take place simultaneously countrywide to avoid voter apathy. In the long term, electoral reforms should consider broadening the pool of reputable citizens who can assist in polling operations. This will allow for an increase in the number of polling stations with sufficient staff to enable the elections to be run at the same time across the country.

- **Communication strategy:** The mission recommends that the HEC improve on its communication strategy to raise awareness of the electorate on the electoral procedures and processes so that voters are better informed about the elections taking place.

- **Reconciliation during the counting process:** The mission strongly recommends that the HEC train counting staff on the counting procedures for the sake of the accuracy of the results and the consistency in the application of these procedures.

- **Gender representation:** The mission recommends that the Electoral Law be amended to provide for greater representation of women.

4.   CONCLUSION AND WAY FORWARD

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

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

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

Appendix 10

Preliminary statement of the EISA EWM on the second and final phase of the Shura Council elections

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Electoral Institute for Sustainable Democracy in Africa

EISA WITNESSING MISSION TO THE EGYPTIAN SHURA COUNCIL ELECTIONS
SECOND AND FINAL PHASE
14 - 22 FEBRUARY 2012
PRELIMINARY STATEMENT

1. INTRODUCTION

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

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

EISA deployed 20 medium- and short-term witnesses drawn from civil society organisations from Cameroon, Cote d'Ivoire, the Democratic Republic of Congo, Kenya, Mozambique, Nigeria, Senegal, South Africa, South Sudan and Tunisia. The mission witnessed the elections in eight governorates, namely Aswan, El Minya, Giza, Ismaliya, Marsa Matrouth, Port Said, Qualubiya and Suez.

The mission's assessment of the second and last phase of the Shura Council elections is based on the following benchmarks: the constitutional and legal framework of elections in the Arab Republic of Egypt; the Principles for

Election Management, Monitoring and Observation (PEMMO); the African Union's Declaration on the Principles Governing Democratic Elections in Africa; and the Declaration of Principles on International Election Observation. Similarly, the Institute's assessment of this phase of the Shura Council elections builds on its findings from the PA elections and the first phase of Shura Council elections.

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

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

2. FINDINGS OF THE MISSION

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

- **General remarks:** The mission commends the efforts of the Supreme Judicial Commission for Elections (SJCE) for the conduct of a peaceful and orderly election. It further commends the increased participation of women in the process as electoral personnel. The use of transparent, sealable and re-useable ballot boxes is equally commendable. The admission of election witnesses at the polling stations was easier during this phase of the elections than in the previous elections.
- **Late opening of polling stations:** The mission noted the late opening of most polling stations visited. This was attributed in some cases to the late arrival of party representatives and in other cases to the late arrival of judges.

- **Low voter turnout:** Voters' enthusiasm, which was the dominant feature of the earlier phases of the PA elections, reached its lowest point in the second phase of the Shura Council elections. In most of the polling stations, there were no queues, as voters came sporadically. Information received from stakeholder consultations attributed the very low turnout to people's perception of the Shura Council as a mere consultative body which does not wield any real power. Stakeholders also mentioned the issue of voter fatigue as a result of an overly extended electoral process. Inadequate civic and voter education was also mentioned as a reason for the low voter turnout.

- **Inadequate voter information/education:** The mission noted limited voter outreach from the media, civil society organisations and political parties. This was further complicated by the limited campaigning across the eight governorates covered.

- **Limited participation of party and candidate representatives:** As the Shura Council elections drew to their close there was a sharp decrease in the participation of party representatives in the process. The mission noted that most representatives seemed not to have a clear understanding of their roles and responsibilities nor did they have a systematic approach to election monitoring.

- **Presence of security forces inside polling stations:** The mission noted the strong presence of security forces in polling centres and in many cases inside polling stations visited. There were armed military and police personnel deployed in all the stations visited. It was, however, noted that the roles of both security structures at the stations were not clearly defined. In some cases, the security personnel interfered in the management of the polling process. In spite of Articles 26 and 27 of the Law No. 73 of 1956 on Exercise of Political Rights, which prohibits the presence of security personnel inside polling stations unless authorised by the committee head, the mission witnessed their presence inside polling stations.

- **Absence of national witnesses:** Once again, the mission noted the absence of national witnesses. The mission believes that the presence of national witnessing groups contributes to the transparency of an electoral process and its ownership by the people of the country.

- **Improved women representation:** The mission hails the sizeable presence of women among polling officials in female voter only as well as male voter only polling stations.
- **Inadequate layout of polling stations:** EISA teams noted not only the small size of the rooms used as polling stations but also that these rooms often hosted more than one voting stream. In the case of high voter turnout, the flow of voters could have been a challenge. Additionally, the mission observed that in some stations, there was one voting booth for several voting streams. In some instances the placement of the voting booth compromised the secrecy of the vote, with the potential for third parties to discern a voter's choice.
- **Absence of identification of polling staff and party agents:** Polling staff did not wear their identification gear, nor were the party representatives easily identifiable in the polling stations.
- **Accredited international witnesses** continue to be subjected to the good will of the judges and security officers regarding their access in polling stations and have missed to witness essential aspects of opening procedures and in some cases even the counting of ballots.
- **Inconsistent application of voting procedures:** there were numerous instances of inconsistent application of voting procedures. Some of these inconsistencies are:
  - No systematic identification of fully veiled voters: the mission witnessed in some instances that fully veiled voters were not procedurally identified. This could potentially allow multiple voting.
  - No rigour in the checking and application of indelible ink: in a majority of polling stations, voting personnel did not check for ink on the fingers of incoming voters, nor did they apply ink on the finger of outgoing voters.
- **Counting process:** The conduct of the vote count at polling station level has considerably reduced the length of the counting process. The implementation of such a decision is a major step towards enhancing the transparency, efficiency and integrity of the process. The mission commends the election authorities for this improvement. Nevertheless, the mission noted procedural

inconsistencies in the counting process, as reconciliation of ballots was not done in most stations; this could pose a challenge to the transparency and accuracy of the count.

3. RECOMMENDATIONS

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

- **Electoral system:** the current electoral system, combined with the conditions on the ground, has resulted in a complex and lengthy electoral process as well as possibly to the gradual decrease in voters' interest in the electoral process. It is therefore recommended that the electoral system be reconsidered. In this regard, the following proposals are made:
  - **Representation:** it is recommended that the allocation of seats per governorate should be commensurate with population size. This would address the current disparity in the value of the vote across governorates. With the current seat distribution, the 10 smallest governorates will be overrepresented, with 33% of the Shura Council seats and 7% of the population.
  - **Seats allocation:** the mission reiterates its recommendation of the first preliminary statement (28-29 November 2011) that the provision on the differentiation between 'farmers/ workers' and 'professionals' be reconsidered for the next cycle of parliamentary elections, because it is inconsistent with democratic principles. It is further recommended that all seats in the legislature be contested rather than a set number being reserved for appointment by the president.
- **Opening procedures:** the mission suggests a review of Article 24 of the Law No 73 on the Exercise of Political Rights to provide for a standard time of opening the poll irrespective of the presence of party representatives. However, the onus lies with political parties and candidates to ensure that their accredited representatives are present at the stipulated time of opening. Judges should also be reminded that they are required to arrive at the polling station well in advance in order to commence the voting at the prescribed time.

Counting procedures:
- **Spoilt ballots:** it is recommended that the current requirement compelling each voter to make two choices on the ballot paper be reconsidered to include ballots that have one choice in the count. A voter should also be able to choose only one candidate instead of two.
- **Endorsement of elections results:** it is recommended that a provision be introduced for party and candidate's representatives present inside the polling station during the counting of ballots to sign the necessary forms to attest that they observed and endorse the process. Similarly, appropriate forms must be provided at polling stations where party and candidate agents can register their complaints and objections about the conduct of the process.
- **Announcement and posting of preliminary results:** the mission recommends that the procedure be amended to require the presiding officers at polling stations to announce and post the preliminary results at the polling stations immediately after the count for improved transparency and verifiability.

4. CONCLUSION

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

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

The EISA Election Witnessing Mission expresses its deepest gratitude to the people of the Arab Republic of Egypt for the kindness and hospitality extended to the mission, to political parties and civic groups which kindly agreed to answer the questions of the mission and to share their views on the electoral process. The mission is thankful to the Ministry of Foreign Affairs and the SJCE for their kind assistance to the EISA Election Witnessing Mission since the beginning of the parliamentary elections.

Endnotes

1 A series of uprisings and demonstrations in various countries in the Middle East and North African region, which began in Tunisia in December 2010. The uprising in Tunisia, which led to the fall of President Ben Ali's government, resonated in other countries in the region, including Egypt, Libya and Syria. In Egypt, the protests started on 25 January 2011, when young Egyptians mobilised and organised 'the day of rage'. The series of events that followed thereafter led to the fall of President Mubarak's regime.

2 World bank data http://data.worldbank.org/country/egypt-arab-republic

3 The 2011 corruption perception index score for Egypt is 2.9 on a scale of 0-10 where '0' is very corrupt.

4 International Development Indicators http://hdrstats.undp.org/en/countries/profiles/EGY.html

5 Central Bank of Egypt and Egypt Ministry of Planning.

6 The term 'observer' in Arabic, 'murakeb', suggests that observers have an active supervisory role over the electoral process. Egyptian authorities are more comfortable with the word 'mutaba', which translates as 'witness' or 'follow'. As a result, EISA refers to its mission members as 'election witnesses' in both English and Arabic to avoid confusion and accommodate local sensitivity.

7 Under the Constitutional Declaration of 13 February 2011.

8 Total number of valid votes divided by the number of seats allocated to the list system in a constituency.

9 PEMMO is one of the assessment tools used by EISA.

10 66% adult literacy rate.

11 Article 3 of Resolution 21 states: 'The campaign will start at the announcement time of the final statements of candidates, and the stoppage in the previous two days of the ballot in each of the stages. And in the case of run-off it will be the day following the announcement of the result, stoppage in the previous day of conducting it.'

12 These figures can be found on www.elections2011.eg and www.egynews.net

13 Declaration of principles for international election observation and code of conduct for international election observers (one of the tools used by EISA to assess the Egyptian parliamentary elections of 2011-2012).

14 Goodwin-gill, Guy S. *Free and Fair Elections,* Inter-Parliamentary Union, 2006, p.113.

15 Women constitute about 2% of both houses of parliament after the PA and SC elections.

16 Daily News Egypt Saturday-Sunday December 3-4, 2011.

17 Egypt News.net 18th December, 2011

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

19 Daily News Egypt, 11-12 February 2012

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

ABOUT EISA

QSA

EISA is a non-partisan international non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of electoral management bodies, political parties, parliaments, relevant government departments and civil society organisations operating in the democracy and governance fields throughout the African continent.

EISA has been working in Southern African Development Community (SADC) countries since its inception and has now extended its continental outreach. The Institute is providing well appreciated technical assistance and advice to its pan-African (African Union and Pan-African Parliament), regional (e.g. Southern African Development Community and East African Community) and national partners throughout the continent, thus helping to build solid institutional foundations for democracy. This technical assistance includes expert advice on electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliaments and selected democratic institutions; strengthening of political parties; capacity building for civil society organisations; and enhancing the institutional capacity of the election management bodies. EISA initiated and was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of all 15 electoral commissions in the SADC region and established in 1998. In parallel, EISA initiated and was the secretariat of the SADC Election Support Network (ESN) comprising election-related national civil society organisations established in 1997. Recently, EISA has expanded its scope of work in North Africa with a short-term field office established in Egypt since November 2011. EISA deployed observer missions to all rounds of the parliamentary election that were held from November 2011 to February 2012

and more recently it deployed missions to the two rounds of the presidential elections and plans to continue working with Egyptian stakeholders in the election, democracy and governance fields

Headquartered in Johannesburg (South Africa), the Institute's current and past field offices include Angola, Burundi, Chad, Cote d'Ivoire, Democratic Republic of Congo, Egypt, Kenya, Madagascar, Mozambique Sudan and Zimbabwe, a reflection of its broader geographical

VISION
An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

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

STRATEGIC GOALS
• Electoral processes are inclusive, transparent, peaceful and well-managed
• Citizens participate effectively in the democratic process
• Political institutions and processes are democratic and function effectively

CORE ACTiviTIES
Research
Policy Dialogue
Publications and Documentation
Capacity Building
Election Observation
Election Assistance
Fact-finding and needs assessment missions
Balloting and Election Services

OBSERVER MISSION REPORTS

CODE   TITLE

EOR 1   Mauritius Election Observation Mission Report, 2000
EOR 2   SADC Election Support Network Observer Mission's Report,
                    1999/2000
EOR 3   Tanzania Elections Observer Mission Report, 2001
EOR 4   Tanzania Gender Observer Mission Report, 2001
EOR 5   Zimbabwe Elections Observer Mission Report, 2001
EOR 6   South African Elections Observer Mission Report,
                    Denis Kadima, 1999
EOR 7   Botswana Elections Observer Mission Report,
                    Denis Kadima, 1999
EOR 8   Namibia Elections Report, Tom Lodge, 1999
EOR 9   Mozambique Elections Observer Mission Report,
                    Denis Kadima, 1999
EOR 10   National & Provincial Election Results: South Africa June 1999
EOR 11   Elections in Swaziland, S. Rule, 1998
EOR 12   Lesotho Election, S. Rule, 1998
EOR 13   EISA Observer Mission Report, Zimbabwe
                    Presidential Election 9-11 March, 2002 (P/C)
EOR 14   EISA Observer Mission Report, South Africa
                    National and Provincial Elections 12-14 April 2004
EOR 15   EISA Observer Mission Report: Malawi Parliamentary and
                    Presidential Elections 20 May 2004
EOR 16   EISA Observer Mission Report, Botswana Parliamentary and Local
                    Government Elections 30 October 2004
EOR 17   EISA Observer Mission Report, Mozambique Parliamentary and
                    Presidential Elections 1-2 December 2004
EOR 18   EISA Observer Mission Report, Namibia Presidential
                    and National Assembly Elections 15-16 November 2004
EOR 19   EISA Observer Mission Report, Mauritius
                    National Assembly Elections 3 July 2005
EOR 20   EISA Observer Mission Report, Tanzania Presidential,
                    National Assembly and Local Government Elections 14 December
                    2005
EOR 21   EISA Observer Mission Report, The 2005 Constitutional Referendum
                    in the DRC/ Le Referendum Constitutionnel en RDC 18-19
                    December 2005