

**AFRICAN UNION COMMISSION**



**AFRICAN UNION ELECTION OBSERVATION MISSION  
TO THE 2015 PARLIAMENTARY ELECTIONS IN  
THE ARAB REPUBLIC OF EGYPT**

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**FINAL REPORT**

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**LIST OF ABBREVIATIONS**

ACDEG	African Charter on Democracy, Elections and Governance
AfCHPR	African Charter on Human and Peoples' Rights
AU	African Union
AUC	African Union Commission
AUEOM	African Union Election Observation Mission
ECWR	Egyptian Center for Women's Rights
EISA	Electoral Institute for Sustainable Governance in Africa
EOHR	Egyptian Organisation for Human Rights
GEC	Governorate Elections Committee
HEC	High Elections Committee
ICCPR	International Covenant on Civil and Political Rights
NCHR	National Council for Human Rights
NEC	National Elections Committee
PAP	Pan African Parliament
PEC	Presidential Elections Committee
PSC	Peace and Security Council of the African Union
SCAF	Supreme Council of the Armed Forces
SCC	Supreme Constitutional Court
STO	Short Term Observer
UN	United Nations

## EXECUTIVE SUMMARY

The 2015 parliamentary elections in the Arab Republic of Egypt were held in two phases and took two months to complete, from 17 October to 2 December 2015. Phase one elections were held in 14 governorates on 18 and 19 October, with runoffs on 27 and 28 October, and the second phase elections were held in 13 governorates on 22 and 23 November, with runoffs on 1 and 2 December.

The elections were the first since the dissolution of the previous parliament – the People’s Assembly – by the Supreme Constitutional Court (SCC) in June 2012<sup>1</sup> and thus seen as significant in re-establishing legitimate parliamentary authority in Egypt. They also marked an important final step in the completion of the political roadmap adopted in July 2013, following the ouster of the government of former President Mohammed Morsi.

In view of the significance of the 2015 parliamentary elections in Egypt’s political transition, and in accordance with its mandate of promoting democracy, democratic elections and good governance in Africa, the African Union Commission (AUC) deployed an election observation mission to cover both phases of the elections.

This report presents the African Union Election Observation (AUEOM)’s final and overall findings and conclusions on the election process in Egypt. The report contains detailed recommendations for improvement of future elections in Egypt.

### Summary of Key Findings

The AUEOM finds that:

- The elections were well-administered and in a largely transparent manner, with only minor irregularities observed on polling days such as campaigning within the vicinity of polling stations and transportation of voters to polling stations by candidates or their agents. Other irregularities highlighted by the media and the National Council for Human Rights (NCHR) in Egypt such as votes buying and voters being unable to cast ballots were not directly observed or reported to AU observers.
- Voting took place in a relatively calm and peaceful environment, with only few instances of election-related violence noted – the most pronounced incidents being the assassination of six (6) judges and a security personnel overseeing the second stage of elections in North Sinai and the killing of a leading candidate of the ultraconservative Islamist party.

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<sup>1</sup>. The SCC ruled that the entire February 2012 People’s Assembly election was conducted pursuant to an unconstitutional law.

- Voter turnout in both the first and second phases was exceedingly low. For the first phase, the High Elections Committee (HEC) reported a 26.5% turnout. For the second phase, it reported that turnout was 29.8% - making an average overall turnout of 28.1%. The AUEOM observed that turnout was particularly low among the youth voters.
- The low voter turnout was partly attributed to the exclusion of certain political groups, the frequency of elections<sup>2</sup>, and the type of the electoral system used, which gave high number of seats to independent candidates rather than political parties. The limitation placed on political party-based competition may have undermined confidence in the process, which also had a negative effect on the level of sensitization and mobilization of voters. The AUEOM notes that political parties are important vehicle of political and social mobilization in Egypt.
- The legal framework was deemed quite adequate. Key legal changes ahead of the 2015 elections gave confidence to voters. However, there were concerns about the law relating to electoral districting, which gives more seats to individual candidates at the expense of political party list candidates. Some stakeholders are of the view that this could lead to a weak and fragmented parliament. Other concerns about the legal framework relate to laws passed to curb terrorism, which affect the enjoyment of rights and freedoms during the election process.
- Voter education was observed to be very limited in its reach. The AUEOM observed this was carried out mostly in the electronic and print media, and there was limited involvement of independent groups or civil society organisations in the voter education campaign.
- Although a large presence of security personnel was observed in all polling stations visited, their presence was deemed unobtrusive and professional.

Based on its overall findings and assessment, the AUEOM concludes that, from a technical perspective, the 2015 parliamentary elections were well-administered, transparent, and conducted in accordance with Egypt's legal framework.

The AUEOM made the following recommendations to improve the conduct of elections in the future and strengthening of democracy in Egypt:

- The Egyptian government and the election management body to take additional measures to encourage active youth participation in the electoral process. The importance of youth participation in the electoral process cannot be

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<sup>2</sup>. A total of 3 national elections and 2 referenda have been conducted in a space of 4 years – beginning in March 2011, following the overthrow of the Mubarak regime. Thus, voting fatigue was considered one of the factors for the low turnout, as there was notable dissatisfaction with the role and meaning of the electoral process in the face of political exclusion.

overemphasized, as a politically disengaged youth could pose a threat to the country's democratic future.

- The government and the new parliament should consider expediting the establishment of a permanent and independent election management body as envisaged in the new Constitution to ensure that future elections are handled more professionally and that public confidence in the electoral process is restored. It is also to avoid a situation whereby the HEC, which composed of judges, considers itself a judicial body and, at the same, time an administrative body.
- The government should consider relaxing some laws deemed restrictive to the enjoyment of fundamental freedoms, in particular, laws limiting peaceful protests and operations of independent organisations. This will be crucial to building a vibrant democracy in the country.
- The High Election Committee and its successor body should strengthen trainings for polling staff, improve and strengthen civic and voter education programs in collaboration with civil society organisations, support increased participation of women and youth in the electoral process, and monitor and sanction reports of violations of campaign rules by political parties and individual candidates.
- Looking ahead, it will be critical for the government to take concrete steps to heal the political and social divide exposed by the elections. This will be crucial to ensure sustainable peace, stability and democratic development in Egypt.
- The government should make efforts to address some of the concerns raised about the inclusiveness of the election process.
- Political parties and candidates should respect and adhere to the rules and regulations governing the electoral process, particularly campaign rules, and should endeavour to provide proper training to its agents on voting procedures and detection of fraud. Knowledge of these aspects of the electoral process is critical to enhance the credibility of the electoral process.



## I. INTRODUCTION

1. The AU deployed observers to the 2015 parliamentary elections based on an invitation from the authorities of the Arab Republic of Egypt, and in accordance with its mandate of promoting and strengthening democracy, democratic elections and good governance in Africa, particularly by observing and monitoring elections in its Member States.<sup>3</sup> Following the invitation, the Chairperson of the African Union Commission (AUC), Her Excellency Dr. Nkosazana Dlamini-Zuma, authorized the deployment of a short-term election observation mission to cover the first phase of the elections and an expert mission for the second phase.
2. The AU's observation mission to the first phase of the elections was headed by His Excellency Professor Amos Sawyer, former President of the Interim Government of National Unity of the Republic of Liberia, and comprised of thirty-five (35) short-term observers (STOs) from nineteen (19) countries of the African Union.<sup>4</sup> They included African Ambassadors accredited to the AU, member of the Pan-African Parliament (PAP), election management bodies and civil society organisations in Africa, Think Tanks, and independent election experts. The Mission was supported and coordinated by a technically team from the AUC and EISA.
3. The AU deployed a team of four (4) independent election experts to cover the second phase of the elections. Both missions conducted their work as one, and therefore, simply referred to as AUEOM.
4. The AUEOM observed the 2015 parliamentary elections in Egypt within the letter and spirit of its instruments, particularly the Constitutive Act adopted in July 2000, the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 XXXVIII) adopted in 2002, the African Union Guidelines for Election Observation and Monitoring Missions, adopted in July 2002, the African Charter on Democracy, Elections and Governance, which entered into force in February 2012, and the African Peer Review Mechanism (APRM) process. Other relevant international instruments, such as the Universal Declaration on Human Rights (UDHR) adopted by the UN General Assembly in December 1948, the International Covenant on Civil and Political Rights (ICCPR), which entered into force in March 1976, the Declaration of Principles on International Election Observation, endorsed by international observer groups including the African Union at the UN Headquarters

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<sup>3</sup>. 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, Section 5

<sup>4</sup>. These are: Algeria, Botswana, Cameroon, Chad, Ghana, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritania, Niger, Nigeria, Saharawi Republic, Sierra Leone, South Sudan, Sudan, Swaziland and Tunisia.

in 2005, also guide the Mission. The Mission was further guided by the Constitution and legal framework for elections in Egypt.

5. The AUEOM's findings and recommendations are based on its direct observations, as well as its consultations with key electoral stakeholders in Egypt.
6. This report presents the AUEOM's overall and final assessment of the 2015 parliamentary elections in Egypt, and provides a comprehensive analysis of findings, as well as recommendations for improved management of future elections in Egypt.

## II. OBJECTIVES AND METHODOLOGY OF THE MISSION

### A. Objectives

7. The objectives of the AUEOM to Egypt were:

- To make an independent, impartial and objective assessment of the 2015 parliamentary elections, including the degree to which the conduct of the elections meets national, regional and international standards for democratic elections;
- To offer recommendations for improvement of future electoral processes in the country; and
- To demonstrate AU's solidarity and support for Egypt and ensure that the conduct of genuine elections will contribute to a smooth political transition process, the consolidation of peace and stability, and strengthening of democracy in the country.

### B. Methodology

8. To achieve its stated objectives, the AUEOM undertook the following activities:

- Briefed and deployed thirty-five (35) STOs in teams of two from 16 to 20 October 2016 to cover 9 of the 14 governorates across the country. The STOs observe opening, voting, closing and counting process in 455 polling stations during the first phase of the elections;<sup>5</sup>
- Briefed and deployed four (4) independent election experts to cover 2 governorates, 8 constituencies and 38 polling stations in the runoff elections of the first phase, and 2 governorates, 24 constituencies and 59 polling stations in the second phase and runoff;
- Held consultations with several stakeholders at the national and local levels to ascertain their level of preparedness for the elections and their perceptions or concerns about the election process;
- Undertook a review or assessment of the electoral and legal framework to ascertain when it adequately provides for the conduct of genuine and democratic elections in Egypt;
- Issued a public statement on its preliminary findings and conclusion of the first phase of the election process at a press conference held at Marriott Hotel in Cairo on 21 October 2016; and

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<sup>5</sup> See Annex A: AUEOM Deployment Plan for First Phase Elections.

- Provided briefings to the Chairperson of the African Union Commission (AUC) and the Peace and Security Council (PSC) of the AU on the conduct of the 2015 parliamentary elections in Egypt, which form the basis for their public statements about the elections<sup>6</sup>.

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<sup>6</sup>.See Annex B: Statement of the AUC Chairperson on the 2015 elections in Egypt.

### III. BACKGROUND AND CONTEXT OF THE 2015 PARLIAMENTARY ELECTIONS

9. Egypt's 2015 parliamentary elections took place against the backdrop of persistent security challenges and a protracted transition process, which started with the ouster of the government of former President Hosni Mubarak on 11 February 2011 by a mass uprising of Egyptians that began on 25 January 2011. Following his ouster, Egypt underwent a period of political uncertainty and tensions between various political factions over the democratic future of the country. Some of the thorny issues of disagreements included negotiating the basic constitutional rules, the status of the military, the form of government, and the role of Islamic jurisprudence. Disagreements over these issues and subsequent political developments in the country had important impact on the 2015 parliamentary elections.
10. The ouster of the regime of former President Mubarak in 2011 resulted in a political vacuum, which was immediately filled by the Supreme Council of the Armed Forces (SCAF) who set up an interim administration that manage the political transition process. As part of efforts to prepare the country for a quick democratic transition, a referendum was held on 19 March 2011 to amend the 1971 constitution to pave way for the conduct of democratic elections. Despite concerns about some details in the proposed constitutional amendment, some Egyptians hailed the constitutional referendum as an important step toward democracy. However, this euphoria was short-lived as the SCAF, on 30 March 2011, unilaterally promulgated a Constitutional Declaration, which sets out the general framework for the transition, including a timeframe for the parliamentary and presidential elections<sup>7</sup>. The Constitutional Declaration also included articles and provisions that had not been voted in the referendum. It further gave the SCAF sole legislative and executive authority until elections for parliament and president were held. These developments, according to the views of many analysts, sowed the seed of later political disagreements and general frustration over the transition process.<sup>8</sup>
11. While the ensuing months after the promulgation of the Constitutional Declaration by SCAF saw increased political activities as parties went into frenzy preparations for upcoming elections, it also witnessed heightened political tensions in Egypt, as well as mounting frustration with the SCAF's stewardship of the transition process. This was further fuelled by internal social and economic challenges. Despite this development,

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<sup>7</sup>.Parliamentary elections were set for February 2012, and the Presidential election for June 2012.

<sup>8</sup>.There were disagreements over whether the presidential election should be held first before the convening of a constituent assembly that would draft a new constitution. Some believed that making the presidential election contingent upon the successful drafting and ratification of the new constitution would prolong the rule of the SCAF beyond it self-imposed deadline of 30 June 2012.

the first parliamentary elections after the ouster of President Mubarak took place in February 2012. The Islamist won an overwhelming majority of the parliamentary seats<sup>9</sup>.

12. After the conclusion of the parliamentary elections, the focus of Egyptians shifted to the presidential election. Meanwhile, the political divisions in Egypt became glaring when the new parliament met to form a constituent assembly that would draft a new constitution to be ratified in a referendum before the conduct of presidential election. However, disagreements over the composition of the constituent assembly led to its suspension by a court ruling in April 2012<sup>10</sup>.
13. Meanwhile, preparations for the presidential election proceeded as planned despite the suspension of the constituent assembly. The election was held in two rounds. The first round took place on 23-24 May 2012 and the second round on 16-17 June 2012. Thirteen (13) candidates contested the election but only two (2) – Mohamed Morsi (from the Muslim Brotherhood) and Ahmed Shafiq (former Prime Minister under Mubarak) garnered enough votes – about 25% each – to proceed to the runoff or second round. The second round of the election was won by the Muslim Brotherhood candidate Mohamed Morsi who secured 51.7% of the vote to Ahmed Shafiq's 48.3%.
14. It is worth noting that between the first and second round of the presidential election, important political developments took place in Egypt that, although not entirely related to the election, impacted its outcome and sowed the seeds of further political divisions that subsequently led to the ouster of the government of Mohamed Morsi. First, in May 2012, the new Parliament passed series of legislations, including the Political Exclusion Law, which bars senior officials of the Mubarak regime from public office. Second, the SCAF renewed pressure on the political groups – the Islamist and non-Islamist parties in Parliament – to agree on the composition of the constituent assembly to be appointed by Parliament. However, negotiations ended in a stalemate. Third, and most importantly, on 14 June 2012, two days before the second round of the presidential election, the Supreme Constitutional Court (SCC) granted an appeal made by Ahmed Shafiq over the constitutionality of the Political Exclusion Law. At the same time, the SCC also ruled that the electoral law that was used to elect members of the People's Assembly (lower house of Parliament) was flawed, and effectively ruled that the entire Assembly itself should be dissolved because the elections were conducted pursuant to an unconstitutional law. This ruling by the SCC was to have grave political

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<sup>9</sup> .The Muslim Brotherhood wins the majority of seats in the lower house, with the ultraconservative Saladis taking another quarter, thus putting religious groups in control of the parliament. In the upper house, Islamists took nearly 90% of the seats.

<sup>10</sup> . The Islamists who dominated Parliament wanted 50% of members of the constituent assembly to be drawn from parliament. The non-Islamists were, however, opposed to this – leading some of them to boycott or resign from it.

consequences, as it did not only dissolve the first democratically elected Parliament, but also undermined confidence in the transition process and the role of electoral processes within the transition. Finally, the SCAF made further addendum to the 30 March 2011 Constitutional Declaration. Acting on a ruling by the SCC, the SCAF closed down the parliament and awarded itself sweeping new powers, including control of the national budget, the power to issue laws, and power to appoint members of the suspended constituent assembly, thus effectively taking over the role of the dissolved parliament and diluting the power of the president vis-à-vis to exercise control over the military.

15. One of the major consequences of the SCC decision was to further deepen the division and suspicion among political forces in Egypt. There were suspicions that the Parliament was removed in order to weaken the Islamist candidate Mohamed Morsi should he win the presidential election. Others believed that it was meant to restore the Mubarak regime should Ahmed Shafiq win the election.
16. On the other hand, the Constitutional Declaration by SCAF was generally rejected by the various political groups, particularly, the Muslim Brotherhood, who questioned the authority of the SCAF to put forward what they regarded as 'a new constitution'. The Muslim Brotherhood further suspected the SCAF of seeking to deprive them of an historical opportunity to govern Egypt. The non-Islamists, on the other hand, suspected the move by SCAF as a "constitutional coup" and an attempt to shape the electoral outcome, and, therefore, renewed their protests.
17. It was amid this divisive political atmosphere that the Muslim Brotherhood candidate Mohamed Morsi was later on 24 June 2012 declared winner by the Presidential Election Committee (PEC) – the body charged with responsibility to conduct the presidential election.
18. The election of Mohamed Morsi as the first civilian President in Egypt still did not resolve the many political questions in Egypt. If anything, it furthered deepen the political polarisation in the country – pitting the Islamists and against non-Islamists (secular & liberals), on one hand, and the Islamists and the military establishment, on the other. The non-Islamists feared that the regime of Morsi is planning to perpetuate a religious state, using its overwhelming majority in Parliament, to impose religious tenets in the proposed constitution. They, therefore, pulled out of the drafting of the new constitution, leaving the Islamists to finish the task<sup>11</sup>.

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<sup>11</sup>. The procedure for drafting a new constitution has been at the centre of disagreements between political groups after the uprising of January 2011. While the Islamist groups wanted elections to be held first, the liberals and secularists preferred a new Constitution first. But at the end, the Islamists won out.

19. A series of (mis) actions by Morsi, on the other hand, sparked protests and led to the re-seizure of power by the military. In his attempt to reclaim the powers of the presidency, which has been severely curtailed by the SCAF's latest Constitutional Declaration, Morsi ordered the retirement of top Mubarak-era military leadership and nullified the declaration. He also issued a decree allowing him to take any and all actions that are deemed necessary to protect the country. These decrees are not to be reviewed by the courts. The move, coupled with several other concerns such as rising incidents of insecurities, fuel shortage, electricity blackouts, and economic problems, sparked new protest movements in Egypt calling for Morsi to step down and new elections to be organised<sup>12</sup>.
20. The growing split in society between Morsi and his opponents prompted the military, under the leadership of then General Abdel Fattah el-Sisi, to issue a 48-hour ultimatum to Morsi to give concessions to the opposition and order reforms. Last minute attempts by Morsi to offer concessions to the opposition by announcing the formation of an interim coalition government to oversee the parliamentary elections and revise the constitution proved futile, as the military issued a declaration on 3 July 2013, which suspended the constitution and appointed the head of the SCC, Adly Mansour, as interim head of state, and effectively removed Morsi from office. The military also announced a roadmap, outlining the country's political future that will be implemented by the interim regime. Among other things, the roadmap called for the conduct of presidential and parliamentary elections, the setting up of a panel to review the constitution, and a national reconciliation committee.
21. Despite the announcement of a political roadmap, which calls for speedy return to democratic constitutional order, the ouster of Morsi further plunged Egypt into political uncertainty and polarisation. Morsi's supporters immediately protested his ouster by the military and refused to recognise the legitimacy of the political process put in place after his ouster. Despite this, most of the elements outlined in the political roadmap have been implemented. These included the rewriting of the 2012 Constitution, the conduct of a referendum in January 2014, and the conduct of presidential election in May 2014.
22. Hence, the AUEOM's analysis of the 2015 parliamentary elections is placed within this context of a protracted political transition process. The AUEOM regarded the elections as marking an important step in the completion of the political roadmap and as part of Egyptians' struggle for democratic rule.

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<sup>12</sup> .There were reported cases of sexual assaults on women in Egypt's streets as well as steady uptick in attacks against Coptic Christians.



#### IV. PRE-ELECTION FINDINGS AND OBSERVATIONS

##### A. Constitutional and Legal Framework for 2015 Parliamentary Elections

23. A sound legal and electoral framework is essential for effective administration of genuine democratic elections. In Egypt, the 2015 parliamentary elections were primarily regulated by the 2014 Constitution, the House of Representatives Law (No. 46/2014 as Amended), the Political Rights Law (No. 45/2014 as Amended), the Electoral Districting Law (No. 202/2014 as Amended), and rules and regulations issued by the High Elections Committee, as well as international instruments to which Egypt has obligations and commitments<sup>13</sup>.
24. Given the relevance of the legal framework to all aspects of the electoral process, the AUEOM undertook a thorough review of the extant laws, rules and regulations in Egypt pertaining to the 2015 parliamentary elections to determine the degree to which they help enhance or undermine the process. Accordingly, the AUEOM notes that:
- The 2014 Constitution provides for the protection of fundamental rights, especially participatory rights of all citizens in public life. For instance, the law allows for the participation of expatriate Egyptians in elections and referendum – a practice not very common in many African countries.
  - Where restrictions are placed on fundamental rights of certain groups such as security personnel and convicted criminals, the AUEOM deems these as reasonable given the context in which the elections took place<sup>14</sup>.
  - The legal framework also provides for “fair representation” for all sectors of society. Article 102 of the Constitution and Article 5 of the House of Representatives Law both require that party list must include minority groups such as Christians, farmers and workers, youth, women, disabled people, and expatriate Egyptians. The AUEOM notes that these special measures adopted by the State are necessary to promote equality of participation for minority groups who ordinarily might have no chance to compete in elections.
  - The legal framework further included guarantees of equality before the law for men and women, which is consistent with key international obligations<sup>15</sup>.

<sup>13</sup>. Egypt is signatory to a range of regional and international instruments including the African Charter on Human and Peoples’ Rights, the UN International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Discrimination against Women (UN CEDAW).

<sup>14</sup>. Art.1 of the Political Rights Law exempt officers and personnel of the military and police from exercising the right to vote. Art.2 of the same law temporarily disenfranchised persons deemed to be afoul with the law in one way or the other.

<sup>15</sup>. UN, ICCPR, Art. 3; AU, AfCHPR, Art. 2(1)(a).

- International and regional treaties are very clear that men and women should enjoy equal rights and these must be upheld throughout the electoral process.
- The legal framework places limits to campaign spending, regulates the conduct of political parties, the media and civil society organisations, stipulates the electoral system and procedures for electoral districting, and provides citizens with timely and effective remedy mechanism throughout the electoral process, including challenging election results.
25. In view of the above, the AUEOM concludes that Egypt's constitutional and legal framework adequately covers all aspects of the electoral process and provides a good basis for the conduct of democratic elections.
26. The AUEOM however underlines the following areas of concerns regarding the legal framework:
- Article 8(5) of the House Representatives Law makes mandatory for any candidate contesting the election of the House of Representatives or Parliament to have performed military service or be legally exempted therefrom. The AUEOM deems this law to be restrictive as it limits the number of potential candidates for election into parliament.
  - The 2014 Constitution makes mandatory participation in election or referendum for all Egyptians. Article 57 of the Law on the Exercise of Political Rights further makes it a criminal offence for citizens to abstain from voting in an election or referendum except for a good reason. The AUEOM deems this law as not being in keeping with international standards and freedom of participation of citizens.
  - Article 209 of the Constitution bars members of the National Election Commission – the body that will succeed the HEC – from exercising the right to vote. While this may be intended to ensure their neutrality, the AUEOM views this as an unreasonable restriction.

## **B. The Electoral System**

27. The electoral system is an important element of the electoral process that translates votes cast into political mandates that ensure the electorates can hold their representatives accountable. There are a variety of electoral systems in use globally but these can be broadly categorised into: plurality/majoritarian system, proportional representation system, and mixed system. Although no one electoral system can be deemed better than the other, states are however obligated under public international law to ensure that their choice of electoral system(s) will allow for

inclusiveness, equal suffrage, transparency and the upholding of fundamental rights and freedoms.<sup>16</sup>

28. The electoral system used for the 2015 parliamentary elections in Egypt was defined in the 2014 Constitution, the 2014 House of Representative Law (as Amended), and the 2014 Electoral Districting Law (As Amended). Article 102 of the Constitution prescribes that elections shall be based on the plurality voting system or proportional list system, or a combination of both, in a manner that observes fair representation of the population, governorates and voters. While the Constitution is not very clear on the electoral system, Article 3 of the House of Representatives Law prescribes a mixed electoral system in which the Individual-Seat system runs alongside the Absolute-Closed-Lists system. Both systems are operated under election thresholds that require an absolute majority of valid votes cast (50 per cent plus one vote) to secure a win<sup>17</sup>. The law allows for parties and independent candidates to run under both systems.

29. The AUEOM notes that the electoral system used for the 2015 parliamentary elections solicited mixed reactions from Egyptian stakeholders. While some stakeholders criticised the closed party list system for not providing enough space for diverse political representation in parliament or allowing new political movements to flourish, others believed that the system guarantees implementation of the special provisions of the Constitution, which require a “fair representation” for all sectors of society. The AUEOM assessed the electoral system used as quite balanced, as it addresses both the interests of political parties and certain minority groups such as Christians, women, youth, and others. The mission notes further that the system was premised on the right to freedom of association, which enables citizens to advance this right through the formation of political parties for the purposes of electoral competition.

### **C. Election Management and Preparations**

30. An independent election management body that exercises its powers and performs its functions in a transparent, professional and impartial manner is an important means of ensuring the integrity of the electoral process and the enjoyment of rights associated with election.

<sup>16</sup>. UN, ICCPR, Art. 2(2); AU, AfCHPR, Art. 1.

<sup>17</sup>. Art. 23 of the 2014 House of Representatives Law outline the details of the election threshold.

31. Article 208 of the 2014 Egyptian Constitution establishes the National Elections Commission (NEC) as the sole competent authority to administer and manage referenda and elections of the president, the parliament and the local councils.
32. Although the Constitution stipulates the establishment of the NEC, the formation of such a body was never realised prior to the 2015 parliamentary elections. Instead, the elections were managed and supervised by the High Elections Committee (HEC), as provided for in Article 228 of the Constitution.
33. The HEC is a judicial body of nine (9) members led by Judge Ayman Mahmoud Kamel Abbass, the President of the Cairo Court of Appeal. Other members were appointed from the Court of Cassation, the State Council, and the Court of Appeals, in the order of seniority. All members of the HEC are appointed by the President of the Republic.
34. The HEC has a Secretariat based in Cairo, and Elections Committees in each governorate in Egypt, which are referred to as Governorate Election Committees (GEC). Like the HEC, the GEC comprised of members from the judicial bodies in Egypt. The law mandates the HEC to enlist the assistance of public servants and specialised experts with regard to management of the general affairs of the secretariat.
35. The AUEOM notes that the smooth electoral preparations undertaken by the HEC demonstrated that it had sufficient human and logistical capacity to administer an election process consistent with the legal framework in Egypt and regional instruments<sup>18</sup>. With the exception of a few challenges, the AUEOM observed that preparations for the elections were appropriately timed, and the HEC staff at polling stations demonstrated competence and professionalism in the implementation of electoral procedures.

#### **D. Electoral Districting**

36. Electoral districting or boundary delimitation is an important means of ensuring equality in the weight of votes as well as representation in parliament, particularly with shifts in the size and makeup of voting populations.
37. Although the process of boundary delimitation in Egypt occurred far in advance of the arrival of the AUEOM, the Mission undertook a post hoc assessment and

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<sup>18</sup> .Regional instruments such as the ACDEG require state parties to provide democratic institutions with resources to perform their assigned missions efficiently and effectively.

analysis of the process to determine the degree to which it meets national and international obligations. Accordingly, the Mission notes there were clear legal provisions for the boundary delimitation process for the 2015 parliamentary elections. Provisions of the 2014 House of Representatives Law and the 2014 Law guided the process on Electoral Districting. Articles 2 and 3 of the Electoral Districting Law state that Egypt shall be divided into 237 electoral districts (constituencies) under the Individual-Seat system, and 4 constituencies under the lists system, in a manner, which observes fair representation of the population and Governorates and equitable representation of voters. The same law specifies the number, scope and composition of each constituency.

38. The AUEOM notes that the legal provisions for the boundary delimitation process for the 2015 parliamentary elections met good state practice. The fact that the law ensures fair and equitable representation of the population and voters and was not manipulated to favour particular groups or political interests was widely praised.
39. However, the Mission notes that it was unclear which authority has the mandate to manage boundary delimitation process beyond the decree-law promulgated by the President of the Republic. While Article 208 of the Constitution stipulates that the NEC shall propose the division of constituencies, it was unclear whether the HEC was mandated to exercise this function since the NEC had not yet been established. International good practice suggests that an independent and impartial body should manage boundary delimitation process. The AUEOM also notes that the apportionment criteria were unclear despite the legal requirement to ensure fair and equitable representation.

### **E. Voters Registration**

40. Effective voter registration is an important means of ensuring that the right to vote is protected and of promoting inclusiveness in the voting process.
41. Although voter registration for the 2015 parliamentary elections was not directly observed by the AUEOM, the Mission undertook a post hoc analysis of available data and also discussed the registration process with stakeholders. Accordingly, the Mission notes that the 2014 Law on the Exercise of Political Rights and Executive Regulations issued by the HEC regulated the registration process.
42. Article 1 of the Political Rights Law gives right to every Egyptian citizen who is eighteen (18) years and above to participate in elections and referendum, except for

serving members of the military and police forces, and others whose voting rights are deprived or suspended under certain conditions.<sup>19</sup>

43. Voter registration in Egypt is continuous. Egyptian citizens do not have to specifically register to vote. Citizens who meet the voter eligibility criteria and who have not been disqualified from exercising their political rights automatically have their names registered in the Civil Status Organization Database located in the Ministry of Interior. At the conclusion of the registration period, it was estimated that approximately 54.8 million Egyptians were eligible to vote. This number included Egyptians living abroad.
44. The AUEOM received no complaints or concerns from interlocutors regarding the credibility of the voter register. The Mission notes that there was adequate time for the registration process, including exhibition of preliminary lists and opportunities for challenges and corrections. The Mission further notes that the rules regarding citizenship under which the register was compiled were clear and non-discriminatory, with the prohibition of serving security personnel and HEC officials from voting being the only exceptions.

#### **F. Civic and Voter Education**

45. Effective voter education efforts are crucial to ensuring that all potential voters not only have the necessary information to effectively exercise their right to vote but also to have confidence in the entire electoral process. Given its role in preparing voters to exercise the right to vote, the content of voter education campaigns was therefore an important area of focus by the Mission.
46. Egypt's legal framework did not clearly state which entity was responsible for provision of voter education during the 2015 legislative elections. However, HEC officials informed the AUEOM that it exercised this responsibility under its broad mandate of organizing and supervising the elections. The AUEOM noted that the HEC carried out voter education activities mostly using electronic and print media. Political parties and civil society organisations also played a role in voter education activities.
47. Notwithstanding these efforts, the AUEOM noted that civic and voter education activities appeared to be quite limited in its reach both in the urban and rural areas.

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<sup>19</sup>. Art. 2 of the Political Rights Law also excludes citizens convicted of a felony (unless they have been rehabilitated); those whose funds have been confiscated by a court ruling; those dismissed from civil service for reasons of moral turpitude or breach of trust; those under treatment for mental illness; and those under judicial interdiction.

Some of the voters the Mission interacted with demonstrated a lack of understanding of key aspects of the electoral process, particularly the electoral system, voting procedures, and rationale for voting. The Mission further noted the lack of interest in the electoral process displayed, particularly, by young Egyptian voters. The Mission is of the view that the participation of young voters could have been more enhanced through effective and targeted civic and voter education campaigns.

### **G. Political Party and Candidates Registration**

48. Political parties and candidates are important stakeholders in the electoral process. Not only do parties and candidates have rights of freedom of association, they also represent the opinions and political voices of voters.
49. Recognizing the central role of political parties and candidates in the electoral process, Egypt's 2014 Constitution and Political Rights Law both guarantee the rights of all citizens to organize themselves into political parties or other forms of democratic association in accordance with the law. However, political parties are prohibited from being formed on religious or sectarian basis or geographic location. The law also prohibits active members of the military and police forces from joining political parties or registering themselves as candidates for election. The AUEOM deemed this restriction as reasonable and acceptable under states international practice.<sup>20</sup>
50. The legal framework gives HEC the responsibility for administering candidate registration process. The process took place from 1 September to 12 September 2015. At the end of registration, about 5,955 independent candidates and 15 party-lists applications were received by the HEC. The lists submitted for individual and party-based candidates included women and other groups in accordance with the law. The final number of accepted candidates announced by HEC was 5,420 for independent candidates, and 9 party-lists<sup>21</sup>. Among the reasons for rejection of candidates and party lists include: incomplete application documents and late submissions.
51. The AUEOM noted reports that, in general, the HEC carried out this process in accordance with the law. Candidates who were rejected by HEC were given opportunity to appeal to the court, and some even had their applications accepted after favourable court decision.

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<sup>20</sup>. UN, ICCPR, Art. 22(2).

<sup>21</sup>. See Annex C: List of Political Party Coalitions, which participated in the 2015 parliamentary election.

52. The Mission, however, noted the concerns expressed by some political stakeholders about the medical clearance requirement. It was reported that the medical examination fee was expensive, and may have precluded some candidates from contesting. It was also reported that the requirements for acquiring medical clearance were unclear, and were prone to distortions. Furthermore, the military service requirement for candidacy was deemed restrictive. Another area of concern was the quota allocated to women and other groups. The AUEOM noted that the quota system was assigned only to party lists seats and not to the individual seats. Given that the party lists had fewer seats than the individual seats, the Mission noted therefore that the quotas system was not high enough to ensure meaningful representation of diverse interest in the new parliament.

### H. Electoral Campaign

53. The ability of parties and candidates to assemble and communicate freely is an essential condition for the conduct of genuine electoral process and the fulfillment of human rights. States therefore have obligation under international law to protect the right of citizens to the freedoms of speech and assembly<sup>22</sup>, which are particularly important in the context of electoral campaigning.

54. Egypt's Constitution guarantees the right of freedom of expression and assembly. In addition, the Political Rights Law gives every candidate and political party the right to develop and conduct electoral campaigns and to freely communicate with voters, using all lawful methods<sup>23</sup>. However, the law prohibits campaigning outside of the prescribed periods, the use of religious slogans, and the use of methods such as intimidation, violence, bribery, and hateful messages, as well as campaigning in public places.

55. Electoral campaigning for the first stage of the elections began on 29 September and ended on 15 October 2015. Campaigning for the first round run-off elections took place between 21 and 24 October. Campaigning for the second stage of the elections started on 5 November and lasts until 19 November 2015. The second stage run-off campaigning took place between 25 and 28 November.

56. The AUEOM observed that campaigns in both the first and second stages of the elections were calm and generally peaceful. Campaign was mostly done in the print and electronic media, as well as use of billboards, flyers and posters. The Mission observed that political parties and independent candidates were able to move freely

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<sup>22</sup>. UN, ICCPR, Art. 19(2); ACHR, Art. 9(2), 11 and 13.

<sup>23</sup>. 2014 Constitution, Art. 73; 2014 Political Rights Law, Art. 23.



and communicate their messages to voters. However, it observed that the precarious security environment prevented some candidates from mounting serious campaign rallies or matches and a stronger mobilization of voters, thus negatively impacting on the voter turnout.

57. While campaigning was generally peaceful, AU observers reported a number of campaign violations such as campaigns conducted during campaign silence period including polling day, transportation of voters to polling stations using vehicles with posters of candidates, and vote buying. The latter could not be independently verified.

### **I. Campaign Finance**

58. A reasonable regulation of campaign finance is required to level the playing field during campaign activities and ensure that the free choice of voters is not undermined or the democratic process distorted by opaque funding and disproportionate expenditure on behalf of any candidate or party. States are therefore obliged under international law to introduce rules that define acceptable sources of donations to political parties or candidates, or placed limits on the amount of money that a candidate or party may receive or spend during electoral campaign<sup>24</sup>.

59. Campaign finance for the 2015 parliamentary elections in Egypt is regulated by the Political Rights Law<sup>25</sup>, which sets out the spending limits, the amount of donation (both in cash and in kind) that a candidate or party is allowed to receive, the disclosure of sources of funding, and the inspection or auditing of electoral campaign accounts. Accordingly, the law stipulates that, under the individual-seat system, a candidate must not spend more than 500,000 Egyptian pounds for the first round, and 200,000 for the run-off. For the party list-system comprising 15 candidates, the limit is 2,500,000 Egyptian pounds for the first round, and 1,000,000 for the run-off. This amount can be tripled for a party list comprising 45 candidates.

60. The Political Rights Law allowed candidates to receive donations in cash or in kind but only from Egyptian citizens or political parties, and these must not exceed 5% of the spending limit for electoral campaigns as stated above. Candidates are also required to open bank accounts in local currency with any of the banks specified by the HEC, and must disclose to the HEC all financial transactions relating to their

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<sup>24</sup>. See Article 3 of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; the AU Convention on Preventing and Combating Corruption; and the UN Convention against Corruption.

<sup>25</sup>. See Articles 25-28 of the 2014 Law on the Exercise of Political Rights.

election campaigns. Further, candidates are prohibited to fund their electoral campaigns from outside these bank accounts. The HEC is mandated under the law to establish regulations and procedures for auditing the records of accounts of parties and candidates and ensuring their compliance with the law.

61. The AUEOM noted that the campaign finance rules governing the 2015 parliamentary elections are quite reasonable and largely satisfy Egypt's international commitments in this aspect<sup>26</sup>. However, an important shortcoming in the law governing campaign finance is its lack of provision for public funding of electoral campaign. This omission may allow rich candidates or parties to have unfair advantage over others who may not have the ability to fund their campaign activities. The Mission also noted reports from local groups of votes buying during the elections<sup>27</sup>. The Mission was however unable to verify these reports.

#### **J. Participation of Women, Minorities, and Marginalized Groups**

62. Women and minorities' right of participation in public affairs have been recognized and guaranteed in all international human rights instruments, notably, the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on Human and Peoples' Rights and its Optional Protocol on the Rights of Women in Africa, and all other international and regional conventions and covenants relating to the rights of women and minorities as being inalienable, interdependent and indivisible human rights.

63. Conscious of its international obligations relating to women and minority rights, Egypt's 2014 Constitution does not only guarantees the equality of all citizens before the law but it also obligates the state to take all necessary measures to ensure appropriate representation of women in all civil, political, economic, social and cultural spheres<sup>28</sup>. The House of Representatives Law further provides for appropriate representation of women and minorities such as Christians, youth, disabled persons and farmers or workers in the form of reserved seats or quotas in parliament. The Law also provides for the President of the Republic to appoint a number of individuals to parliament, half of whom at least must be women. Thus,

<sup>26</sup>. See Article 3(f) of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; and Articles 1 & 5 of the UN Convention against Corruption.

<sup>27</sup>. For instance, the National Council of Women in Egypt reported that it received several complaints involving the buying of votes for specific candidates during the first round election.

<sup>28</sup>. 2014 Constitution, Articles 3, 9, 11 & 54.

from the perspective of the legal framework, the right of women and minority groups to participate in public affairs, including in election process is adequately catered for.

64. The AUEOM was impressed with the inclusive nature of the legal framework and the active participation of women in the electoral process. On Election Day, AU observers reported that women were well represented in polling stations visited as polling staff, domestic observers and party or candidates agents. AU observers reported also that voter turnout among women, especially elderly women, was higher than men in all polling stations visited, despite the generally low voter turnout.
65. While the Mission was generally impressed with the active participation of women, it noted that this participation was mostly at a lower level. The AU observers reported that only very few polling stations visited have women as presiding officers or Judges. The Mission also observed a low representation of women at the leadership level of the HEC. As for political parties, the AUEOM observed that the number of women candidates was relatively low<sup>29</sup>. It appears that they settled only for the quota stipulated by law, as most of them either did not nominate women for individual seats or nominated a limited number of women. According to statistics from the Egyptian Center for Women's Rights (ECWR), 23 political parties did not nominate any woman as individual candidates.
66. It is worth noting that the quota system for women and minorities was only assigned to the party-list seats and not to the independent candidates' seats. The fact that there were more seats for independent candidates than party-list, the quota requirements for women and minority representation was very low<sup>30</sup>. The high cost of contesting elections<sup>31</sup> and the lack of funding for female candidates also means that very few women were able to stand as independent candidates. The AUEOM noted that, despite measures to enhance women participation in electoral politics, the military service requirement for candidates' registration also constitutes an obstacle for women's active participation as candidates.
67. Nonetheless, when compared to the 2011 elections, the 2015 parliamentary elections witnessed significant progress in terms of women participation. In all, 75 women were elected to the new parliament, thus setting a record in Egypt.

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<sup>29</sup> .Out of a total number of 6200 candidates that ran on the party and individual lists, only 652 were women, representing 10.03%. This figure falls short of the minimum 30% advocated by the AU as reflected in its Gender Policy. The final election results showed only 73 women candidates made it to parliament.

<sup>30</sup> .Of the 596 parliamentary seats, 120 were allocated for party-list, 448 for individual candidates, and the rest appointed to be appointed by the President.

<sup>31</sup> . Political money plays a central role in campaigning, media and publicity, which constitutes a financial burden for women.

### **K. Role of the Media**

68. An independent, neutral and vibrant media plays a pivotal role in the electoral process by providing information to voters for them to make informed choices and a platform to parties and candidates to air their political visions, while also shedding light on the overall conduct of the process.
69. The 2014 Political Rights Law primarily regulates media coverage of the 2015 parliamentary elections. The law also empowers the HEC to issue rules and regulations governing the conduct of media in the elections and ensure compliance with the law. Accordingly, the media is required to maintain accuracy, objectivity and impartiality in the coverage of elections, among other conditions.
70. The AUEOM noted that both public and privately-owned print and electronic media extensively covered the elections. It further noted that the media environment in Egypt is vibrant and diverse, despite reported restrictions on rights, including freedom of expression. Most of the stakeholders the Mission interacted with confirmed that candidates and parties were given access to the media, particularly the state-owned media. However, some stakeholders complained about unequal access granted to independent candidates and candidates perceived to be opposed to the ruling government.

### **L. Role of Civil Society**

71. Civil society organisations play a pivotal role in monitoring and enhancing the transparency of democratic elections. Civil society organisations normally undertake domestic observation activities, which help to mobilize support for the electoral process, disseminate important information about the election elections, and discourage potential fraud.
72. For the 2015 elections, the AUEOM was informed by the HEC that a total of eighty-one (81) civil society organisations were accredited to observe the elections. AU observers reported the presence of domestic observers in all polling stations visited. While the presence of domestic observers was noted in all polling stations visited by AU observers, civil society organisations appears to be operating in a restrained environment, following the passage of series of security and terrorism-related laws, which generally restrict freedoms of expression and assembly.

### **M. Security Environment**

73. The pre-election security environment was impacted by continuing threats of terrorism and political uncertainty caused by the ouster of the democratically elected government of former President Mohammed Morsi and the subsequent outlawing of the Muslim Brotherhood and its core leaders from the electoral process in Egypt. There were reports of terrorist attacks targeting candidates, election officials and security personnel in the run up to and during voting period<sup>32</sup>. As a result of the threats of terrorism, there was heavy police and military presence in all polling stations visited by AU observers. Security mounted checkpoints in most of the roads leading to major towns and cities, as well as public places. Despite this, the security environment during voting was generally calm and peaceful, with voters and AU observers allowed free access to polling stations.

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<sup>32</sup>. There was a report of a leading Islamist party candidate, Mostafa Abdel-Rahman killed at his house in the North Sinai city of El-Arish. Also, there were reports of four police officers killed on 28 November 2015 near the Giza pyramids by unidentified gunmen during the run-off period of the second phase of the elections. The media reported also the killing of seven people including security personnel and two judges overseeing the second stage of the parliamentary elections in El-Arish.

## V. ELECTION DAY OBSERVATIONS AND FINDINGS – PHASES 1 & 2

74. The voting process is an important aspect of a democratic election. Transparent and well-managed voting operations can help ensure public confidence in the integrity of the electoral process and the acceptance of results.
75. Consistent with the legal framework, the 2015 parliamentary elections were conducted in two phases in Egypt's 27 governorates<sup>33</sup>. Voting in each phase took place in two days, from 18-19 October for the first phase and 22-23 November for the second phase. Each phase also had run-offs held on 27-28 October and 1-2 December, respectively.
76. The AUEOM observed both phases of the elections. The Mission deployed 35 short-term observers (STOs) to cover the first phase elections. The STOs witnessed voting process in 455 polling stations in 9 out of 14 governorates. The Mission also deployed 4 election experts to cover the first phase run-off elections, and the second phase and its run-off. For the first phase run-off, the elections experts covered 38 polling stations in 2 governorates. For the second phase and its run-off, they covered and 59 polling stations in 2 governorates.
77. The AUEOM assessment of the voting process, which include opening, polling and closing and counting, is based on direct observations and findings of AU observers. Below are the Mission's observations and findings on election day administration in both phases:

### (i) First Phase Elections (including Run-Off)

#### *Opening of Poll*

78. For the first round of voting, AU observers witnessed the opening in 14 polling stations on the first day and 15 polling stations on the second day, most of which were in urban areas. According to reports filed by observers, more than 50% of the polling stations visited on the first and second day of voting did not open on time. The delayed time ranged from 16 to 30 minutes in the majority of the cases, and up to one hour in some of the cases. Some of the reasons for the delay in opening were late arrival of polling staff, late set up of polling stations, and late arrival of materials.

<sup>33</sup>. First Phase voting took place in the following 14 governorates: Giza, Fayoum, Beni Sueif, Menia, Assiut, New Valley, Sohag, Qena, Luxor, Aswan, Red Sea, Alexandria, Beheira, and Marsa Matrouh. For the Second Phase, voting took place in 13 governorates: Cairo, Qalioubeia, Daqahleia, Monoufeia, Gharbeia, Kafr El Sheikh, Sharqeia, Damietta, Port Said, Ismaileia, North Sinai, and South Sinai.

79. For the run-off, AU observers witnessed opening at 2 polling stations on the first and second day. They reported a marked improvement in the opening of polls, although a few polling stations still opened late.
80. AU observers reported that polling staff generally followed the opening procedures, with a rating of good or very good in the majority of the stations visited. The observers also reported that there were adequate election staff and materials in all polling stations visited at the opening.
81. The visible presence of armed security personnel was also noted in all stations visited. Their presence was reported as unobtrusive and professional, except in a few cases where it was deemed intrusive, but this was mostly limited to checking of observers' identities prior to entering polling stations.

### *Polling*

82. The AU observers reported that polling staff generally acted in an impartial and professional manner and followed voting procedures, with a rating of good or very good in the majority of the stations visited. The observers also reported that there were adequate number of polling staff and materials in all polling stations visited.
83. The AU observers further reported that voting was done in a largely transparent manner, with ballot boxes placed in public view, and observed no incident of fraud throughout the voting days. However, few irregularities in the form of campaign activities were observed outside of some polling stations.
84. In most of the polling stations visited by the AU observers, the voter turnout was generally low. The average turnout of voters was as low as 10% in polling stations the observers visited. The turnout among female voters was, however, reported to be higher than male voters. Youth participation was observed as very low.
85. The observers reported that the layout in majority of the polling stations visited adequately guaranteed the secrecy of the ballot. They also reported that majority of polling stations visited were located in public places and were easily accessible, except for a few that were located in high storey buildings. Polling stations were also clearly marked and easily identifiable. Impartial assistance was also provided to disabled and elderly voters.
86. The presence of political parties or candidates' agents was observed in most of the polling stations visited in the first round. The AU observers rated their competence of

the voting process as good. On the contrary, however, the observers reported the absence of party or candidates' agents in the majority of polling stations visited during the run-off.

87. The AUEOM noted that the 2015 House of Representative Elections in Egypt did not attract a lot of international observers. Specifically, the AU observers only reported the presence of the following groups: Common Market for Eastern and Southern Africa (COMESA), Democracy International (DI), the League of Arab States, and Electoral Institute for Sustainable Democracy in Africa (EISA). The Mission also noted that there was a low turnout of domestic observers.

88. The visible presence of armed security personnel was also noted in all stations visited by AU observers but their presence was largely unobtrusive and professional.

#### *Closing and Counting*

89. The AU observers witnessed the closing and counting process in 15 polling stations in the first round and 2 polling stations in the run-off, most of which were in urban areas. All polling stations visited closed on time at 9:00 pm.

90. The Mission noted that, as at closing time, the average voter turnout was about 23% in the polling stations they witnessed closing, which represents a low voter turnout. The low voter turnout was observed consistently throughout the voting period.

91. The AU observers noted that HEC polling officials were generally knowledgeable of the closing and counting procedures and discharged their responsibilities with professionalism and competence. However, in few cases, the AU observers reported that polling officials failed to follow procedures, for instance, by not issuing copies of the results sheets to party or candidate agents, not displaying copies of the results outside of the polling stations, and not announcing the polling station results. Observers also reported that, in some cases, party and candidates' agents were refused to witness the counting process. Despite these, the AU observers rated the closing and counting process as generally good.

92. Overall, the AUEOM assessed the quality of the voting operations in the first phase and run-off as good. The Mission noted that the voting process, including opening, polling and closing and counting, was carried out in a largely free and transparent manner.

#### **Post-election Developments (First Phase)**



93. Four AU observers and a small coordination team remained deployed in Giza and Fayoum governorates after the first round and observed the run-off elections and the immediate post-election developments, including tallying, announcement of results as well as resolution of electoral disputes, media and campaign environment.

#### *The Tally Process*

94. An accurate, honest and transparent tabulation process plays an important role in protecting the will of voters and ensuring the integrity of the electoral process.
95. According to the HEC procedures, vote counting must be done at the polling station level and the results transmitted to the HEC's General Committees based in each constituency for tabulation and announcement of provisional results. After this, the respective results are transmitted to the Governorate Committees, which then transfer them to the HEC in Cairo for official announcement of results.
96. The AUEOM noted that the tally process in the first and second round of the First Phase elections was carried out within 48 hours after the close of polls. The first round tallying was completed on 20 October and the run-off on 30 October. The AUEOM observed that the tally process was carried out speedily and in a transparent manner, with party or candidates agents and observers allowed to observe the entire process.

#### *Announcement of Results*

97. In accordance with the legal framework, the HEC announced the official results of the First Phase elections on 20 October 2015 for the first round and 29 October 2015 for the run-off or second round. The first round of the elections produced a turnout of 26.69%. The turnout for the second round or run-off was 21.7%. The combined turnout in the First Phase of the Parliamentary elections was 26.5%.
98. According to the results released, the "For the Love of Egypt" electoral list won all the 60 party-based seats contested in phase one of the elections, while only 4 of the 226 individual seats were won in the first round. The remaining 222 individual seats were contested in a run-off conducted in all the 14 governorates on 27-28 October. According to news reports, the head of the HEC, Mr, Ayman Abbas, told a news conference that 273 candidates secured their seats in the first rounds, with 213 reportedly independent candidates<sup>34</sup>. Out of the individual candidates who won seats in the first stage, 5 were women and 10 were under 35 years old.

#### *Electoral Dispute Resolution*

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<sup>34</sup> See Annex D: Final results of the first phase elections.

99. The HEC revealed in a press conference on 30 October 2015 that, a total of 367 complaints or appeals were received by the Committee, but all of these were rejected except for three that the Committee was still looking into. The complaints were mostly about delays in opening polling stations, campaign violations and preventing party or candidate delegates from entering polling stations.

#### *Voter Education, Media and campaign environment*

100. The AU observers did not observe any visible voter education activities between the end of the first round and the run-off. There were also no outdoor electoral campaign rallies observed. The media was however active as television stations and newspapers extensively covered the run-off. Media coverage during this period was mainly concern about the low turnout during the first phase of the elections, irregularities such as vote buying, and the terrorist killings of security personnel and election officials.

101. Overall, the AUEOM assessed the post-election environment as generally peaceful and calm, despite the threat of terrorism affecting the overall security situation in the country.

#### **Second Phase Elections (including Run-Off)**

102. Voting in the second phase of the elections took place in the remaining thirteen (13) governorates<sup>35</sup>. The AUEOM withdrew its four observers and coordination team immediately after the announcement of the final results of the first phase on 30 October 2015. The Mission, however, redeployed the same number of observers and coordination team on 15 November 2015 to cover the second phase of the elections, which took place on 22-23 November and 1-2 December. The observers were deployed in Qalyubia and Cairo governorates and covered 59 polling stations in 24 constituencies in these governorates.

#### *Opening*

103. The AU observers witnessed the opening of polls in 4 polling stations in the first round and 4 in the second round or run-off in Qalyubia and Cairo governorates. One team of observers reported that the polling station they visited opened on time. The other reported a delay in opening of polls due to late arrival of polling staff. Both

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<sup>35</sup>. These were Cairo, Qalyubia, Daqahliya, Menoufiya, Sharkeya, Gharebya, Kafr El-Sheikh, Damietta, Port Said, Ismailia, Suez, North Sinai and South Sinai.

teams assessed the opening process as good, and the overall competence of the polling staff during the opening process as either good or average.

104. The AU observers reported that there were no queues observed at opening time in the polling stations they visited. They reported the atmosphere in the polling stations as peaceful and orderly. They noted too the visible but discreet presence of security personnel in the vicinity of polling stations.

### *Polling*

105. The AU observers assessed the voting process for both the first and second round of the second phase of the elections as good. Polling stations were laid out properly in a manner that allowed easy flow of voters and protected the secrecy of the ballot. Ballot boxes were properly sealed and placed in public view. Voters were also checked for indelible ink before being issued the ballot papers, and were allowed to vote only after producing legally acceptable identification.
106. The observers rated the competence of polling staff on polling procedures as good and also reported that polling staff acted in an impartial and professional manner in most cases.
107. The atmosphere during polling was reported as generally peaceful and orderly with no incidents of violence observed in polling stations visited by the AU observers. The observers noted the presence of party agents and citizen observers in some polling stations they visited, most of whom were women. They also noted the visible presence of security personnel in all polling stations visited. While their conduct was generally professional, in some case, it was deemed as intrusive.
108. In all polling stations visited, observers reported adequate availability of election materials and staff.
109. The AU observers reported that voter turnout was low. In all polling stations visited, there were little or no queues throughout the voting days. Turnout was particularly low among young voters.

### *Closing and Counting*

110. The AU observers witnessed closing and counting procedures in 2 polling stations in Cairo and Qalyubia governorates. They reported that the closing time was respected and other counting procedures such as reconciling ballot papers, rearranging the counting station, and sealing of ballot boxes, were adhered to by

polling personnel. Overall, the observers assessed the competence of polling staff during closing and counting as good.

111. The AU observers reported that party or candidate agents were present during counting and did not interfere with the process. They carried out their functions without restriction. At the end of the counting process, no formal complaints were made by the party agents.

### **Post-election Developments (including Run-Off)**

112. The AU observers remained deployed in the two governorates in Cairo and Qalyubia until 5 December to witness the tally process, the announcement of election results, the resolution of electoral disputes and the immediate post-election environment.

### *The Tally Process*

113. The AU observers witnessed the tally process in their area of deployment and reported that the tally process was carried out speedily and transparently, with party or candidate agents and observers allowed to observe the process.
114. The tally process was concluded on 24 November for the first round elections and on 3 December for the second round. In both cases, there were minimal anomalies observed, mostly errors relating to computation.

### *Announcement of Results*

115. As in the first phase of the elections, the HEC announced the official results of the first and second round of the second phase of the elections in a press conference in Cairo on 24 November and 4 December 2015, respectively. Based on the official results released, the combined turnout in the first and second round of the second phase elections was 29.83%, with the “For the Love of Egypt” electoral list again winning all 60 contested list-based seats. Most of the 222 individual seats contested were won except in thirteen (13) where none of the candidates was successful in securing the required majority (50%+1 votes)<sup>36</sup>.
116. The HEC announced the final result on 18 December 2016 after announcement of the results of the 13 remaining seats. The figures released by HEC showed a 28.3% turnout rate for both the first and second phases of the elections, with 15,206,010 out of 53,786,762 eligible voters casting their ballots in both phases. The AUEOM considers this turnout rate as low when compared to the 2011 parliamentary elections, which exceeded 50%.

### *Electoral Dispute Resolution*

117. A number of independent organisations including the National Council for Human Rights (NCHR) and the Egyptian Organisation for Human Rights (EOHR) reported receiving complaints relating to electoral violations during the second phase of the elections. The complaints received were mostly about delay in opening polling stations in different governorates, electoral bribes, attempted influencing of voters, illegal campaigning near polling stations, as well as some violence. The AUEOM could not, however, confirm whether some or all of these complaints were presented to the HEC or appropriate judicial authority for arbitration.
118. The Adviser to the Prime Minister for elections, Rfaat Komsan, was also reported to have said in a statement to Al Hayat TV channel that the HEC received 149 complaints in the election run-off of the second phase, and that most of these complaints relate to violations of the election campaign rules at polling stations. The AUEOM was, however, unable to verify this with the HEC.

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<sup>36</sup>. See Annex E: Final results of the second phase elections.

*Certification of Electoral Winners and Inauguration of the New Parliament*

119. The HEC handed certificates to winners of the parliamentary elections on 20 December 2015. The inauguration of the new Members of Parliament took place on 10 January 2016.

## VI. CONCLUSIONS AND RECOMMENDATIONS

120. Based on its overall assessment and findings of both the first and second electoral phases, the AUEOM concludes that the 2015 Parliamentary elections were conducted in a peaceful, orderly and transparent manner. From a technical perspective, the elections were well administered and conducted in accordance with Egypt's legal framework and its international obligations for democratic elections. Despite the precarious security situation, AU observers reported that voters were able to cast their ballots without hindrance.
121. While the conduct of the 2015 parliamentary elections was commendable, however, the low voter turnout showed the deep divisions within the Egyptian society and mounting feelings of exclusion among certain sections of society particularly the youth that need to be addressed for the country's long-term political stability and democratic development.
122. In this regard, the AUEOM wishes to recommend a number of important steps to improve the conduct of future elections and in deepening of democracy in the country.

### *To the Government of Egypt:*

- **Improve the political environment.** Although the elections went peacefully, this does not mean all is well with the political system. As the low voter turnout depicted, it was obvious that some sections of society felt excluded either by legal restrictions or a general lack of faith in the political system to ensure their voices are heard. For the long-term peace, stability and democratic development of the State, it is important for the government to consider taking concrete steps to heal the divisions exposed by the elections and create conditions that allow for inclusion of a wide range of stakeholders that could voice opinions within formal institutional structures;
- **Expedite the formation of an independent and permanent electoral commission.** Take measures to expedite the establishment of the National Electoral Commission as stipulated in Article 208 of the 2014 Constitution. Although the 2015 elections were well administered by the HEC, its ad hoc status does not ensure retention of institutional memory and good electoral practice that meets international standards. An independent, impartial and professional electoral management body staffed by qualified and competent personnel not only complies with regional and international standards for

- democratic elections, it would also contribute to the promotion of democratic principles and values in the country;
- **Strengthen and protect fundamental freedoms.** Consider reviewing and addressing some policies that limit fundamental freedoms, particularly laws restricting press freedom and other basic rights. Ensure that these laws are not exploited to curtail rights and freedoms of citizens hitherto guaranteed under the Constitution;
  - **Review the legal framework of elections.** Consider reviewing the following aspects of the election law to ensure their compliance with international standards for democratic elections:
    - Article 8(5) of the House of Representative Law, which makes it mandatory for any candidate contesting an election to have performed military service.
    - Article 57 of the Political Rights Law, which criminalises abstention from voting in an election or referendum.
    - Article 209 of the Constitution, which bars the HEC officials from voting.
    - Make clear in the law which authority has the mandate to oversee constituency boundary delimitation process. While Article 208 of the Constitution gave responsibility to the NEC, it was unclear whether the HEC was mandated to exercise this function. Clarity is also needed regarding the apportionment criteria for delimiting constituency boundaries beyond the current requirement of ensuring fair and equitable representation;
  - **Strengthen engagement with youth.** The importance of youth participation in electoral and political processes cannot be overemphasised, as a politically disengaged youth could pose a threat to the country's democratic future;
  - **Strengthen and improve measures for women's political participation.** Consider strengthening existing measures to improve women's participation in electoral politics. In particular, consider reviewing the legislation on quota system to ensure meaningful representation of women and minority groups. Also, consider ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. This instrument provides good basis for advancement of women's political rights in the country; and
  - **Financing of political parties and candidates.** Consider establishing a framework to finance political parties and candidates for elections based on appropriate criteria to enhance political participation, which is critical for a nascent democracy.



**To the High Elections Committee (HEC) and/or its successor the National Electoral Commission (NEC)**

- **Strengthen civic and voter education programs.** The AUEOM notes that the low voter turnout was partly due to limited voter education programs. The AU observers found voters who were unaware of the significance of the elections, the time for voting particularly during run-offs, and the system of voting. Thus, the AUEOM encourages the HEC or its successor body – the NEC – to take necessary measures to improve or strengthen civic and voter education programs in close cooperation with civil society groups and other relevant stakeholders. Attention should be paid particularly to youth voters with a view to increasing their participation in the electoral process;
- **Monitor and sanction reports of campaign violations.** Consider strengthening of existing monitoring mechanisms during campaigns and voting and ensure appropriate measures are taken against campaign violations. Taking proactive measures against violation of campaign rules is crucial to ensure the fairness of the electoral process and the perceived legitimacy of election results;
- Strengthen trainings for polling staff, especially on closing and counting procedures. Despite the fact that polling staff overall demonstrated professional competence in the management of polling stations, there is need for continued improvement of their capacity to ensure transparent, professional, efficient and effective management of future electoral processes; and
- Develop a database on gender aggregation in all aspects of the electoral process. This will enable groups supporting women's empowerment to develop appropriate programs to support women's participation in electoral process.

**To Political Parties and Candidates:**

- Collectively work towards the consolidation of peace and stability for the democratic development of the State;
- Effectively engage in the electoral process to ensure its transparency and credibility and the deepening of democracy in the country. In particular, create positive relationship and effective avenues of communication with the HEC/NEC to address some of the shortcomings in the administration of elections;

- Respect and uphold the electoral law and other rules and regulations governing the elections, especially rules relating to electoral campaigning and campaign finance;
- Take measures to increase the participation of women within the party structures, especially at leadership level. Further, consider nominating women for the individual lists and not rely solely on nominating women on the party lists just to satisfy the legal requirement; and
- Train party agents to understand the electoral process as well as their role in the process, and ensure that agents cover all polling centres to enhance the transparency of the process.

**To Civil Society Organisations, including the Media:**

- Remain effectively engaged in monitoring and reporting on the electoral process to enhance its transparency and credibility; and
- Media should focus more on women's issue related to the elections and adequately cover their campaigns.

**To the International Community:**

- Provide support to the HEC/NEC, civil society groups and media, in order to enhance their role in deepening democratic governance in the country; and
- Encourage the government of Egypt to relax some laws and policies deemed restrictive to the full realisation of fundamental human rights and freedoms of citizens as provided for and protected by the Constitution.

**ANNEX A: AUEOM DEPLOYMENT PLAN****AUEOM Deployment Plan (First Phase, First Round)**

<b>Team</b>	<b>Observers</b>	<b>Nationality</b>	<b>Area of deployment (Governorate)</b>
1	H.E. Prof. Amos Sawyer (Mission Leader)	Liberian	Giza
	Dr. Khabele Matlosa	Lesotho	
2	H.E. Ambassdor Chimango Edward Chirwa	Malawian	
	H.E. Ambassador Mahfud Rajab Rahiam	Libyan	
3	Hon. Bala Saratou Boukari	Nigerien	
	Ms. Leyla Hassen	Tunisian	
4	Mrs Gertrude Blake	Sierra Leonean	
	Ms. Majisola Florence Akinsanya	Nigerian	
5	Hon. Suilma Hay Enhamed Saleh	Sahrawi Republic	
	Ms. Dariatou Gaye	Mauritania	
6	Hon. Ango Ndoutoume Francois	Gabonese	Fayoum
	Mohamed Nouredine Sbia	Algerian	
7	Hon. Abubakr Rabie Abdullah	Sudanese	
	Mr. M. Abdulmenem M. Alfughi	Libyan	
8	Mr. Ahmed I. Mashi	Nigerian	Beni Sueif
	Hon. James Reat Gony	South Sudanese	
9	Ms. Thato Patience Moeti	Lesotho	
	Mr. Mezni Nouredine	Tunisian	
10	Mr. Fokwa Mbanwi Honore	Cameroonian	Menia
	Mr. Mohamed Turay	Sierra Leonean	
11	Mrs Jersa Kide Barsaba	South Sudanese	Assuit
	Mr. Benbraham Nouredine	Algerian	
12	Mr. Maximillian Kolbe Domapielle	Ghanaian	Luxor
	Ms. Otando Caroline K. Asinuli	Kenyan	
13	Hon. Bongani Mdluli	Swaziland	Aswan
	Dr. Hassan Ahmed Abdelati Salih	Sudanese	
14	Mrs Florence Kebbie	Sierra Leonean	Alexandria
	Mr. Dennis Ken Masa Mndala	Malawian	
15	Ms. Mfrekeobong U. Ukpanah	Nigerian	
	Mr. Kamohelo Chobokoane	Lesotho	
16	Hon. Ahamat Tahir Ahamat	Chad	Beheira
	Ms. Kwalar Vera Muring	Cameroonian	
17	Hon. Mootsi Samuel Lehata	Lesotho	
	Ms. Roselinda Khamete Andambi	Kenyan	
18	Mr. Leonard Njenga	Kenyan	Matruh
	Ms. Game Dibeela	Botswana	

**AUEOM Deployment Plan (First Phase, Run-Off)**

<b>Team</b>	<b>Observers</b>	<b>Nationality</b>	<b>Area of Deployment</b>
1	Mrs Florence Kebbie	Sierra Leonean	Giza
	Mr. Dennis Ken Masa Mndala	Malawian	
2	Ms. Kwalar Vera Muring	Cameroonian	Fayoum
	Mr. Maximillian Kolbe Domapielle	Ghanaian	

**AUEOM Deployment Plan (Second Phase, First Round)**

<b>Team</b>	<b>Observers</b>	<b>Nationality</b>	<b>Area of Deployment</b>
1	Mrs. Florence Kebbie	Sierra Leonean	Giza
	Mr. Dennis Ken Masa Mndala	Malawian	
2	Ms. Kwalar Vera Muring	Cameroonian	Fayoum
	Mr. Maximillian Kolbe Domapielle	Ghanaian	

**AUEOM Deployment Plan (Second Phase, Run-Off)**

<b>Team</b>	<b>Observers</b>	<b>Nationality</b>	<b>Area of Deployment</b>
1	Mrs. Florence Kebbie	Sierra Leonean	Giza
	Mr. Dennis Ken Masa Mndala	Malawian	
2	Ms. Kwalar Vera Muring	Cameroonian	Fayoum
	Mr. Maximillian Kolbe Domapielle	Ghanaian	