

EGYPT PRESIDENTIAL ELECTION OBSERVATION REPORT

JULY 2014

 **Democracy**
International



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MAP OF EGYPT



Map credit: Egyptian Ministry of Communications and Information Technology

ACKNOWLEDGMENTS

This report is based on information gathered through the ongoing efforts of Democracy International's international election observation mission in Egypt. Building on work that began in December 2013, DI's core team gathered valuable context and supported the efforts of our Medium-Term Observers (MTOs) and Short-Term Observers (STOs). Although we believe that this report reflects the collective findings and conclusions of our observer delegation, DI takes full and complete responsibility for the content herein.

Soon after conducting an observation mission for Egypt's constitutional referendum in January 2014, DI began preparations to observe the presidential election eventually held in May 2014. As before, DI relied on the hard work of a dedicated local staff and a committed team of experts without whom our mission would not have been possible. We are also grateful for the time and engagement of myriad local stakeholders who generously gave their time and shared their insights and analysis so that our team could gain a deep understanding of the rules, issues, and context for this election.

DI is extremely grateful for the assistance of the Presidential Election Commission in Egypt for inviting DI to observe the election and providing support and information throughout the process. We especially want to thank Judge Sara Adly who was constantly accessible to us despite the enormous demands on her time. We also deeply appreciate the help of Mohamed Mansour of the Ministry of State for Administrative Development who assisted us throughout the accreditation process.

Ebie DuPont and Andy Jones of the Carter Center, Fida Nasrallah of the International Foundation for Electoral Systems, and too many members of the European Union Election Observation Mission to name all graciously shared their time and expertise to assist the DI mission.

This mission would not have been possible without the unique and invaluable contributions of the members of the Core Team, the Medium-Term Observers, and especially the volunteer Short-Term Observers, who all contributed in different ways to the mission. A full list of observers is found below.

We are proud of the team that we assembled and believe that their varied experience in elections and election administration, political campaigns, Egyptian politics and government, international development, and foreign relations was vital to our ability to conduct this mission.

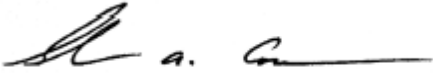
We would like to specifically note the tireless efforts of our core team, individuals who worked tirelessly to accomplish this mission. DI Director of Elections and Political Processes, Dan Murphy, led the team in Cairo in close coordination with DI Director of Programs, Jed Ober. Program Officer Alice Guilford handled all manner of details for both the core team and observer teams; her careful organization and stamina were remarkable. Program coordinator Morgan Simpson supported virtually every aspect of the process and almost single-handedly arranged travel for our entire STO delegation. Electoral Legal Expert Frank McLoughlin added tremendous value to our effort with his strong background and knowledge of Egyptian law and politics; he also provided much-needed morale boosts to the entire team with his remarkable sense of humor. Legal and Political Advisor Aneesa Walji played a critical role in bridging different functions of the team, which she accomplished with ever-present professionalism and positivity. Civic engagement expert Kourtney Pompei spent hours upon hours in Cairo traffic going from meeting to meeting so that DI could learn from as many Egyptian civil society organizations (CSOs) as possible; her dedication to understanding the work and concerns of local CSOs and activists was critical to DI's understanding the political context. Observer Coordinator Emmanuel Gény was, as in the referendum observation mission, a true professional; his steady, even attitude and focus on the task at hand were an inspiration to the rest of the team. Emmanuel mobilized for this mission on a single day's notice and arrived in Cairo 10 days earlier than planned simply because DI needed him to do so. Kaouther Mansouri from the DI office in Tunis ably handled all of our finances; her attitude, hard work, and attention to detail were deeply appreciated. Tim Neill and Hugh Long coordinated the mission's security needs; they were a pleasure to work with, and both went beyond their job descriptions as security advisors to pitch in with whatever was needed. Three members of the DI home-office team—Julia Fوسفeld, Josh Linden, and Jordan Valentine—traveled to Cairo to help coordinate the STO teams; they were enormously helpful in their roles as observer liaisons.

Members of DI's home office staff worked hard to support the mission from afar. Several individuals worked long hours in Bethesda to do whatever was necessary and solve problems whenever they were needed. In particular, we thank Will Covey and James Pagano. Both of them were there for the team around the clock, and their positive attitudes and moral support were a constant source of strength for the team in Cairo. We are grateful as well for the work of DI's home office accounting team, particularly Tracy Tian, Martin Kiwale, and Angela Lim, who worked to ensure that the team had all of their complicated financial needs met. Patricia Alejandro provided constant support for the team including editing, formatting, and uploading reports and press releases at a moment's notice.

The hard work and DI dedication of DI's Egyptian staff in Cairo was critical to our mission. Without their insight, stamina, positivity, and perspective, our mission could not have succeeded. Their flexibility, professionalism, and commitment were amazing. Given sensitivities in Egypt, we are not listing them by name.

Finally, we would like to thank the United States Agency for International Development and the Embassy of the United States in Cairo for their critical support to the mission.

Democracy International deeply appreciates the efforts of everyone involved in the observation mission. We hope that the information provided by this mission is valuable to the people and leaders of Egypt as they move forward.



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ACRONYMS AND ABBREVIATIONS

ANHRI	Arab Network for Human Rights Information
CSO	Civil Society Organization
DG	Democracy and Governance
DI	Democracy International
EIPR	Egyptian Initiative for Personal Rights
EPP	Elections and Political Processes
FJP	Freedom and Justice Party
HEC	High Election Commission
ICT	Information and Communications Technology
IFES	International Foundation for Electoral Systems
Mol	Ministry of Interior
MTO	Mid-Term Observer
NGO	Non-Governmental Organization
PEC	Presidential Election Committee
PVT	Parallel Vote Tabulation
SCAF	Supreme Committee of Armed Forces
SCC	Supreme Constitutional Court
START	Support that Augments Rapid Transition
STO	Short-Term Observer
UNDP	United Nations Development Program
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

With accreditation from the Presidential Electoral Commission (PEC) of Egypt, Democracy International (DI) conducted a comprehensive observation mission to the presidential election in Egypt in May 2014. The mission built on DI's mission to observe the constitutional referendum in January. DI deployed a total of 88 accredited international short- and medium-term observers from 17 countries to 25 of the country's 27 governorates for the balloting.

At the conclusion of Egypt's constitutional referendum process, Democracy International called for the interim government to end repression and support a more inclusive political environment before subsequent elections. Unfortunately, although Egypt's constitution guarantees freedom of speech and association, continued suppression of political dissent and restrictions on fundamental freedoms have prevented free political participation and severely compromised the broader electoral environment. This environment made a genuinely democratic presidential election impossible. Democratic progress cannot be achieved at the expense of human rights.

Meaningful political progress in Egypt will depend in part on the willingness and ability of opposing political forces to participate peacefully in a political process. The new president and government should seek opportunities to engage their opponents in dialogue, including those currently excluded from the political sphere.

Since the events of summer 2013, Egypt has pursued a transitional roadmap without regard for basic political rights. If Egypt continues on this trajectory, it will further entrench the polarization of Egyptian society. Genuine democracy is the only path to long-term stability. For Egypt to move forward, its leaders will need to use the coming months as an opportunity to embrace political inclusion and to reorient the country toward broad respect for human rights and effective, democratic institutions that are viewed across the society as legitimate.

About the DI Election Observation Mission

Democracy International established an election observation mission in Egypt in December 2013 and deployed the largest international mission to observe the constitutional referendum in January 2014. DI issued a preliminary statement about the referendum process on January 17 and a comprehensive report on the process in April.

For the presidential election, DI deployed a core team and medium-term observers to observe the political context and the preparations for the election and interview a

broad range of stakeholders. DI mobilized a total of 88 accredited international observers from 17 countries to 25 of the country's 27 governorates for the balloting.

The Campaign Environment

Democracy International has serious concerns about the repressive political environment in which this election took place. A robust electoral process requires freedom of assembly and association as well as the right to peacefully express diverse political views. Although Egypt's constitution provides for these rights and freedoms, suppression of dissent has severely compromised the broader electoral environment and undermined possibilities for free political participation.

Specifically, the protest law adopted in November 2013 severely restricts public gatherings through burdensome notice and permission requirements and disproportionate penalties that have curbed peaceful public assembly and expression. Selective application of the law, systematic suppression of opposition protests, and rapid escalation of force by security forces have discouraged participation in the political process.

For many government opponents today, there exists a climate of pessimism, self-censorship, and fear. Arrests and convictions of journalists, political activists, and students as well as the banning of political organizations have suppressed dissenting voices. Political activists, arrested during the referendum process for campaigning against the adoption of the constitution, remain in jail. The April 6 Youth Movement, a key force in the protests that led to the end of the Mubarak regime, was banned based on charges of espionage and damaging Egypt's image. Hundreds of Islamist defendants in two separate cases received recommendations of death sentences in brief court proceedings lacking any semblance of due process of law. These cases send a message to all Egyptians about the serious risk of affiliation with dissenting political parties, youth movements, and political Islam.

In comparison to the virtually nonexistent and heavily suppressed "No" campaign from the constitutional referendum, the campaign of Hamdeen Sabahi appeared to have more political space to campaign, better access to the media, and more visibility throughout the country. Since the referendum, however, the space for genuine opposition in the broader society has continued to narrow amid deteriorating political rights and ongoing repression of dissenting voices.

Media Coverage and Media Access

Egyptian media coverage of the election process strongly favored Abdel Fattah El-Sisi. During the campaign period, state-run media are said to have given equal interview airtime to both candidates, but the approach and discourse applied to each candidate differed significantly. Both state and private media engaged in a relentless campaign to bolster turnout in favor of Sisi, often equating abstention with treason and stigmatiz-

ing those with opinions differing from the state narrative. This prevented open discussion and debate about the election.

Domestic Election Observation and the Climate for Civil Society

Independent domestic election observation can provide a check on the possibility of fraud and build public confidence in the process. The PEC reports that it accredited 81 domestic observer groups to observe the presidential election. In contrast to the referendum, the more prominent domestic observer organizations reported receiving a considerably larger proportion of the individual observer registrations for which they applied, and DI observers encountered more domestic observers at the polls. Nevertheless, many groups complained about a short application submission timeline, burdensome procedures, and strict application criteria for accreditation of their observers. Domestic observer groups, including Ibn Khaldoun, the Egyptian Organization for Human Rights, and the Egyptian Association for Public Monitoring and Human Rights (Shayfeencom), among others, reported that their accredited observers were denied access to many polling stations. Some also reported they were denied access to the third day of polling and were told their badges were only good for the first two days.

More generally, DI is concerned about a deteriorating environment for civil society. Many human rights groups describe a climate of fear. Self-censorship is muting once-vocal voices, leading many to develop a much more measured and cautious approach to their work. This has harmed the ability of civil society organizations to provide alternative voices and serve as a check on government power, which is vital to a functioning democracy.

International Observation

Although the PEC accredited international election observers and seemed to recognize their importance, observers' access to the process was not fully assured. Before the election, the PEC declined to accredit certain individuals as international observers. On the election days, some observers had difficulty gaining access to, or had limited access to, some polling places.

Election Administration and Voter Education

As compared to the referendum, the election authorities provided better resources to explain electoral procedures for the presidential election, including by developing a clear, illustrated set of guidelines covering voting and counting procedures. The PEC's useful website (in Arabic and English) provided frequently updated information and materials on laws and regulations, among other topics. There was confusion, however, regarding the process for registering and voting outside of home governorates (*wafideen* voting). Election officials and others still need to do more to inform and educate voters.

The division of responsibilities for electoral administration and management among different governmental entities complicates electoral administration and hampers the election commission's ability to control the process and effectively plan for electoral events.

The presidential election law maintains the PEC's immunity from appeals of its decisions to an independent tribunal, a controversial provision that also existed in the election law in force in 2012. Under international standards, candidates, parties, or others should be able to appeal decisions or actions of an election management body to an independent tribunal.

Military and Police Presence in Polling Stations

DI observers reported a significant number of instances of police and military officials as well as unidentified plainclothed armed personnel entering and remaining within polling stations during the voting process. This was particularly troubling in this election, where one candidate was perceived as strongly supported by the military. The police and military share responsibility for securing electoral sites and are generally stationed outside polling centers; they are also often within polling centers but outside polling stations. In accordance with the law, a polling station judge may invite members of the police and military inside a polling station when needed. Otherwise, police and military officials must remain outside of polling stations. The highly visible presence of armed security officials within polling stations may, even inadvertently, create an intimidating environment for voters as well as for election officials, campaign representatives, and observers present in the polling station.

Extension of Polling

The PEC's decision late on the second day of the election to extend voting in the presidential election for a third day did not appear to be justified. The PEC claimed that "severe heat" had prevented people from voting and that out-of-governorate, or *wafideen*, voters were not able to register and vote as prescribed by the PEC. DI observers across the country reported no impediments to voting during the first two days of balloting that would necessitate or justify an additional day. Last-minute decisions about important election procedures, such as a decision to extend polling by an additional day, should be made only in extraordinary circumstances.

In addition to extending voting to a third day and creating other incentives to encourage voting, such as suddenly declaring a state holiday on the second election day, some public officials threatened to enforce an onerous fine (up to 500 Egyptian pounds or US \$70) against those who failed to vote without a valid excuse. Although compulsory voting has been a feature of Egyptian electoral law for many years, fines for failure to vote appear to have rarely if ever been enforced in the past. These threats appeared intended to intimidate citizens into voting, even if they did not wish to do so.

Legislative Elections

The new government should use upcoming legislative elections as an opportunity to actively encourage opposition parties and movements to freely engage in the political process. The Egyptian government should reexamine the recently promulgated House of Representatives election law with the goal of protecting core political rights enshrined in the constitution and promoting effective political parties and a vibrant legislative branch. The electoral legal framework should also specify an effective, transparent, and fair process for addressing electoral complaints that provides for appeal of all decisions of the election commission to an impartial tribunal. Likewise, the new government must commit to the law's fair and impartial implementation.

Meaningful political progress in Egypt will depend in part on the willingness of opposing political forces to participate peacefully in a political process. The government and its opponents should seek opportunities to engage in inclusive dialogue that could help bring about broader participation in the political process, including in upcoming legislative elections. Representation of a broad range of political parties in the new House of Representatives, including those currently excluded from the political sphere, would ensure the inclusion of dissenting and marginalized voices within society and provide a counterbalance to strong executive and judicial branches.

Toward a More Inclusive, Stable, Democratic Egypt

Since the events of summer 2013, Egypt has pursued a transitional roadmap without regard for basic political rights. If Egypt's new government continues on this trajectory, it will further entrench the polarization of Egyptian society. Genuine democracy is the only path to long-term stability. For Egypt to move forward, its leaders need to embrace political inclusion and to reorient the country toward broad respect for human rights and effective, democratic institutions that are viewed across the society as legitimate.

INTRODUCTION

About DI

Democracy International, Inc. provides analytical services, technical assistance and project implementation for democracy, human rights, governance, and conflict mitigation programs worldwide. Since its founding in 2003, DI has worked with civil society organizations, political parties, election management bodies, government agencies, legislatures, justice sector institutions, and others in 70 countries, including some of the world's most challenging environments. Unique among consulting firms, DI's core capabilities and principal focus are in international democracy and governance (DG) assistance.

DI offers expertise and practical field-based experience across the entire range of democracy, human rights and governance (DRG) programming. DI has extensive experience and a long track record of successful performance including: (1) promoting participatory, resilient, and inclusive political processes and government institutions; (2) supporting institutions and leaders to be accountable to citizens and to the law; (3) protecting and promoting universally recognized human rights; and (4) working with development agencies and implementing partners to promote the integration of DRG best-fit principles and practices in development programming. The firm also has extensive experience with analytical services, including assessments, evaluations, project designs, democracy assistance studies, survey research, quantitative methods, M&E, and strategic communications. DI holds Indefinite Quantity Contracts with USAID for Democracy and Governance Analytical Services; Support That Augments Rapid Transition (START), Rule of Law, Programming Effectively Against Conflict and Extremism (PEACE), and, previously, for Elections and Political Processes.

The founding principals of DI are among the world's leading experts on international and domestic election monitoring and elections in emerging democracies. They have helped launch and advised nonpartisan domestic election monitoring organizations around the world and have directed long-term monitoring programs and international observer delegations. In the late 1980s, DI Principal Glenn Cowan invented the path-breaking, sample-based parallel vote tabulation (PVT) election-monitoring methodology, which is now an institutionalized component of many election monitoring efforts, to deter or detect fraud in the aggregation and tabulation of election results. DI Principal Eric Bjornlund wrote a comprehensive, leading study of election monitoring, *Beyond Free and Fair: Monitoring Elections and Building Democracy* (Woodrow Wilson Center Press and Johns Hopkins University Press, 2004; Arabic edition, 2013). Mr. Bjornlund and Mr. Cowan are co-authors of *Vote Count Verification: a User's Guide for Funders*,

Implementers, and Stakeholders (2010). By designing and implementing specialized monitoring programs and innovative techniques focused on voter registration, vote counting, media access and fairness, campaign finance, election violence, and other election-related issues, DI's principals have significantly influenced the practice and methodology of international election observation.

DI has advised on domestic election observation or PVTs for elections in **Afghanistan, Cote d'Ivoire, Ecuador, Georgia, Ghana, Indonesia, Macedonia, Mozambique, Pakistan, Sudan, and Ukraine**, among many others. In **Afghanistan**, DI deployed a core team of experts and long-term observers to observe the April 2014 presidential election and June 2014 runoff election. DI conducted comprehensive election observation projects in **Pakistan** in 2008 and **Afghanistan** for presidential and provincial council elections in 2009 and parliamentary elections in 2010. DI has also supported election observation missions in **Sudan, Indonesia, and Venezuela**.

About the Mission

In early 2013, Democracy International sought and received accreditation from Egypt's High Election Commission (HEC) to observe elections for the lower house of the Egyptian parliament, then anticipated to take place in spring of 2013. President Mohammed Morsi later suspended these elections after Egypt's Supreme Constitutional Commission rejected successive versions of an electoral law drafted by the Shura Council. A popular uprising in June 2013 led to the removal of President Morsi, the suspension of the 2012 constitution, and the installation of an interim government tasked with overseeing the drafting and adoption of a new constitution as well as new parliamentary and presidential elections. The HEC disbanded following the change in government and was reconstituted with a new mission to administer a constitutional referendum. In October 2013, the HEC invited DI to renew its accreditation to observe the upcoming electoral processes. DI applied and received accreditation from the HEC to field an international observation mission to the constitutional referendum and the upcoming legislative elections.

In early December 2013, DI deployed core staff for an international observation of the constitutional referendum. This core team immediately began to observe the referendum process and prepare for an observer delegation. For the two days of voting on January 14 and 15, 2014, DI deployed more than 80 international observers from 10 countries to 23 of Egypt's 27 governorates. DI Principal Eric Bjornlund served as Head of Delegation, and Dan Murphy served as Program Manager in Cairo.

In April 2014, DI obtained accreditation from the Presidential Election Commission (PEC) to carry out an international observer mission for the presidential election to be held in May. The purpose of this international observation mission was to evaluate the degree to which the conduct of the presidential election and the broader political and legal contexts conformed to accepted international norms of election administration, human rights, and democratic representation. DI believed that credibility of this pro-

cess would be vital to Egypt's prospects for a democratic future. Moreover, since DI made a number of critical observations and recommendations following its observation of the January 2014 Constitutional Referendum, the mission sought to determine if there had been improvements in the political context in which this election was held and to what extent the roadmap for Egypt's democratic transition remained in place.

Methodology

Democracy International established an election observation mission in Egypt in December 2013 and deployed the largest international mission to observe the constitutional referendum. DI issued a preliminary statement about the referendum process on January 17 and a comprehensive report on the process in early April.

With accreditation from the Presidential Electoral Commission of Egypt, DI initiated efforts to observe the presidential election process in April with the redeployment of its international core team. In addition, DI deployed 12 international medium-term observers (MTOs) around the country in early May—approximately three weeks before the election days. Each MTO team consisted of two accredited international observers and one Egyptian facilitator. DI deployed MTO teams to Alexandria, Fayoum, Luxor, Mansoura, and Tanta. Each also covered two additional governorates in their areas of responsibility. The sixth team was a mobile team that deployed to Aswan and Suez.

The core team and the MTOs held hundreds of meetings with diverse stakeholders including the PEC and other entities responsible for the administration of the election process, government officials, civil society organizations including local groups monitoring the election process, political parties, social movements, individuals, and candidate representatives, as well as diplomats, international election observation organizations, and others from the international community. These meetings and discussions provided valuable perspective on the electoral process and formed much of the basis for DI's opinions on the political context surrounding the election.

For the election itself, DI recruited and deployed a total of 88 accredited international observers, including the MTOs, from 17 countries. These individuals observed voting in 25 of the 27 governorates and filed 1,265 polling station observation reports.

As it did for the constitutional referendum, DI's election observation mission used an innovative process to collect information from around the country on polling days. DI's observer teams used handheld tablets to record their observations through an open-source mobile data-collection platform and to transmit that information via cellular phone and wifi connections. This enabled DI's observation mission to receive information from teams deployed in the field virtually in real time. This data-collection method enabled the mission to analyze observers' findings more quickly and comprehensively than has been possible in the past.

Democracy International is a signatory to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers. DI

is committed to these principles, which provide, among other things, that election observers must be independent and impartial, uphold the values of democratic government, and respect the national sovereignty of the host country. In accordance with these principles, DI observed all phases of the election process, including the legal context and the political environment for the election and the procedures for the balloting and counting on the election days. Under Article 11 of the Declaration of Principles, the decision to conduct international observation of the election did not imply, and should not be perceived as, an endorsement of the credibility or legitimacy of the process.

BACKGROUND

Tumult and Transition

In January 2011, Egyptians gathered in the streets to protest against the authoritarian rule of President Hosni Mubarak. Mubarak had been in power for almost three decades. Egyptians called for economic and social justice and an expansion of freedoms. With support from the military, these protests ultimately led to the resignation of Mubarak on February 11, 2011.

The Supreme Council of the Armed Forces (SCAF) filled the void left by Mubarak and announced its intention to rule during an interim period that would involve elections. Between November 2011 and February 2012, Egyptians elected upper and lower houses of parliament. The Muslim Brotherhood and its political party, the Freedom and Justice Party (FJP), dominated these elections. Subsequently, presidential elections occurred in May 2012, with a run-off in June 2012. Hailing from the Muslim Brotherhood but campaigning on a platform that he would represent all Egyptians, Mohamed Morsi was democratically elected, although some criticized the fairness of the process that led to Morsi's victory.

Morsi's tenure itself was embroiled in controversy. Among other things, he fast tracked a constitutional development process without building consensus among Egypt's wide range of political actors and issued a constitutional declaration that granted himself legislative powers immune to judicial challenge. More generally, many Egyptians accused him of abusing his authority at the expense of democratic ideals such as political pluralism. Morsi quickly lost the support of many Egyptian citizens and state institutions.

On the first anniversary of Morsi's inauguration, on June 30, 2013, Egyptians took the streets again to call for an end to Morsi's presidential term and early elections. On July 3, 2013, with the popular support of various Egyptian parties and prominent social figures, Defense Minister and Commander-in-Chief of the Armed Forces, Abdel Fatah Al-Sisi, announced the removal of Morsi. He also announced the suspension of the 2012 constitution and appointed the head of the Supreme Constitutional Court, Adly Mansour, as interim president. A few days later, on July 8, 2013, Mansour issued a constitutional declaration that provided a "roadmap" for a transition and effectively served as an interim constitution. It provided a plan for a new constitutional reform process, as well as parliamentary and presidential elections to follow.

In August 2013, after issuing warnings to the pro-Morsi protesters, Egyptian security services began an operation to clear protestors near the Rabaa Al Adawiya Mosque in

Cairo. The operation resulted in a violent confrontation between the security forces and the pro-Morsi protesters that resulted in the loss of many lives. The actual number of fatalities resulting from this operation is in dispute; the Egyptian Health Ministry claims 638 people were killed, but the Muslim Brotherhood claims that the death toll was in the thousands. State security forces employed excessive and disproportionate use of force, and to date, despite the establishment of a fact-finding committee, there has been no accountability brought to bear. Smaller-scale protests continue, and state security forces continue to use excessive force to dispel them. As of June 2014, at least 1,400 demonstrators had been killed in protests over the previous year.¹

In November 2013, former interim president Adly Mansour issued a new law that places tight restrictions on protesting. The law prohibits the assembly of more than 10 people in public spaces without government permission and has been used as a basis for detention of a number of key political activists and human rights defenders, such as Alaa Abd El-Fattah, Mahienour al-Massry, and Yara Sallam. Local and international human rights groups have spoken out against the protest law and the justice system's use of it as a tool to stifle dissent, and some observers have noted the irony that the interim government that adopted the law came to power through mass protests itself.

Extended pre-trial detention, a lack of due process, and unfair trials often characterize the justice system as well. There is a fear that other laws, such as draft anti-terrorism and NGO laws, will be used in the future in a similar one-sided manner to stifle dissent and arrest opposition members.

Freedom of expression has also suffered from a crackdown on journalists. In December 2013, for example, Egyptian police arrested three journalists affiliated with the Doha-based Al Jazeera network. After 177 days in detention, Mohamed Fahmy, Peter Greste, and Baher Mohamed were each sentenced to seven years in prison for, in the words of the court, "spreading false news" and "aiding or joining the banned Muslim Brotherhood" even though no evidence was made public. Several other journalists from Egyptian media outlets have been detained during the past year.

WikiThawra, a project run by the Egyptian Center for Economic and Social Rights has said that more than 41,000 individuals have been arrested or criminally charged since Morsi was ousted.² Rights organizations also report that prison conditions are often poor and, worse still, that systematic acts of torture (e.g., sexual abuse, electrocution, and beatings) occur in Egyptian prisons.

¹ Human Rights Watch, "Egypt: New Leader Faces Rights Crisis," June 10, 2014: <http://www.hrw.org/news/2014/06/09/egypt-new-leader-faces-rights-crisis>.

² Human Rights Watch, "Egypt: New Leader Faces Rights Crisis," June 10, 2014: <http://www.hrw.org/news/2014/06/09/egypt-new-leader-faces-rights-crisis>

After Morsi's ouster in the summer of 2013, Sisi's popularity soared under the military-backed interim government. The Muslim Brotherhood and its Islamist allies expressed their strong opposition. Human rights activists also expressed concern about widespread, often violent, repression of dissent. Many of those who led and participated in the 2011 protests grew frustrated with the interim government's disregard for democratic rights. Protests against what many saw as the illegitimate ousting of a democratically elected leader, Mohammad Morsi, continued to occur regularly. Nevertheless, the interim government pushed forward with its roadmap without any attempt to promote dialogue or reconciliation. In December a 50-member constitutional drafting committee, which did not include representatives from the Muslim Brotherhood or like-minded groups, finished drafting Egypt's second new constitution in less than three years.

That constitution was put to a public referendum and adopted after being approved by a wide margin in January 2014. Many Egyptians sympathetic to former president Morsi boycotted the referendum because they questioned the legitimacy of the interim government and its roadmap. Others boycotted the referendum as well, such as those who felt the interim government was committing widespread human rights abuses.

Democracy International observed the referendum process and noted serious concerns about the process. The referendum occurred against a backdrop of arrests and detention of dissenting voices. There was no real opportunity for those opposed to the government's roadmap or proposed constitution to express dissent. This constrained the campaign environment and made a robust debate on the substance and merits of the constitution impossible.

Presidential Elections

After months of anticipation, on March 30, 2014, the PEC announced that presidential elections were scheduled for May 26-27, 2014. Many political analysts had long expected Sisi to run for president, but he waited to formally announce his candidacy until February 2014.

Presidential elections ultimately took place over three days from May 26 to May 28, 2014. Unlike the 2012 presidential elections where 12 candidates competed against each other, there were only two candidates. In addition to Sisi, Hamdeen Sabahi, a leftist politician who finished third in the 2012 presidential election, contested the election. Sabahi is a well-known figure in Egyptian politics who ascribes to Nasserist political ideas and played a visible role in the events of January 2011 and summer 2013.

The results of the election were as many Egyptians expected; Sisi won with 96.9 percent of the vote, according to the PEC's official statement of results. Many seem to have voted primarily for the transition to move forward and for improved security and stability. Although the political context around the presidential election did offer more room for Sabahi to campaign than the referendum offered for a "No" campaign, unfortunately the larger environment for political rights did not improve.

Crackdown and Political Exclusion

Since Morsi's ouster, there have been an increasing number of terrorist attacks, and in December 2013 Egypt's government designated the Muslim Brotherhood a terrorist organization. Along with this, many state-owned and private media outlets have adopted a strong anti-terrorism discourse. The Egyptian media and judiciary have thus largely supported the government's argument that the threat of terrorism justifies its actions. This is, in fact, the justification that is commonly used to support the ongoing repression of political dissent in Egypt. This discourse has largely stifled public dissent. Freedom of expression is a critical component of any free and fair electoral process. Article 65 of the 2014 Constitution protects freedom of expression but respect for these principles is clearly lacking.

In the context of the presidential elections, repression was directed almost exclusively toward those who disagreed with the state narrative. This repression had the direct effect of hampering freedom by creating a chilling effect, where many of those who disagreed did not voice their dissent for fear of repercussions. The government has actively targeted members of the Muslim Brotherhood and those who sympathize with their cause. The government has arrested many prominent leaders of the Brotherhood, including former president Morsi, on various charges.

The judiciary has issued specious verdicts in serious criminal processes against alleged Brotherhood members or sympathizers. On March 24, for example, the Minya Criminal Court recommended death sentences for 529 defendants in brief court proceedings lacking any semblance of due process of law. (After an opinion from the Grand Mufti, death sentences for 37 of these defendants were confirmed, and the other 492 were sentenced to life in prison.) In a subsequent case, following similarly brief proceedings and in the absence of any evidence, the same court in Minya recommended the death sentence for 683 defendants. In June 2014 the court confirmed 183 of those death sentences following the Grand Mufti's review of the case. These appalling cases demonstrate an utter disregard for due process or fundamental rights.

Other groups not allied with the Brotherhood, such as the April 6th Youth Movement, have also been targeted. The April 6th Youth Movement actively participated in the 2011 uprising and remained influential. On April 28, 2014, an Egyptian court banned the movement. The court accused the Movement of espionage and damaging the image of the Egyptian state. Although the Movement was never a registered or legally existing organization, the effect of such a ban sends a strong message to any group opposing the government or its agenda.

Women, Youth & Minorities

Women came out in large numbers to vote in the presidential election. Yet, women continue to be underrepresented in public office and to face obstacles to political participation. Women in Egypt also face an ongoing and pervasive threat of sexual harassment and violence in public.

Although Egypt passed amendments to the penal code in June 2014 defining and laying out specific punishments for sexual harassment, the mob-sexual assaults and gang rapes in Tahrir Square during celebrations for Sisi's presidential inauguration demonstrate that these legal amendments were not sufficient. While the change in the law was a step in the right direction, the government needs a comprehensive strategy to combat sexual harassment and violence against women.

Egypt's youth very much led the uprisings removing both Mubarak and Morsi in 2011 and 2013, but they have not had much of an ongoing presence in politics or government. Indeed, young people face continued challenges to political participation. The participation of Egypt's youth tends to be more informal than formal. Although exact turnout statistics are not available, anecdotal evidence including DI's own observation suggests that the youth voter turnout in the presidential election was extremely low. Analysts cited cynicism, apathy, and political disengagement as key factors.

Other segments of Egyptian society also continue to experience marginalization and inequality, affecting their ability to participate in political life. Freedom of religion, while protected in the Constitution in Article 64, is not guaranteed in practice. Christians, Shia Muslims, and atheists have been criminally charged, often under a charge of blasphemy or contempt of religion.

A vibrant democracy requires all segments of society to have a voice and to be free to participate in political dialogue.

Political Parties & Movements

Since the uprising in 2011, Egyptians have formed many new political parties. There are approximately 50 political parties and dozens of political movements, with diverse viewpoints and different constituencies. While some political parties and movements supported one of the candidates during the period running up to the election, many others stayed neutral and allowed their individual members to decide whom to support and still others boycotted the election altogether. Some formed alliances in support of one or the other of the candidates.

Although most political parties came out in favor of Sisi, many party representatives admitted to DI that they did so out of at least some degree of pragmatism, given his certain victory. Some political parties claimed they would support Sisi since he was the only real option and then push for political and legal reforms, such as a reform of the protest law, after Sisi's election.

THE LEGAL FRAMEWORK

The legal framework governing the presidential election consists primarily of the 2014 Constitution, the Law on Regulating the Presidential Election (Decree-Law Number 22 of 2014, “the Presidential Election Law”), the Law on the Exercise of Political Rights (Law No. 73 of 1956, as amended³), and decisions of the Presidential Election Commission. The Presidential Election Law, the key piece of legislation in the framework, includes sections on candidate eligibility and the nomination process; the PEC’s composition and jurisdiction; campaign and campaign finance restrictions; voting, counting, and aggregation procedures; and penalties for electoral violations. PEC Decision Number 1 of 2014 addresses the authorities and duties of the PEC and its Secretariat provides detailed regulations on the workings of the electoral process. Subsequent PEC decisions regulated a variety of aspects of the electoral process, including candidate nomination, Egyptian and international election witnessing (observation), out-of-governorate and out-of-country voting, campaign finance, and the media, among other areas.

The Presidential Election Law generated controversy from the moment it was issued in March 2014. Most important, the Law maintained the PEC’s immunity from appeals of its decisions to an independent tribunal, a controversial provision that had also existed in the election law in force in 2012. Under international standards, candidates, parties, or others should be able to appeal decisions or actions of an election management body to an independent tribunal.

The provisions governing candidate eligibility included restrictions that seemed to violate international standards. The Presidential Election Law, for example, requires a candidate to possess a university degree. This provision is unduly restrictive and prevents many otherwise qualified Egyptians from becoming candidates. Pursuant to the Constitution and the Presidential Election Law, candidates are not eligible for the presidency if they have parents or a spouse who have possessed, at any point, a non-Egyptian nationality. This provision disqualifies potential candidates based strictly on the status or past actions of others. The law also prohibits Egyptians from running if they have been convicted of certain crimes, even if they have been subsequently legally rehabilitated.

³ President Mansour, shortly after the election and in one of his final acts as interim President, repealed this law and replaced it with Decree-Law No. 45 of 2014, which was published in the Official Gazette of June 5, 2014.

Given the political nature of some prosecutions under previous Egyptian governments, this provision could also unfairly disqualify potential candidates.

Although Egypt's national ID-based voter registration system is more inclusive than those of many countries, there are still categories of Egyptians who are not included in the system. For example, many Egyptian women, particularly those in rural areas, are unable to exercise the franchise because they do not possess identification cards and are therefore not included in the national voter registry. Naturalized Egyptian citizens must wait five years before they can exercise this fundamental political right. Additionally, members of the military and police do not vote because the law exempts them from the obligation and they are not included on the voter registry. This denies several hundreds of thousands of Egyptian citizens a voice in their country's future.

Some provisions of the electoral framework for the presidential election appeared to be difficult to enforce in a meaningful way. Campaign finance provisions governed spending by and donations to the official Sisi and Sabbahi campaigns but provided no effective regulation on spending by the unaffiliated supporters of each campaign. In the case of the Sisi campaign, allegedly independent supporters appeared to spend lavishly on campaign materials such as posters and massive billboards throughout Cairo and elsewhere in the country. Furthermore, although the law required that campaigns make daily reports of donations and expenditures to the PEC and also requires a Central Auditing Organization audit of all campaigns after the election, there appears to be no legal requirement that any of this information be made public.

The Presidential Election Commission

The Presidential Election Commission oversaw the administration of the 2014 Presidential election. It consisted of five senior judges, appointed *ex officio* based on their leadership positions within different branches of the Egyptian judiciary. Each of these senior members of the judiciary was male and thus all members of the PEC were men. The PEC's Secretariat ensures the implementation of PEC decisions. The PEC also collaborates with the Ministry of Interior and security forces in the preparation and administration of elections.

The PEC took positive steps in advance of the presidential election to provide key information to voters. Weeks before the election, the PEC issued and published on its website a clear, illustrated set of instructions (Guidelines for the Presidential Elections, "the Guidelines") regarding voting and counting processes. The PEC used its website (published in Arabic and English) to make public laws and regulations, the election timetable, and PEC public statements, among other useful information for voters. The PEC also published detailed election results shortly after they were announced, including a breakdown of results to the polling station level, which provides important transparency.

There remained problems, however, in adequately publicizing and implementing some electoral procedures. The procedures for registering to vote outside of one's home

governorate (known as *wafideen* voting) were unclear to many Egyptian voters. *Wafideen* registration was reportedly significantly lower in the presidential election than in the constitutional referendum held in January 2014. DI observers reported confusion of some voters about rules governing voting in polling stations outside of their home governorates.

DI observers reported that polling station personnel in some polling stations took different approaches to implementing polling day procedures, sometimes even deviating sharply from procedures described in the official Guidelines. While many polling officials worked hard to ensure efficient operation of polling stations, nearly one out of five observer reports (19.3 percent) rated overall polling station operations as either “fair” or “poor.”

Electoral Dispute Resolution

There was no clearly established or uniform system for filing complaints alleging electoral violations. On the actual election days, Egyptian voters typically brought polling station-related complaints to the presiding judge, who could address the matter on the spot, or refer the matter to the relevant district general committee or the PEC. Before the election days, however, and regarding alleged electoral violations occurring outside polling stations on Election Day, Egyptians issued complaints with the PEC, but they were also reportedly often told to file complaints with the police or in the courts, among other venues. This lack of a systematic approach to complaint resolution adds to the burden on citizens who wish to file complaints and increases the likelihood of disparate outcomes to similar complaints. Moreover, it prevents election officials from easily collecting comprehensive, nationwide information on election violations, information that would be useful in preparing for subsequent elections.

CAMPAIGN ENVIRONMENT

Security

Terrorist attacks, as mentioned earlier, have increased since Morsi's ouster. The politically charged security discourse have made confirmation of facts surrounding terrorism reports extremely difficult. But there is no dispute that serious terrorist incidents, including attacks on security forces and installations and an ongoing insurgency campaign in the Sinai, have had a major influence on the political discourse.

Both presidential campaigns addressed the security situation as a primary issue in their platforms. It was also a constant theme of media reports and of DI's discussions with CSOs, voters, and other stakeholders. Many stakeholders commented on the fact that candidate Sisi made virtually no in-person campaign appearances. Citing security concerns, he frequently appeared at campaign events and other gatherings by video link.

Pre-Campaign

Hamdeen Sabahi announced his intention to run at a press conference on February 9, 2014. On March 27, 2014, after much speculation and anticipation, Sisi, clad in a military uniform, declared his intention to run for president on state television. At the same time, he announced his resignation as Egypt's military chief, since Egyptian law requires a civilian president.

A number of other individuals reportedly considered running for president. Most dropped out of consideration, however, before the close of the formal application period for candidacy. Some cited their support for Sisi, and others expressed a concern that this election would not be a truly open and competitive process. Ultimately, only two candidates remained.

Both Sisi and Sabahi submitted formal applications for candidacy, and their applications were approved. Article 142 of the 2014 Constitution and Article 2 of the Presidential Election law require that applicant must be endorsed by at least 25,000 citizens, including at least 1000 from across 15 different governorates. On April 20, 2014, the Head of the Presidential Elections Committee, Abdel Aziz Salman, announced in a

press conference that the 188,930 endorsements were filed in favor of Sisi, while 31,555 were filed in favor of Sabahi.⁴

Campaigning

The campaign period was scheduled to run from May 3 to May 23. In many ways, however, campaigning for Sisi effectively began much earlier. After Morsi's ouster, the Egyptian media consistently portrayed Sisi as a savior of sorts and accused many of those not in his support to be sympathetic to the Muslim Brotherhood, a dangerous accusation in Egypt's current climate.

Sisi also appeared in and received constant attention from the media. Technically, however, Sisi and his campaign team were careful to avoid officially campaigning outside the campaign period. Sabahi, in contrast, gave a television interview before the formal start of the campaign period in which he stated his priorities for the campaign and discussed his platform. The PEC investigated this as a violation but dismissed the issue after Sabahi apologized.

Both presidential campaigns employed a variety of media as part of their activities, from television to Twitter. There was no formal debate between the candidates as part of the campaign. The Sisi campaign was extremely effective, and the Sabahi campaign, undeniably less so. Although the Sabahi campaign actively sought to engage and attract youth voters, the campaign overall failed to garner significant support from any sector of the Egyptian electorate. DI witnesses and many stakeholders reported the extremely heavy presence of Sisi campaign posters and billboards as compared to a light to non-existent presence of similar Sabahi campaign materials.

⁴ Mada Masr, "Update, Sisi gets 6 times the number of endorsements as Sabbahi," <http://madasr.com/content/update-sisi-gets-6-times-number-endorsements-sabbahi>

MEDIA COVERAGE AND USAGE

The consensus of opinion among many stakeholders and analysts was that Egyptian media coverage was biased in favor of Sisi. Although DI did not quantitatively monitor the media during the observation, DI did track media coverage of the campaign and the election process and discussed the media's role in the election with key stakeholders. The Sabahi campaign in particular claimed media coverage was extremely unequal and unfair. During the campaign period itself, state-run media are said to have given equal interview airtime to both candidates, but the manner and approach applied to each candidate differed significantly. For instance, some analysts suggested that the interviewers posed more critical or difficult questions to Sabahi than those they posed to Sisi. Moreover, many observers noted that Sabahi appeared on television at less favorable times than Sisi.

Islamist television channels were forcibly closed after Morsi's ouster in 2013, leaving behind private media outlets largely owned by businessmen with alleged economic interests in Sisi's victory. Before the election, private media were generally portraying Sisi as a savior. The dominant discourse of counter-terrorism and the focus on stability and security also fit closely with Sisi's messaging and his military background. When turnout seemed low after the first day of voting, some commentators who saw Sisi's victory as a foregone conclusion went so far as to castigate the public. For example, one famous commentator, Tawfiq Okasha of the television channel *Faraeen*, claimed that those who do not vote should be shot.

All this served to make an open and critical discussion about the presidential election campaigns almost impossible. The legal framework governing the media during the election included the 2014 Constitution, the Presidential Elections Law and PEC Decision Number 15. Although special attention was given to the role of media in law and in practice, through the establishment of the Independent Media Monitoring Committee for example, there was room for a more comprehensive approach while at the same time guaranteeing freedom of expression and freedom of the press.

ELECTION DAY ADMINISTRATION AND ELECTION DAY OBSERVATIONS

An issue that complicates the administration of elections in Egypt is the division of responsibilities for electoral administration and management among different governmental entities. The PEC, the Ministry of Interior, and the security services must all coordinate to perform all tasks necessary for the administration of the electoral process. This structure hampers the election commission's ability to control the process and effectively plan for electoral events.

The PEC did demonstrate a significant commitment to transparency. The PEC's useful website (in Arabic and English), for example, provided frequently updated information and materials on laws and regulations, among other topics. This included developing and distributing the previously mentioned Guidelines covering voting and counting procedures, which was also available online. The PEC also made a clear effort to include observers in the process and to explain electoral procedures.

This public engagement was an extremely positive step and election authorities should continue and expand upon this practice in the future. More needs to be done to promote electoral civic education and engagement with voters. As an example, officials could have addressed the reported confusion surrounding the process for registering and voting outside of voters' home governorates (*wafideen* voting) with earlier and more widespread publicizing of the registration procedures.

Election Day Observations

DI observers were deployed in teams of two (with an Egyptian facilitator) to 25 of Egypt's 27 governorates. Collectively, DI's observers filed 1,265 polling station observation reports.

In general, DI observers noted that in most polling stations operations were orderly and relatively well organized. DI's observer teams noted that nearly all of the polling stations opened on time or with insignificant delays. The vast majority of polling stations (greater than 95 percent) had ballot boxes that were properly sealed. Approxi-

mately 97 percent of polling station reports indicated that polling station officials checked voters' identification documents as required by laws and procedures. Observers noted only 3 percent of cases in which ballots were not properly stamped before being issued to voters.

According to the PEC's guidelines, voter lists should be posted outside the polling station and DI observers noted that it was not posted as required in 39 percent of observer reports.

After the constitutional referendum, DI noted that polling place layout and other factors led to problems with ensuring voter secrecy. DI teams observed improvement in this regard with 11 percent of polling station reports highlighting problems with ballot secrecy. While this represents an improvement over the referendum process, it is imperative that steps continue to be taken to ensure that the secrecy of the ballot not be compromised.

Although most polling places were judged as "accessible" to voters with disabilities, in observer reports from 191 polling stations (or 18 percent) DI teams noted impediments to accessibility. Most often, this was because voters had to climb one or more flights of stairs. Although many observers noted the willingness of polling officials or military personnel to carry voters when necessary, polling stations should be accessible to all voters.

DI teams noted several issues related to ballot security. Of the 40 stations where DI teams observed opening on Day 1, eight teams noted that polling station workers did not count the unused ballots in the presence of observers before the start of the voting process. On Day 2, 27 of the 45 locations where DI teams observed did not count ballots in the presence of observers. In 33 percent of observer reports on closing polling station officials did not record the number of unused ballots in the closing protocol as required. Although we do not believe that these issues could have materially affected the overall outcome of this election, it is vital that such issues be avoided in the future. Even the appearance of improper handling of ballots or lack of proper accounting for them can affect public confidence in an election.

The police and military share responsibility for securing electoral sites and are generally stationed outside polling centers; they are also often within polling centers but outside polling stations. In accordance with the law, a polling station judge could invite members of the police and military inside a polling station when needed. Otherwise, police and military officials were required to remain outside of polling stations.

During the voting process there was an extremely heavy presence of security officials in polling locations. In a significant number of instances, DI observers noted the presence of police and military inside polling stations. DI observers also reported the presence of unidentified armed plain-clothed personnel. This heavy security presence was particularly troubling in this election, where one candidate was perceived as strongly supported by the military.

Encouragement of Voter Turnout

In apparent response to disappointing turnout during the first day of voting, authorities took unusual steps to encourage citizens to vote. The government announced that the second day would be a public holiday in order to give voters more time to participate. There were media reports that a previously unenforced provision in the electoral law mandating a fine of up to 500 Egyptian Pounds for not voting would be enforced, in an apparent attempt to intimidate citizens who had not yet participated. During the second day of voting the PEC extended polling by one hour to 10:00 pm. Finally, in the early evening of the second day of voting, the PEC announced that a third day of voting would be added to the two previously scheduled days.

Changes to the voting schedule and the government announcement of a public holiday created confusion. To avoid confusion in administering elections, clear, consistent communication must be the goal at all times. Furthermore, the announcement in the media that citizens who did not vote would be fined created unreasonable fear among many who had not cast ballots. Although the imposition of a fine for not voting has been a feature of Egyptian electoral law for some time, the fine for not voting has rarely, if ever, been enforced. Threatening enforcement of previously unenforced provisions of the law creates the appearance of an attempt to intimidate citizens into voting, even if they did not wish to do so.

Moreover, the PEC's decision late on the second day of voting to add a third day did not appear to be justified by circumstances. The PEC cited "severe heat" and the fact that *wafideen* voters had difficulty in voting as the reasons for the extension (Decree No. 34), and claimed in that decision was issued "to facilitate voting for voters" (Media Release No. 47).

Nevertheless, DI observers across the country reported no impediments to voting during the first two days of balloting that would have necessitated an additional day. Such an extreme measure should be considered carefully and only be taken in extraordinary circumstances. This action in particular raised serious questions about the independence of the PEC, the impartiality of the government, and the integrity of the process as a whole.

CSOs AND DOMESTIC OBSERVATION

Civil Society Engagement and the Presidential Election

Since launching its election observation mission in December 2013, DI has met with more than 70 civil society organizations (CSOs), domestic observation groups, legal specialists, and civic and human rights activists, to gain a broad understanding of the issues facing civil society in Egypt. Egyptian civil society has grown steadily in recent years, experiencing both new opportunities and challenges following the February 2011 ouster of President Hosni Mubarak. Despite the highly restrictive nature of its civil society laws, Egypt has a vibrant civil society sector that is expansive, with organizations focused on issues such as political monitoring, good governance, social and human rights, gender, the environment, and charity-focused social services. The sector, however, is highly fragmented, and most organizations have limited financial resources.

Since the events of summer 2013, the political space for civil society to operate has increasingly become more restrictive. The November 2013 protest law and the designation of the Muslim Brotherhood as a terrorist organization the following month have polarized citizens. The large number of arrests of opposition activists, the raids on human rights organizations, and the resulting disincentive for anyone to be openly critical, demonstrate the government's unwillingness to allow opposing narratives.

One of the key functions of civil society is to provide a check on government and to offer avenues for citizens to engage their government across a variety of perspectives. In an electoral environment, civil society plays an important role: mobilizing voters, helping the electorate understand the issues on which they are voting, providing voters with a variety of opinions and perspectives on the issues up for vote, and monitoring and commenting on the voting process itself. Civil society organizations should fall all along the political spectrum—from those aligning with government positions and policies to groups that challenge those policies in an attempt to make them more responsive to international standards as well as citizen needs. Although the need to provide a secure enabling environment for civil society to be effective is important, actively curtailing their ability to engage in any way that may be seen as opposing government is extremely problematic. Civil society, by its nature, exists in part to provide alternatives to government. Civil society must be given the space to provide these alternatives even if they differ from government positions.

DI met with groups representing different political leanings and working on a variety of issues. Many of these groups described a pervasive climate of fear that significantly constrains how they go about their work. The operating environment for civil society is increasingly difficult, with civic activists continuing to be arrested and CSO offices being raided. On May 22, for example, employees of the Egyptian Center for Economic and Social Rights in Alexandria were reportedly arrested, beaten, and sexually harassed after organizing a press conference in support of Mahienour al-Massry, a prominent Alexandria-based activist.

Many CSOs charge that Egyptian media are often antagonistic toward human rights issues. Some informed DI that they have chosen to limit their activities in order to avoid being viewed as overly critical of the government, the state narrative, or government positions. This amounts to self-censorship that hinders activists' ability to operate freely. This climate of fear creates an atmosphere that has led many actors concerned with human rights in Egypt to take a more measured and cautious approach. Human rights groups face a high-risk decision: limit their actions and activities or risk strong government reaction.

Several civil society representatives told DI that they did not expect the operating environment for civil society to improve after a Sisi victory. A few stated that if the election resulted in a Sisi presidency, CSOs that are currently active in human rights or political activities would need to focus more on development or charity work in order to survive.

Domestic Election Observation

An overarching goal of domestic election observation is to contribute to the integrity of the electoral process, with local observer groups focusing on the process rather than the outcome of the vote. Domestic observation contributes to a more informed electorate and can reduce the possibility of fraud and irregularities on the election days. At the same time, observation by local organizations can increase the public's confidence in the process and help to develop a more robust civil society sector. This is particularly important in times of political transition when there is an increased need to encourage public participation in and acceptance of an election's outcome.

In the run up to the presidential election, civil society and domestic election observer groups were restricted in carrying out domestic observation. According to the PEC, 81 domestic observer groups were accredited to witness the presidential election, more than the 67 domestic groups accredited to observe the Constitutional Referendum.

Several groups informed DI, however, that they were concerned about receiving fewer accreditation codes for their individual observers than they requested, as had been their experience during the referendum, and thus applied for significantly more accreditation codes than they needed. Therefore, there is a large difference between the number of accreditation codes requested (which are highlighted on the PEC's website) and the number of individual observer accreditations actually applied for, which was often less than a third of the original request. More important, there is a further differ-

ence between the number of accreditations for individual applied for and the number of actual badges issued.

DI's observers noted seeing domestic observers in only 24 percent of the polling stations they visited. This was a marked increase over the number of domestic observers DI noted in the referendum period. Despite this increase, several domestic observer groups reported being delayed as they attempted to enter polling stations or reports that access was denied altogether. Ibn Khaldoun, the Egyptian Organization for Human Rights, and the Egyptian Association for Public Monitoring and Human Rights (Shayfencom) reported that their accredited observers were denied access to witness in polling stations.

Although the accreditation process for domestic observers to participate in the presidential election resulted in a greater number of observers being accredited than were for the constitutional referendum, authorities applied unduly strict application criteria as well as what many groups considered to be burdensome administrative procedures. The new criteria required applicants to receive a certificate from the Minister of Social Solidarity verifying their prior experience in election related activities, including election observation. This is problematic, as it precludes organizations with broader mandates and experience, those that are registered as law firms or civic companies, and new domestic election observation groups from applying for official accreditation. In addition, there were administrative requirements that required digital pictures of applicants versus a scanned photo, which can be difficult for those that do not have access to digital photography equipment. The most common reason for the rejection of applications to be domestic observers was the lack of an acceptable photo. DI noted in its report on the constitutional referendum a concern about the inability of several civil society organizations with particular perceived ideological leanings to participate in observation activities. In the run up to the presidential election, the situation does not seem to have improved.

Egyptian authorities should review these issues and revise the accreditation process to make more accessible and accommodating. They should also address issues of access to polling stations to ensure that accredited individuals have access. Addressing these concerns would improve the transparency of the electoral process.

INTERNATIONAL OBSERVATION

The Presidential Election Commission accredited several international groups to observe the election. Nevertheless, the access of international observers to the process was not fully assured.

The PEC, for example, rejected the accreditations of two of DI's proposed international observers without explanation. DI requested clarification several times during the accreditation period and received no answer. After the election, the PEC informed DI that the two rejected observers were due to "administrative difficulties." Although the PEC has a right to implement reasonable administrative processes in accrediting observers, the manner in which these processes are carried out may have the effect of restricting the right of accredited international observer organizations to choose their own individual observers. Electoral authorities only have the right to vet individual observers based on clearly stated, reasonable, and objective criteria and should communicate the basis for any adverse decision to accredited observation organizations.

On the election days, DI observers had difficulty gaining access to, or had limited access to, some polling places. Although judges and security officials have the right to check observers' credentials, there were many instances where the process of verifying documents took several minutes, during which observers were not allowed entry to polling stations. In some cases DI observers were limited to five minutes in polling stations, and in several other cases DI observers were denied access to polling locations altogether. Delaying the entry of observers to polling stations defeats the purpose of observation as an exercise that can increase the credibility of an electoral event.

PEC regulations limit polling station visits of observers to 30 minutes or less, which DI observers found to be more consistently enforced during the presidential election than was the case for the constitutional referendum. DI believes that this regulation is inconsistent with the Declaration of Principles on International Election Observation. The strict enforcement of this regulation could inhibit the ability of observers to perform their duties. The positive effect that election observers have on the process depends on their unimpeded access to polling stations at all times. If individuals were attempting to commit fraud in the process, knowing that observers will be legally required to leave in a short period of time would make it relatively easy to avoid detection by those observers.

Similarly, Article 12 of PEC Decision Number 5, prohibits Egyptian witnessing CSOs from giving “comments, data, or statistics” to the media before the PEC has announced final results. This restriction also violates the Declaration of Principles, infringes on freedom of speech, and could hamper public confidence in the process.

RECOMMENDATIONS

Based on the findings of its comprehensive observation mission, which has been in place since late 2013, Democracy International offers the following recommendations to improve the political climate and procedures before the upcoming House of Representatives election:

1. Affirm broad constitutional rights and freedoms.

Democratic rights and freedoms articulated in the new constitution should be fully affirmed and protected in accordance with international standards. All branches of the government should ensure a free press, and freedom of expression, assembly, and association, and should take steps to repeal or invalidate the Protest Law and other laws that unduly restrict these freedoms. The government and the courts should affirm the constitutional and legal rights to due process of law for all criminal defendants in accordance with international standards.

2. End the crackdown on dissenting political voices.

All state institutions, including state-run and private media, should end the current campaign against all those who offer alternative viewpoints to the government narrative. Instruments of the state should not be used to suppress dissent. Excessive and disproportionate use of force by state security forces should be ended.

3. Promote broader political participation in the lead up to the House of Representative elections.

The interim government should use the upcoming House of Representatives elections as an opportunity to actively encourage opposition parties and movements to engage in the political process. This may include reconsidering aspects of the House electoral law that may weaken political parties and limit the representation of women, minorities, and others in the future House.

4. Expand candidate and voter eligibility and access to the electoral process.

Egyptian lawmakers should review current limitations on candidate and voter eligibility and consider eliminating those that unreasonably exclude people from the political

process. The state should continue its efforts to ensure that all eligible Egyptians are included in the voter database.

5. Further strengthen electoral procedures to be more consistent with international standards.

Although lawmakers and the Presidential Election Commission have made progress in the strengthening and clarification of electoral procedures, more must be done to bring such procedures in line with international standards, including ensuring that procedures are applied uniformly. It is particularly important to limit the role of security forces in the electoral process to what is truly necessary to ensure security.

6. Publicize election procedures and schedules earlier and more widely.

Election commissions should publicize the procedures and schedules related to all phases of the electoral process, such as registration for out-of-governorate voting as widely and as early in the electoral process as possible.

7. Provide women a significant role in all levels of electoral administration, including electoral commission leadership.

Leaders should take steps to ensure that more women assume significant roles in the leadership of future electoral commissions and the management of electoral processes.

8. Ensure proper training for all polling officials.

Even minor deviations in procedures may lead to questions about the credibility of the electoral process. Every election official, including judges, should be trained or re-trained on all electoral procedures before each election. This includes accounting for ballots and other recordkeeping activities, ensuring ballot secrecy, and other procedures.

9. Avoid sudden, last-minute changes in electoral procedures or timelines.

Last-minute changes in electoral procedures can harm public faith in the stability and certainty of the entire electoral legal framework. Officials should avoid making changes in election procedures shortly before or on election days unless there is an extraordinary reason for doing so.

10. Eliminate unenforced provisions of the law.

Authorities should endeavor to enforce all provisions of the law in a consistent and fair manner. Authorities should not use selective enforcement of existing law as a threat or an attempt to motivate voters' behavior.

11. Ensure that the process of election accreditation for domestic and international observer groups, and for individual observers, is simplified and clearly defined.

Officials must do more to ease the burden on Egyptian civil society organizations that seek accreditation as observers in future elections. Election authorities should establish and communicate clear, reasonable, and objective criteria for accreditation and should facilitate a reasonable process for providing that accreditation.

12. In conjunction with civil society organizations, work to develop a legal framework that protects the freedom of CSOs to form, operate, and express themselves openly.

Egyptian lawmakers and other leaders should work with leading CSOs to ensure that laws governing CSOs provide reasonable opportunities for organizations to register and operate. The government should respect CSOs's freedom of speech and association.

13. Revise and clarify campaign finance laws.

Lawmakers should ensure that the law and regulations address the role of campaign spending by non-candidates in electoral campaigns. Lawmakers and electoral commissions should consider steps to establish greater transparency in campaign finance reporting both before and after election days.

14. Develop a systematic, uniform, and transparent process for electoral complaints and allow for appeals of electoral commission decisions.

The electoral law should be revised to clearly establish an effective, transparent, and fair system for addressing electoral complaints. Decisions made by electoral commissions should be appealable to a court or other tribunal.

15. Promote political reconciliation.

A successful transition to democracy in Egypt will depend on the willingness of opposing political forces to agree to participate peacefully in a political process. The interim government and its opponents should seek opportunities to engage in inclusive dialogue that could help bring about broader participation in the political process, including in future elections.

LOOKING FORWARD

The 2014 House of Representatives Electoral System

According to the Law on the House of Representatives (Decree-Law No. 46 of 2014), the House will consist of 540 elected members. Pursuant to the Constitution and the law, the President will have the right to appoint additional members up to 5 percent of the total of elected members, or 27 additional members. Of the 540 elected members, 420 will be chosen through election among individual candidates in single-member districts. Both political party members and those unaffiliated with parties may run for these individual seats.

Candidates on lists will contest the remaining 120 seats. The list races will take place in four constituencies, including two constituencies with lists of 45 candidates each and two districts with lists of 15 candidates each. Members of different parties and independent, non-party members may join with others to form lists. Lists must include a minimum number of women candidates, as well as Christians, youths, Egyptians living abroad, persons with disabilities, and workers or farmers as defined by the law.

Rather than using proportional representation for electing representatives from the lists, the system is “winner-take-all.” That is, a list wins all available seats if it obtains an absolute majority of votes in the first round or if it prevails in a run-off between the top two vote-getting lists. Seats will therefore not be allocated to different lists based on percentage of votes received, as is the case in proportional representation systems. This means the house will exclude representatives from smaller or minority parties unless they choose to join a coalition before the election.

Some Egyptian stakeholders have expressed their strong objections to this new electoral system and the absence of a meaningful consultative process before the law’s enactment. Above all, the new electoral system would seem to limit the development of strong, effective, democratic political parties. This may also mean that many individual House members have a greater allegiance to the state, and the status quo, than members affiliated with political parties, resulting in a weak House, subordinate to the President. Furthermore, there are concerns that the current list electoral system may result in most or perhaps all of the 120 list seats going to the majority party or coalition, or to parties or coalitions favored by the state. This reduces the opportunity to involve political minorities or opposition in the system.

In addition, considering the provisions of the new law governing women’s representation requirements, there could be as few as 70 seats (or roughly 12 percent of the total seats) guaranteed to women. Although this is a numerical improvement over the Peo-

ple's Assembly of 2012, it does little to address the under-representation of women. Furthermore, there are concerns that, as with the House membership overall, the women members who win elections through lists or gain seats by presidential appointment would represent a very narrow range of political opinions or viewpoints.

Importance of Parliamentary Elections

The new government should use upcoming parliamentary elections as an opportunity to actively encourage opposition parties and movements to freely engage in the political process. This must begin by ensuring that the forthcoming parliamentary election law is developed on the basis of broad consultation, protects core political rights enshrined in the constitution, and serves to promote effective political parties and a vibrant legislative branch. The electoral law should specify an effective, transparent, and fair process for addressing electoral complaints that provides for appeal of decisions of the election commission to an impartial tribunal. Likewise, the new government must commit to the law's fair and impartial implementation.

Meaningful political progress in Egypt will depend in part on the willingness of opposing political forces to participate peacefully in a political process. The government and its opponents should seek opportunities to engage in inclusive dialogue that could help bring about broader participation in the political process, including in upcoming parliamentary elections. Representation of a broad range of political parties in the new parliament, including those currently excluded from the political sphere, would ensure the inclusion of dissenting and marginalized voices within society and provide a counterbalance to strong executive and judicial branches.

CONCLUSION

Since the events of summer 2013, Egypt has pursued a transitional roadmap without regard for basic political rights. Repressive laws have restricted the fundamental rights of freedom of assembly, association, and expression. State institutions have persecuted activists and political opponents based on their peaceful public expression of dissenting viewpoints. Journalists have been harassed and imprisoned simply for reporting these viewpoints. With little regard for due process, courts have handed down harsh decisions against many defendants based apparently on their alleged ties to outlawed groups. Genuine democratic elections will be impossible in Egypt unless there is a fundamental change in this climate of oppression, self-censorship, and fear.

The election of a new president could have marked the beginning of a reorientation by the Egyptian state toward broader human rights, including the enforcement of existing constitutional rights, and a commitment to establishing truly democratic institutions. So far, however, there has been no cause for optimism. Since the election, more activists have been imprisoned for violating the draconian Protest Law, more journalists have been severely punished for performing their duties as journalists, and more Egyptians have been persecuted as part of the state's continuing crackdown on groups that have alternate visions for Egypt's future. The June 2014 promulgation of a new House of Representative election law might have signaled a shift toward greater political openness. Its provisions, however, seem designed to cripple the political party system and prevent the establishment of a vibrant legislature.

Genuine democracy is the only path to long-term stability. Political repression and a disregard for basic rights make real democracy impossible, and will only increase the ongoing polarization of Egyptian society. Between now and the upcoming House elections, Egypt's leaders must demonstrate that they intend to support greater democratic inclusion by reconsidering legal provisions that may impede the establishment of a strong, diverse legislative body. Beginning now, Egypt's leaders must take steps to ensure that the fundamental rights of all Egyptians, as embodied in the constitution, are respected and enforced.

If there is any hope that the conditions necessary for democratic elections will be restored in the near future, it will depend on how the President, the courts, and the House of Representatives interpret and implement Egypt's new Constitution. President Sisi, the chief executive but also now Egypt's temporary legislative authority, has an opportunity in the coming months to set the Government's policy and tone regarding how, and to what extent, the state intends to ensure the constitutional rights and freedoms necessary for a democratic electoral process. The Supreme Constitutional Court,

Egypt's highest court, may in the coming months also have the opportunity to apply the Constitution in a manner that curbs or invalidates harsh laws like the Protest Law, and that broadens the rights to associate, assemble, and express oneself freely, including through a free press. This Court, and other high courts in Egypt, also may have the chance to ensure that lower courts are fulfilling their constitutional and legal obligations to provide all criminal defendants with due process of law.

Immediate action is required to bring Egypt back onto a stable and democratic path. For Egypt to move forward, its leaders need to use the coming days as an opportunity to embrace political inclusion and to reorient the country toward broad respect for human rights and effective, democratic institutions.

ANNEX A: TIMELINE OF KEY EVENTS

2011

- January 25** Protests erupt throughout Egypt against President Mubarak
- February 11** President Mubarak resigns, Constitution suspended
- March 30** Provisional Constitution adopted by the SCAF
- November 28** First of three stages of elections for People's Assembly begins

2012

- June 14** People's Assembly dissolved after SCC ruling
- June 24** Mohamed Morsi announced winner of presidential elections after two rounds of voting
- December** Egypt votes by referendum to adopt a new constitution to replace the 2011 Provisional Constitution

2013

- April** Tamarod campaign begins collecting signatures to call for early presidential elections
- June 2** SSC Rules Shura Council unconstitutional
- June 30** Tamarod campaign culminates in massive protests against President Morsi
- July 3** General Sisi announces the end of President Morsi's presidency and the suspension of the 2012 Constitution
- July 8** Interim President Mansour releases constitutional declaration with roadmap
- August 14** Security forces break up sit-ins at Rabaa Square and al-Nadha Square

August 18	Committee of Experts completes recommended amendments to 2012 Constitution
September 1	Constitutional Review Committee (Committee of 50) formed
September 8	Committee of 50 begins reviewing articles and voting on amendments
November 24	Interim government issues new protest law
December 3	Committee of 50 presents new constitution to Interim President Mansour
December 14	Interim President Mansour announces referendum dates
December 25	Interim government declares the Muslim Brotherhood a terrorist organization

2014

January 14-15	Constitutional Referendum
January 16	HEC announces that constitutional referendum passed with 98% support
March 8	Mansour Government promulgates Decree-Law Number 22 of 2014 regulating the Presidential Election.
April 10	Egypt's Prime Minister issues a decree implementing decision to ban Muslim Brotherhood.
April 28	Urgent Matters Court bans April 6 th Youth Movement
May 3-23	Presidential Campaign Period
May 26-27	Presidential Elections
May 27	PEC announces extension of election to a third day
May 28	Third day of voting
June 3	PEC announces that Sisi wins with 96.91 percent of the vote
June 8	Sisi inaugurated as President