STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS OF THE AFRICAN UNION ELECTION OBSERVATION MISSION TO THE ARAB REPUBLIC OF EGYPT’S FIRST PHASE PARLIAMENTARY ELECTIONS 2015

I. EXECUTIVE SUMMARY

The 2015 parliamentary elections marked a significant step in the democratic transition of Egypt as envisaged in the political Roadmap adopted in July 2013. The elections followed the achievement of a series of milestones which sought to enhance legitimate governance in the country. These milestones include the rewriting of the 2012 Constitution, the conduct of a referendum in January 2014, and the conduct of a Presidential election in May 2014.

The African Union Election Observation Mission (AUEOM) to Egypt wishes, therefore, to congratulate the Egyptian Government and people for a well-organised and peaceful parliamentary elections, and encourages all Egyptians to work towards deepening of democracy in the country.

This statement serves to present the key preliminary findings and conclusions of the AUEOM since its arrival in Egypt:

- The AUEOM finds that the 2015 first phase of the elections were conducted in an orderly manner and in a peaceful environment. In most of the polling stations visited by AU observers, voting and counting took place without any disturbance or interference. The AUEOM commends the security personnel for guaranteeing an incident-free electoral process in Egypt.
• The Mission also finds that the voting process was done in a largely transparent manner. AU observers noted the presence of international observers. In most cases, observers were granted unrestricted access to polling stations.

• There was visible presence of party and candidates’ agents in most of the polling stations visited by AU observers. Observers noted that the party and candidates’ agents conducted themselves well. However, the agents could be better briefed on electoral procedures which would further enable them to engage in the electoral process.

• AU Observers reported that polling staff were generally knowledgeable of the election procedures and discharged their responsibilities efficiently and effectively. Overall, they rated the competence and professionalism of polling staff as good.

• In all polling stations visited, AU observers noted little or no queues throughout the voting days. This holds the same in both urban and rural areas. As at the close of polls, AU observers reported that the average voter turnout was about 23%, which is low by international standards.

• While the overall voter turnout was low, the AUEOM noted a high rate of turnout by women. The Mission, however, found an alarmingly low youth participation in the electoral process.

• The AUEOM observed that the majority of polling stations were conveniently located in public places with easy access to voters. Where polling are located in story buildings, assistance was rendered to the disabled and the elderly. Polling stations were also clearly marked and easily identifiable by voters.

• The AUEOM notes that the general layout of polling stations facilitated easy flow of voters and also ensured the secrecy of the vote was sufficiently guaranteed. However, the Mission notes the space provided in some polling stations was
quite limited to accommodate other stakeholders such as observers and party and candidates’ agents.

- The Mission further notes the adequacy of election materials in all polling stations visited by AU observers, which ensured a smooth voting process.

- The AUEOM also notes the legislative changes made prior to the 2015 parliamentary elections, including the passage of a new Constitution in 2014, the passage of the Law Concerning Electoral Districting for the Elections of the House of Representatives and the Law on the Exercise of Political Rights. The Mission is of the view that the passage of these pieces of legislation provided good basis for the conduct of credible electoral processes in Egypt.

- In its review of the legal framework for elections, the Mission notes that the 2014 Constitution provides for the creation of an independent National Election Commission (NEC) to run future elections. The Mission is of the considered view that having a competent, independent and permanent electoral management body is crucial for professional and credible management of elections. The Mission therefore encourages Egyptian authorities to accelerate its establishment and functioning.

- The AUEOM also notes that the 2015 parliamentary elections were characterised by an increase in the number of individual or independent candidates as opposed to political party-based contestation. While this may be generally good for individual contestation, it may, however, give rise to a fragmented and weak parliament. The Mission believes that a strong parliament is important for the deepening of a democratic and accountable system of governance.

In the spirit of cooperation and strengthening of democratic processes in Egypt, the AUEOM offers the following preliminary recommendations:

- The AUEOM wishes to encourage the Egyptian Government and people to continue to maintain peace and stability for democratic development of the country.
• The AUEOM encourages the High Elections Committee (HEC) and its successor institution, the National Election Commission (NEC), to continue to improve the transparent, professional, efficient and effective management of the electoral processes.

• The AUEOM encourages the Egyptian authorities to strengthen engagement with citizens particularly youth. The importance of youth participation in the electoral process cannot be overemphasised, as a politically disempowered youth could pose a threat to the country’s democratic future.

• The AEUOM recommends that the Egyptian authorities prioritise the establishment of the proposed National Elections Commission (NEC) in keeping with international best practice.

Based on its overall assessment and findings, the AUEOM concludes that Phase One of the 2015 parliamentary elections were conducted in a transparent and peaceful manner. The elections provided an opportunity for citizens to freely express their democratic right to vote.

While the 2015 parliamentary elections are still ongoing, the AUEOM hereby clarifies that this statement is preliminary. The Mission will continue to observe the run-off and post-election environment, and will issue a more detailed report with recommendations upon completion of both the first and second phases of the elections.

The AUEOM wishes to thank the Government and people of Egypt for extending an invitation to the African Union to observe the elections. The Mission also extends gratitude to the delegation of COMESA, the African Ambassadors accredited to the Arab Republic of Egypt, and the African Union Permanent Delegation to the League of Arab States based in Cairo.
II. INTRODUCTION

At the invitation from the Government of the Arab Republic of Egypt and the High Election Committee (HEC), the Chairperson of the African Union Commission, Her Excellency Dr. Nkosazana Dlamini-Zuma, approved the deployment of a short-term election observation mission to the 2015 parliamentary elections in Egypt.

The AU Election Observation Mission (AUEOM) observed the First Phase parliamentary elections held on 18 and 19 October 2015 within the letter and spirit of relevant African Union instruments, such as the Constitutive Act of the Union adopted in July 2000; the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa 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 adopted in January 2007 and entered into force in February 2012, and the African Peer Review Mechanism (APRM) process. The Mission was also guided by other relevant international instruments, such as the Universal Declarations of 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 in 2005. The Mission was further guided by the Constitution and legal framework for election in the Arab Republic of Egypt.

The Mission was supported by a team of experts from the African Union Commission (AUC), the Pan-African Parliament (PAP) and the Electoral Institute for Sustainable Democracy in Africa (EISA).

Cognisant of the fact that the parliamentary elections are being conducted in two phases, this statement presents the Mission’s preliminary findings up until the closing of polls for the first phase of the elections which took place on 18-19 October, 2015. The Mission will continue to observe the run-off, the post-election developments and the second phase of the elections in November and December
2015. A final report of the AUEOM’s findings and overall assessment will be released after the conclusion of the electoral process.

III. OBJECTIVES AND METHODOLOGY OF THE MISSION

(a) Objectives:

The objectives of the AUEOM to Egypt were:

i. To make an independent, objective and impartial assessment of the 18-19 October 2015 House of Representatives Elections in Egypt.

ii. To support the completion of the roadmap in the transition to the attainment of democratic rule in Egypt.

iii. To contribute towards the improvement of future electoral processes in the country through providing recommendations.

(b) Methodology:

To realise its stated objectives, the Mission adopted the following methodology:

- Deployed 35 short term election observers from 9-22 October 2015 to cover elections in 9 out of 14 governorates. The AU observers witnessed the voting process in 455 polling stations in these governorates.

- The Mission leadership also engaged in consultations with the HEC and other stakeholders to get an understanding of the political context in which the elections were taking place.

- The AUEOM technical team also undertook a review of the legal framework to enhance understanding of the political and electoral process in Egypt.
Based on its consultations, assessments and observations, the AUEOM presents the following preliminary findings:

IV. PRE-ELECTION FINDINGS

(a) The General Context of the Elections:

- A conducive political environment is one of the key determining factors for the substantive enjoyment of civil and political rights. While the October 2015 parliamentary elections took place in a context of uncertainty due to security and political challenges, the elections went peacefully without any incidents of violence or intimidation.

- The Arab Republic of Egypt has been in a cycle of transition since 2011. The transition has seen the conduct of three national elections¹ and two national referenda. The 2015 parliamentary elections are conducted under the new Constitution that was adopted in 2014. It is important to note that the parliament that was elected in 2012 was dissolved in 2014 following a Supreme Court ruling on the constitutionality of the electoral law. The 2015 parliamentary elections are therefore significant as they are expected to usher in a new Parliament, which will further strengthen the political institutions in the country, as Parliament plays an important legislative, representational and oversight role in the political governance of the country.

- The AUEOM noted there was reduced political party competition in the 2015 parliamentary elections in part due to the new electoral laws that increased the number of seats for individual candidates as opposed to the party lists.

(b) The Legal Framework for the Elections:

The 2015 House of Representatives Elections in the Arab Republic of Egypt are being conducted under a new legal framework that includes: the 2014 Constitution,

¹ The 2011-2012 parliamentary elections, the 2012 and 2014 presidential elections.
the Law Concerning Districting for the Elections of the House of Representatives, the Law on Promulgating the Law of the House of Representatives, and the Law on Promulgating the Law of the House of Representatives. These pieces of legislation are all aimed at enabling the conduct of credible elections and a truly representative Parliament.

While the majority of pieces of legislation passed are deemed to be conducive for the democratic development of the State, however, there have been concerns by some stakeholders that the effect of some of these laws will further weaken the already weak political parties. For instance, the low number of seats stipulated for political parties under the 2014 parliamentary election law does not provide the chance for political parties to compete beyond the 120 parliamentary seats in a Parliament of 567 seats.

(c) Election Administration:

Democratic elections are best run by impartial, all-inclusive, competent and independent electoral management bodies. Article 208 of the 2014 Constitution of Egypt, makes provision for the establishment of the NEC as the sole competent authority to administer referenda and elections in Egypt. However, for the 2015 parliamentary elections the HEC that was in existence at the time the Constitution came into force, was mandated to run the elections in line with the transitional provisions as stipulated in Article 228 of the Constitution, which requires the HEC to transfer the responsibility of conducting elections to the NEC immediately upon its formation.

While the AUEOM was not present during the commencement of the preparations, however, the Mission was impressed by well managed elections and the professionalism and competence exhibited by HEC officials on Election Days.

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2 Article 3 of the African Union Declaration on the Principles Governing Democratic Elections in Africa
In almost all polling stations visited by AU observers, polling staff exhibited adequate knowledge of procedures and election materials were provided in sufficient quantity, which shows that the HEC was well prepared for the elections.

V. ELECTION DAY OBSERVATIONS

According to HEC procedures, polling process for the first phase of the 18-19 October 2015 parliamentary elections started at 9AM and ended at 9PM. The AUOEM’s assessment of the polling process, which includes opening, voting and closing and counting, was based on actual observations of AU observer teams who visited a total of 455 polling stations in 9 Governorates on the two election days. In all stations visited, AU observers noted that voting took place in a generally peaceful environment.

Below is a summary of Election Day observations:

(a) Opening of the poll:

- AU observer teams witnessed the opening process 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 of 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.

- 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. 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 it was deemed intrusive.

(b) Voting Process:

Most of the polling stations visited by AU observers had little or no queues throughout the two voting days. In a majority of the stations visited, the average turnout of voters was as low as 10%. The turnout of female voters was however reported to be higher than male voters. But youth participation was observed as very low.

The AU observers reported that voting was done in a largely transparent manner, with ballot boxes placed in public view and no incident of fraud or irregularity observed or reported throughout the voting days.

The Mission noted that the polling stations were conveniently located with easy access to the voters. Polling stations were clearly marked and easily identifiable. Disabled and elderly voters were assisted by polling personnel.

The Mission was satisfied that the layout of the polling stations facilitated easy flow of voters and was sufficient to guarantee the secrecy of the vote.

AU observers reported that polling staff generally followed the 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 election staff and materials in all polling stations visited. The visible presence of armed security personnel was noted in all stations visited. Their presence was reported as unobtrusive and professional except in a few cases it was deemed intrusive.
personnel was also noted in all stations visited, but their presence was unobtrusive and professional.

- The AUOEM noted that the 2015 House of Representative Elections in Egypt did not attract a lot of international observers. Specifically, AU observers noted the presence of only 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.

- The presence of political parties and candidates’ agents was observed in most of the polling stations visited. AU observers rated the competence of agents during the voting process as good.

(c) Closing and Counting

- The AU observers witnessed the closing and counting process in 15 polling stations, most of which are in urban areas. All polling stations visited closed on time at 9 pm.

- The Mission notes that as at closing time, the average voter turnout was about 23% in the polling stations visited, which represents a low voter turnout. A low voter turnout was observed consistently throughout the two days of voting.

- 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, AU observers noted that polling officials failed to follow procedures by not issuing copies of the election result sheet to party agents, not displaying the results of the elections outside the polling stations, and not announcing the results of the
elections. Observers noted also that in few cases party and candidates’ agents were refused to witness counting process.

- The Mission’s overall assessment of the closing and counting process was good.

Based on its observation on election days, the AUOEM is of the view that the quality of voting operations was commendable and largely met international standards.

VI. CONCLUSION AND RECOMMENDATIONS

(a) Conclusion

Based on its overall assessment and findings, the AUEOM concludes that the 2015 parliamentary elections were conducted in a transparent and peaceful manner. The elections provided an opportunity for citizens to freely express their democratic right to vote.

The AUEOM wishes to encourage all Egyptian stakeholders to continue to maintain peace and stability as part of ongoing efforts towards deepening of democracy in the country.

While the 2015 parliamentary elections are still ongoing, the AUEOM hereby clarifies that this statement is preliminary. The Mission will continue to observe the run-off and post-election environment, and will issue a more detailed report with recommendations upon completion of both the first and second phases of the elections.
(b) Recommendations:

In the spirit of cooperation and strengthening of democratic processes in Egypt, the AUEOM offers the following preliminary recommendations:

Government should:

- Continue to maintain peace and stability for the democratic development of the country;
- Continue to review the legal framework in line with the road-map to ensure improved inclusivity of diversity for future elections;
- Create conditions that allows for the inclusion of a wide range of political forces that could voice opinions within formal institutional structures;
- The Mission recommends that measures be taken to establish the National Electoral Commission as stipulated by the Constitution as the Commission has a special role to play in the effective management of electoral processes and deepening of democracy in Egypt.

High Elections Committee (HEC):

- The AUEOM encourages the HEC and its successor institution (NEC) to continue to improve and ensure transparent, professional, efficient and effective management of the electoral processes.
- The AUEOM encourages the HEC to strengthen engagement with citizens with a view to increasing participation in the electoral process. Attention should be paid particularly to women and the youth.

Political Parties and Candidates should:

- Collectively work towards consolidation of peace and stability as well as ensuring effective participation in electoral processes to deepen democracy in the country.
- While the overall rating of the competence of party and candidates’ agents was good, there is however need for continuous training of agents on electoral procedures to ensure their effective monitoring of the electoral process.