



# 2015 EGYPTIAN HOUSE OF REPRESENTATIVES ELECTIONS

OBSERVATION REPORT

MARCH 2016





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### Disclaimer

This publication is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of Democracy International, Inc., and do not necessarily reflect the views of USAID or the United States Government.



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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 election observation mission in Egypt. For the House of Representatives elections, building on work that began in December 2013 and has continued for each successive electoral cycle, DI's core team of dedicated Egyptian and international professionals and medium- and short-term observers held hundreds of meetings with Egyptian stakeholders and observed the voting and balloting processes between September and December 2015.

This mission would not have been possible without the hard work of a large number of professionals at DI headquarters and in Cairo. DI is grateful for the commitment and contributions of each one of them.

Specifically, DI is grateful for the talented experts who volunteered their time to serve as short-term observers on this project. Their participation was vital to our understanding of these electoral processes. We also thank those individuals who were willing to serve as observers but could not because of visa delays or other logistical issues; we deeply appreciate their flexibility and willingness to assist. DI's Medium-Term Observers for this mission contributed greatly to DI's ability to gather information on the political environment outside Cairo. We thank Abbas Abouzeid, Eric Bartz, Brett Burns, Myriam Gaume, Augustin Laborde, and J. Brian O'Day for their dedication to the task.

DI's expatriate international team gave of themselves personally and professionally over the course of the entire mission. DI Director of Elections and Political Transitions Dan Murphy showed great leadership, tact, and perseverance as the project manager for DI's entire mission in Egypt, since it began in 2013. Senior Program Officer Alice Guilford was remarkable in her attention to all details large and small so that the mission could always move forward. Her dedication, organization, and thoughtful analysis were critical to the success of our effort. As Deputy Project Manager and Legal and Political Analyst, Aneesa Walji ably researched and explained the exceedingly complicated legal framework for these elections, offered ongoing leadership to the team, and engaged effectively with Egyptian stakeholders; her insights and good humor were indispensable.

Civic Engagement Expert Kourtney Pompei developed an impressive depth of knowledge of the civil society landscape in Egypt; she is a tireless advocate for the work of civil society in Egypt and elsewhere, and her commitment to the task in a difficult environment was inspiring. Program Officer James Pagano supported virtually every aspect of the mission both in Cairo in at

DI's home office in Bethesda. Working tirelessly, he ensured that logistics were handled efficiently and that nothing important ever fell through the cracks. DI Senior Advisor and Political Party Expert Greg Minjack and Political Analyst Maria Covalenco-Tietz held dozens of meetings with candidates and political parties throughout the months we were on the ground for the Parliamentary Elections. They quickly developed a thorough understanding of the shifting political landscape in Egypt that was vital to our work. Maria also ably assisted with DI's finances and helped to ensure that all invoices were correct and vendors were paid—even though this was outside of her “normal” duties.

Morgan Simpson was simply remarkable. She never had what could be described as a typical day; she simply did what was needed at all times. Katie Croake provided extremely valuable insight to the mission on women's and gender issues; her knowledge of the Egyptian context and her commitment to her work were admirable. Emmanuel Gény returned to the mission as Observer Coordinator and assisted with more tasks than we can list. As always, his professionalism, steady temperament, and competence were crucial to our team's efforts.

DI benefited from the advice and the efforts of MS Risk, our security provider. MS Risk's headquarters staff was a pleasure at all times, and we want to thank the team on the ground: Tim Lee-Gallon, Tim Neil, Hunter Kersey, Konrad Rosenkranz-Galindo, and Julian Worker. They were always professional and sensible and consistently went above and beyond their job descriptions as security officers.

A number of individuals in DI's home office were instrumental in supporting the mission from afar, and some traveled to Cairo to assist at critical moments. In particular we thank Thomas Melia, who led the mission for the first round of stage one. Senior Director of Programs Jed Ober ably oversaw the entire program, going back to 2013, and always provided effective leadership, good judgment, and valuable analysis. Michael Baldassaro, Andrew Bogrand, David Dettman, Dicky Dooradi, Angela Lim, Victor Monnet, Kirby Neuner, Liza Prendergast, Khayria Tekbali, and Tracy Tian also made important contributions, both large and small, in Egypt and/or from DI's home office in the U.S.

Many individuals gave generously of their time to contribute to the mission in various ways. We benefited from the insights of diplomatic and development assistance representatives of the European Union Delegation and the embassies of Belgium, Canada, Denmark, Finland, Norway, Sweden, and Switzerland. Hermann Thiel, Omar Abdalla and Sherif Alaa from the International Foundation for Electoral Systems were constantly available to us throughout the mission and contributed greatly to our understanding of the Egyptian electoral context. The members of the European Union technical mission, Nikolai Vulchanov, Christina Alves, and Charlotte Souibes, were amazing colleagues and friends and a source of much information and insight. Building on his past work as part of the core team in country, Frank McLoughlin provided advice and support from afar; his insights and positive energy were a source of strength for the team.

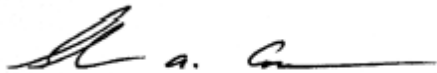
DI would also like to thank many individuals in the U.S. Agency for International Development and the U.S. Embassy and Department of State whose interest in our work and support for it helped the mission tremendously.

The hard work and dedication of DI's Egyptian professional and administrative staff in Cairo was absolutely essential to our mission. We could not have succeeded without their inspiring commitment to the work and to democracy in Egypt, their deep knowledge of the complex and nuanced political situation, and their connections and resourcefulness. They were the heart and soul of the mission as well as its institutional memory. Working with this group of mostly young Egyptians was more than a pleasure; it was a privilege. Although we would like to recognize each of them by name, given sensitivities we are not naming them individually here.

Various members of DI's team contributed to the drafting of this report. In particular, we recognize the efforts of Maria Covalenco-Tietz, Katie Croake, Alice Guilford, Greg Minjack, Victor Monnet, Dan Murphy, Kirby Neuner, Jed Ober, James Pagano, Kourtney Pompei, and Aneesa Walji.

Although we believe that this report accurately and fairly reflects the collective findings of our core team and medium- and short-term observers, DI takes full and complete responsibility for the content herein.

Genuine democracy is the only path to long-term stability, peace, and progress in Egypt. It is our hope that the information provided by our comprehensive observation of the parliamentary election process and the previous electoral processes in Egypt over the past two-plus years will contribute to a more peaceful, stable, and democratic future for all Egyptians.

A handwritten signature in black ink, appearing to read "Glenn Cowan".

Glenn Cowan, CEO

A handwritten signature in black ink, appearing to read "Eric C. Bjornlund".

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# ABOUT DEMOCRACY INTERNATIONAL

Democracy International (DI) promotes democracy, human rights, good governance, peace, and international development around the world. Since its founding in 2003, DI has worked with civil society organizations, political parties, election management bodies, government agencies, legislatures, research institutions, and others in more than 70 countries, including some of the world's most challenging environments. DI delivers technical assistance, provides analytical services, and pilots new technologies to ensure that development assistance can contribute to meaningful political change.

Democracy International is a leading provider of elections and political transition assistance, including technical programming to improve election efficiency and integrity, support inclusive political party development, enhance citizen participation in and oversight of governance, and improve civil society engagement through advocacy and civic education. DI has conducted election monitoring and election support programs in Afghanistan, Albania, Bangladesh, Burma (Myanmar), Cote d'Ivoire, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Georgia, Ghana, Haiti, Indonesia, Kenya, Lebanon, Liberia, Macedonia, Mozambique, Pakistan, South Africa, South Sudan, Sudan, Tunisia, Ukraine, and Venezuela, among others. Democracy International is a signatory to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.

# ACRONYMS AND ABBREVIATIONS

COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organization
DI	Democracy International
EISA	Electoral Institute for Sustainable Democracy in Africa
EU	European Union
GNDR	Global Network for Rights and Development
HEC	High Election Commission
IFES	International Foundation for Electoral Systems
IIPJHR	International Institute for Peace, Justice and Human Rights
MTO	Medium-Term Observer
NDP	National Democratic Party
NGO	Non-Governmental Organization
PEC	Presidential Election Committee
SCC	Supreme Constitutional Court
USAID	United States Agency for International Development

# EXECUTIVE SUMMARY

Building on its ongoing observation of electoral processes in Egypt since late 2013, Democracy International (DI) conducted a comprehensive election observation mission to witness elections for the House of Representatives in Egypt, which took place from October to December 2015. This report provides the DI mission's findings and analysis of the electoral process.

Democracy International's election observation mission to the 2015 House of Representatives elections has based its findings on more than 160 meetings held between September and December 2015 with diverse stakeholders, as well as on the findings of observer teams deployed in 13 governorates during both stages of the elections.

## Background and Legal Framework

After the announcement of the so-called "Roadmap to Democracy" in July 2013, Egyptians ratified a new constitution in a national referendum in January 2014 and elected a new president in May 2014. With the elections of the House of Representatives, the Roadmap would be complete. Egypt finally held parliamentary elections from October to December 2015.

The electoral system called for a total of 596 seats in parliament, with 568 seats elected and up to 28 seats appointed by the president. The elected seats were chosen through two parallel systems: 448 members were elected from 205 individual districts ranging in size from one to four members, and 120 seats were chosen as lists from four larger districts. Candidates and lists needed to obtain an absolute majority, and thus where no candidate or list received a majority there were runoffs. The law required each list to reserve seats for women, Christians, people under 35, persons with disabilities, persons designated as "workers" or "farmers," and Egyptians living abroad.

Unlike in typical mixed election systems used around the world and used previously in Egypt, the list system for the 2015 elections in Egypt did not use proportional representation. Rather, seats in the list portion of the Egyptian parliament are awarded on a winner-take-all basis. Thus, the system was not a basis for encouraging representation of minority political parties or viewpoints. Rather, the Egyptian system had the opposite effect. In fact, For the Love of Egypt (Fi Hob Masr), which was widely perceived to have the tacit support of the government, won all 120 of the list seats in the first round of each stage.

## Electoral Process

The House of Representatives elections took place in two geographic stages, each with scheduled runoff rounds if needed. Stage One was held on October 18 and 19 with runoff elections

on October 26 and 27, and Stage Two was held on November 23 and 24 with runoff elections on December 1 and 2.

Electoral procedures varied from one polling station to another. Ballot secrecy has improved over observations from previous elections and there was a decrease of instances where DI observers reported the presence of security forces in polling centers. In some locations, local citizens complained of vote buying near polling locations, allegations echoed in the Egyptian media.

The procedures for the counting process varied considerably and tended not to be completely transparent. In many polling stations where DI observed the counting process, observers and candidate representatives were unable to verify if the ballots were being counted correctly, and presiding judges did not announce results aloud and did not post results publicly as required by the procedures.

The percentage of invalid ballots was notably high. For the first round of Stage One, for example, the High Electoral Commission (HEC) reported 9.6 percent of ballots were invalid, a high rate compared to previous elections in Egypt. This appears to have been due, at least in part, to the requirement that voters in multi-member districts vote for exactly the number of candidates in that district. Since the number of seats varied by district, many voters may have been confused about how many candidates to select on their ballot. Disqualifying the ballots of voters who have cast fewer votes than the number of seats available ignores voter intent and effectively disenfranchises them.

## Political Participation

The political environment only allowed for a relatively narrow range of political opinions, and the broader political context meant that many major candidates and parties could not compete at all. Many parties that were active in the 2011 parliament were not able to run in these elections because of outright bans or marginalization. Women and young people were also disproportionately underrepresented as candidates. Many young people and people who did not see their views reflected in the narrow political spectrum allowed chose not to participate.

For these elections there were three broad groups of political parties: (1) parties that largely supported the president, though they might provide some opposition at times; (2) political Islamist parties; and (3) center-left political parties that were more oppositional in their stance toward the president. The winners in these elections were largely from the first group.

One of the most pronounced trends was the enormous loss of seats by Islamist parties. While Islamist parties constituted more than 70 percent of parliament in 2012, the once-powerful Freedom and Justice Party (Hizb al-Hurriya wa al-Adala) was barred from participating in the 2015 elections and other Islamists chose to boycott. For many Islamist groups, especially the now outlawed Muslim Brotherhood, these elections represented the final step in what they viewed as an unjust political Roadmap that never afforded them a genuine opportunity to participate.

Secular, left-leaning parties also fared poorly. Parties that had enjoyed significant support after the 2011 uprising won far fewer seats in these parliamentary elections.

Due in part to the electoral system, party affiliation was less important in these elections than in the past. Candidates for individual system seats had incentives to run on narrow platforms rather than as part of broad party coalitions. Furthermore, in districts with more than one seat, members of the same party competed against one another for party support. Likewise, the absolute-majority list system provided no meaningful avenue for political parties. In a traditional proportional list system where seats are allocated based on the percentage of votes each list receives, a small party can win seats based on receiving even a small percentage of votes. But in Egypt the winner-take-all list system facilitated the election of one strong list at the expense of smaller parties. Although 19 of the 50 political parties that ran candidates in the elections won seats, only 41 percent of those elected had party affiliations, including fewer than half of the individual system seats.

Despite government efforts to encourage citizens to vote, voter turnout was relatively low. Voter turnout in the runoffs was also consistently lower than in the first rounds. For the first stage, the HEC reported 26.5 percent turnout in the first round and 21.7 percent turnout in the runoff. For the second stage, the HEC stated that turnout was 29.8 percent in the first round and 22.3 percent in the runoff. Re-elections in four districts experienced even lower voter turnout, with only 19.4 percent in the first round and 16.1 percent in the runoffs.

The combined reported turnout of 28.3 is low compared to the 37.6 percent turnout reported in the January 2014 constitutional referendum and the 47.7 percent turnout in the May 2014 presidential election. The reasons for low voter turnout remain open to debate. Many stakeholders cited voter fatigue, the restrictive political environment, the complex electoral system, a lack of connection with candidates, and redistricting as possible reasons. The outlawing of Islamist parties and the de facto boycott by their supporters also played a role.

A total of 87 women, 11.7 percent of the total members, gained seats in the parliament, including 14 appointed by the president and 56 from the For the Love of Egypt lists. Only 17 women were elected from individual districts, as women faced a variety of challenges competing for unreserved seats such as fewer resources than their male competitors and less access to power brokers.

## Closing Space for Civil Society and Political Dissent

Political space for dissenting opinions or alternative viewpoints continued to shrink in the run up to the parliamentary elections. Since launching its election observation mission in December 2013, DI has met with nearly 100 civil society organizations, domestic observation groups, legal specialists, and civic and human rights activists. These groups span the ideological and political spectrum and work on a variety of issues. Many of them describe a climate of fear that continues to shape how they go about their work. Since the events of the summer of 2013, however, the political space for civil society to operate has become more restrictive and civil society is increasingly under threat.

A web of overlapping laws provides authorities with the discretionary tools to crack down on those that are perceived to be a challenge to the state. Egyptian authorities, for example, have imprisoned thousands of peaceful protestors under the “Protest Law,” which bans any public gathering of more than 10 people without prior government authorization. The Law on Associations and Foundations, commonly known as the NGO law, has been used to crackdown on civil society organizations by changing the regulations and requirements under which they must register. Many organizations have found the requirements too burdensome and have chosen not to register.

Human rights activists have expressed concern about the government’s increasingly direct methods of controlling alternative voices, including the large number of arrests of opposition activists, raids on human rights organizations, and the inability for anyone to be openly critical of the government narrative.

Human rights groups and organizations focused on good governance face a high-risk decision: self-censor their speech and their actions or risk a strong government response. Confronted by media that are increasingly negative and a political climate that is antagonistic toward human rights issues, many CSOs have chosen to limit their activities to avoid undue attention that may be viewed as too critical of the government or counter to the state narrative. This climate of fear has created a chilling effect with wider implications for freedom of expression, freedom of assembly, and freedom of association.

## Recommendations

During the time of implementation of the transitional Roadmap, Egyptian society has become markedly less open and there have been increasingly significant restrictions on basic civil liberties. This climate has made genuinely democratic election processes impossible. The justification for these restrictions appears to be that limitations on individual freedoms are a necessary trade-off in order to assure security in Egypt. While Egypt certainly faces a serious threat of terrorism, the current climate has exacerbated tensions in society. Arbitrary arrests, the draconian protest law, mass detention of citizens on specious charges, and suppression of virtually all political opposition or dissent will only lead to greater instability in Egypt over the longer term.

Since its report on the January 2014 Constitutional Referendum, DI has made recommendations intended to help Egypt move back in the direction of democracy. Some of these recommendations have been partially implemented, but almost all remain apt, if not even more necessary than before. (See Annex F.) Building on those prior recommendations and drawing on the findings of its comprehensive observation since late 2013, DI offers the following recommendations.

### To the Egyptian Authorities: General Recommendations

#### Uphold Rights and Freedoms

Egyptian authorities should take immediate steps to increase citizens' ability to exercise their rights and immediately release the thousands of political prisoners currently being detained. Basic freedoms such as freedom of expression, assembly, and association are fundamental to a vibrant democratic society. These freedoms, guaranteed by Egypt's 2014 Constitution, are not protected in practice. Arbitrary detention and forced disappearances of activists, journalists, opposition political leaders, and other actors deemed to be in opposition of the state undermine the credibility of the Egyptian judicial process and are an affront to democratic values.

### **Institute Proportional Representation**

Egypt's current electoral legal framework does not allow for any meaningful representation of minority opinion or opposition with parliament and discourages political party development. It should be replaced with a system that allows at least some seats to be elected on the basis of proportional representation. The absolute majority list system should be replaced with one that provides for proportional representation so that there can be some representation of minority opinion in the political system.

### **Encourage Citizen Participation in Government**

Egyptian authorities should take steps to broaden citizens' ability to play an active part in their government. Restrictive laws such as the draconian protest law and the NGO law have curtailed the ability of ordinary citizens to air their views or to participate in public affairs. The virtual elimination of the ability of civil society organizations to receive foreign assistance, the arduous process of registration, and the selective enforcement of restrictions on civil society organizations have made it impossible for citizens to organize in order express political opinion and encourage open debate about the future of their society. The Egyptian government should amend the NGO law, end state surveillance of and interference in the activities of peaceful civil society groups, and reform the process of registration for CSOs.

### **Encourage Youth Participation in the Political Process**

Egyptian authorities should investigate and take seriously the underlying reasons behind low youth participation in the voting process. Young people have expressed their disillusionment with the current political process. Egyptian authorities should take active steps to encourage youth participation as voters and candidates and to move to allow real political discourse in universities, public spaces, and social media.

### **Stop Selective Enforcement of Laws**

Authorities should endeavor to enforce all provisions of the law in a fair, impartial, and consistent manner. The enforcement of existing laws, such as the imposition of fines for not voting, should not be used as a threat against citizens. The practice of discretionary application of laws, such as only allowing protests by groups with opinions favorable to the government, should be ended. Laws that are not enforced, or only enforced selectively, should be amended or eliminated.

### **Ensure the Independence of the Election Commission**

The 2014 Constitution calls for the establishment of an independent commission. Recent election commissions, however, have been highly dependent on other state institutions, specifically the Ministry of the Interior, the police, and the military. The commissioners of the future National Election Commission should be full time and without professional judicial responsibilities outside the commission. The government should make sure that the commission is adequately funded and staffed and provide a clear mandate to set and enforce regulations apart from other state institutions.

## **To the Egyptian Authorities: Technical Recommendations**

### **Ensure Adequate Training for Polling Officials**

Egyptian electoral authorities should work to provide training to all poll workers on procedures and regulations for polling place operations. Any deviation from established procedures in a specific polling location can lead to questions about the credibility of the process. This is particularly true of the counting process. Judges and other polling place workers must understand the procedures themselves as well as the need for strict adherence to them throughout the voting process.

### **Publicly Report Results by Polling Station**

Presiding officers should announce and publicly display the full vote count at each polling station. The election commission should make the full election results for all candidates in each polling station available on its website. This gives parties, candidates, and observers the ability to verify that the results they observed in a specific polling location have not been manipulated later and builds confidence in the process.

### **Hold Future Elections in a Single Stage of Voting**

Egypt should hold elections at one time throughout the country. Multiple geographic stages increase voter confusion and voter fatigue and increase the cost associated with administering and running in elections. Announcing results after earlier stages creates a political dynamic where some candidates have won races while others are campaigning and runs the risk that the results of earlier stages of the elections will unduly affect the later stages. While there are challenges in Egypt in administering elections all at once, authorities should organize elections throughout the country at the same time, as they were able to do for both the Constitutional Referendum and Presidential Election in 2014.

### **Respect Voter Intent**

Egypt should modify the criteria for determining when a ballot is valid and allow undervotes to be counted in districts that elect multiple members. If there are three seats in a district and a voter votes for only one candidate, for example, the voter's ballot should not be rejected as invalid. The current system causes ballots to be invalidated even when voter intent was clear and thus effectively disenfranchises some voters. This system also penalizes candidates and parties that have obtained the support of such voters.

## Clarify the Complaints Process and Make It More Transparent

There should be a straightforward and transparent mechanism to receive and resolve complaints beyond the polling station judge. The criteria, review process, and timeline for complaints should be clearly and publically articulated, and timelines for filing complaints should be modified to allow citizens identify the proper venue for their complaints.

## To the International Community:

International supporters of Egypt should remain vigilant, continue to support the ideals of the 2014 Constitution, and remain committed to the goal of genuine democracy in Egypt. International stakeholders should continue to insist that internal dialogue and cooperation among all Egyptian citizens and groups is the only path to real stability. The international community must not ignore human rights concerns in an effort to engage with the Egyptian government. The community of nations must not fall victim to the mistaken belief that authoritarianism in Egypt is the key to stability, even in the near term. Egypt has been traveling on an antidemocratic path that has greatly harmed prospects for stability. International stakeholders should continue to support Egyptian civil society organizations and must continue to serve as a voice for the tens of thousands of Egyptians who have been wrongly imprisoned and resist government attempts to stifle criticism in the name of security.

## Beyond the Roadmap

With the conclusion of these parliamentary elections and the seating of a new House of Representatives, Egypt has now completed the steps outlined in its transitional Roadmap. But the conclusion of the Roadmap itself should not be viewed as progress. A democratic transition should ensure the expansion of citizen rights; unfortunately, during the Roadmap process, fundamental rights have come under attack. In the years since President Morsi was removed from office, Egypt's political system has become less inclusive and democratic. Today's Egypt is one that is characterized more by repression, censorship, and intimidation, than by free expression, universal participation, and other hallmarks of democracy.

Although Egypt adopted a constitution that calls for the protection of the rights essential to vibrant democracy, the state has done little to ensure respect for these constitutional provisions. 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 political environment.

Each of the electoral events DI observed over the past two years took place against a backdrop of arrests, detentions, and the suppression of dissenting voices. There was no real opportunity for those opposed to the government's Roadmap, or the subsequent government's actions, to dissent. The parliamentary elections were characterized by a lack of genuine competition and robust debate, widespread apathy reflected in low voter turnout, and a flawed electoral system that failed to ensure a broadly representative body. This constrained campaign environment

impeded meaningful debate on the pressing issues facing Egypt, such as the unstable economy and serious security problems.

Ultimately, a successful transition to democracy in Egypt will depend on meaningful opportunities for all political forces to participate peacefully in the political process. As DI and others in the international community have urged in the past, the government must seek opportunities to engage its opponents in dialogue, including those currently excluded from the political sphere. Since the events of summer 2013, Egypt has implemented its transitional Roadmap without regard for basic political rights. If Egypt continues on this trajectory, it will further entrench the polarization of Egyptian society and ensure further instability.

Genuine democracy is the only viable path to long-term stability. For Egypt to move forward, the president and the parliament must work together to embrace political inclusion and to reorient the country towards a broad respect for human rights and effective, democratic institutions that are viewed as legitimate across Egyptian society.

# INTRODUCTION

This report presents Democracy International's observation and analysis of Egypt's House of Representatives electoral process and places it in the context of the so-called "Roadmap to Democracy" announced on July 3, 2013, by then-Defense Minister and Commander-in-Chief of the Armed Forces Abdel Fatah al-Sisi. This report focuses most closely on the period from September 2015, following delay of the parliamentary elections, through the seating of the House of Representatives in January 2016.

The House of Representatives elections were held in two geographic stages, each consisting of a first round and a runoff round as necessary. Stage One was held on October 18 and 19 with runoff elections on October 26 and 27, and Stage Two was held on November 23 and 24 with runoff elections on December 1 and 2. Out-of-country voting for each round preceded in-country voting by one day and lasted for two days.

## Democracy International Observation in Egypt

In accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Egyptian Constitution, DI's election observation mission has sought to demonstrate international support for the development of democracy in Egypt by providing an independent assessment of the electoral process. DI has organized each of its missions in accordance with the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers declared at the United Nations in 2005.

Democracy International first sought and received accreditation from the Egyptian High Election Commission in February 2013 to observe the elections for Egypt's lower house of parliament—the People's Assembly—then scheduled to begin in April of that year. In early March, the Supreme Constitutional Court (SCC) ruled the electoral law unconstitutional, sending the legislation back to the upper house of parliament—the Shura Council—and delaying the elections. In early June 2013, the SCC declared the Shura Council unconstitutional on the grounds that it had been elected under an unconstitutional electoral law. To avoid the complete elimination of the legislative branch, however, the SCC specified that the Shura Council would stay in session until it drafted a new electoral law and elections were held for the new lower house, which had been dissolved one year earlier by the SCC on the same grounds. Following the events in summer 2013, however, the interim government dissolved the Shura Council, disbanded the HEC, and set a new schedule for electoral events.

In December 2013, with renewed accreditation from the reconvened HEC, DI established a formal mission to observe Egypt's January 2014 Constitutional Referendum. DI deployed 83

accredited international observers to 23 of Egypt's 27 governorates. DI's mission was the largest international mission to observe the referendum.

In April 2014, DI received accreditation from the Presidential Election Committee (PEC) to observe Egypt's May 2014 Presidential Election. DI deployed 12 international "medium-term observers" (MTOs) around the country six weeks before the first election day. For the election itself, DI deployed 88 accredited international observers from 17 countries, including electoral, regional, and political experts. DI's observer teams witnessed voting in 25 of the 27 governorates.

In January 2015, a new HEC announced dates for the election of members of the House of Representatives to take place over two stages between March and May 2015. Following this announcement, DI once again applied for and received accreditation from the HEC to observe. In late February, DI deployed a team to begin observing the early stages of the electoral process. In March 2015, however, the SCC ruled that elements of two key laws of the electoral legal framework were inconsistent with the 2014 Constitution. Subsequent rulings in March 2015 by the Administrative Court resulted in an indefinite postponement of the electoral process and ultimately in a nullification of all HEC decisions pertaining to the House election. DI observers departed from the country in May after it became clear that the postponement of elections would be lengthy.

In August 2015, the HEC announced new dates for the elections and confirmed that DI and other domestic and international observation organizations accredited in January were still accredited for the parliamentary elections.

## Methodology

Democracy International's election observation mission to the 2015 House of Representatives elections has based its findings on more than 160 meetings held between September and December 2015 with diverse stakeholders, as well as on the findings of observer teams deployed in 13 governorates during both stages of the elections. DI has released comprehensive reports following each of its three earlier observation missions: for the 2014 constitutional referendum, the 2014 presidential election, and the aborted parliamentary elections in early 2015.<sup>1</sup> In each of these reports, DI independently assessed the electoral event and made recommendations to electoral stakeholders. (See Annex F.)

DI was initially denied access to the full electoral process, which began on September 1 with candidate registration, due to the delayed issuance of necessary visas. Before traveling to Egypt, each member of DI's team applied for a multiple-entry, six-month business visa to accommodate participation in the observation program over the course of the full electoral period. The Egyptian authorities, however, delayed in granting the necessary visas. The Embassy in Washington, D.C. routinely held visa applications without explanation well beyond the officially stated 10-business day processing time. Several of DI's core team members waited for more than seven weeks to receive visas. These challenges delayed the arrival of core team members in Egypt and prevented DI from fielding a full observation mission to observe the first stage of voting.

In mid-September, after waiting for visas since early August, DI was able to field a team to conduct a political and security assessment to determine the appropriate scope and scale of a mission. The team, led by DI's program manager, also included the security director, legal electoral expert, observer coordinator, operations coordinator, Egyptian political expert, and Egyptian team members based in Cairo. The team held meetings with the Egyptian government, the HEC, and other actors central to the electoral process. Following the assessment, the team recommended that DI field up to 25 observers—a smaller footprint than on previous observation missions—and take increased security precautions, especially when deploying observers outside of Cairo.

In late September, the team reestablished the presence in Cairo and began observation activities in full. As on all prior missions, core team experts met with civil society organizations, political parties, individual candidates, and candidate list representatives, among others. Compared with previous missions, DI found that it was more difficult to get these meetings and the cancellation rate was higher. Many opposition parties and activists that DI had met with during the referendum mission had since left the country, were in hiding, or were in jail. Other stakeholders seemed more hesitant to discuss the electoral process than in previous missions.

On the eve of the first election day, only two members of the core team had received visas of sufficient duration to stay in Egypt through the entire electoral period. One member had received a multiple-entry, 90-day visa that expired before the end of the second stage, and all other team members had received either a single-entry, 30-day visa or had received no response at all. Core team members in Egypt were unable to extend their visas in country despite numerous attempts and frequent requests for assistance to the High Election Commission, the Egyptian Ministry of Foreign Affairs, the Egyptian Ambassador to the United States, and the Consul at the Egyptian Embassy in Washington, DC. Two days before voting began, two key personnel—the program manager and the observer coordinator—were forced to leave Egypt because their visas were about to expire.

On October 16, DI issued a press release (see Annex B) announcing that due to difficulties obtaining visas it would field a specialized technical mission during the first stage and would not field a full observer mission as planned. This technical mission nonetheless observed voting in 158 locations in five of the 14 governorates voting in Stage One. DI observed the first and second rounds in Alexandria, Beheira, Giza, Luxor, and Qena.

As on past observation missions, 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 Wi-Fi connections. This enabled DI's team members in Cairo to receive information from teams deployed in the field virtually in real time. This data-collection method enabled the mission to analyze observers' findings quickly and comprehensively. These reports form the basis for DI's analysis of the election days.

Following the press release and inquiries from U.S. government officials, officials at the Ministry of Foreign Affairs and the Egyptian Embassy in Washington, DC, promised assistance in procuring necessary visas. The majority of the core team members were eventually able to obtain

visas of sufficient duration to allow them to remain in Egypt through the end of the electoral process.

For the second stage of voting in November and early December, DI deployed 26 accredited international observers from six countries (Canada, France, Lebanon, Moldova, the United Kingdom, and the United States). In addition to the core team members, DI deployed three medium-term observer teams, one each to Ismailia, Mansoura, and Port Said. Each team included two international observers, a professional interpreter, and a driver. A security advisor and interpreter were also based in each location. Between the first and second rounds of voting, the MTO teams conducted meetings with candidates, list representatives, civil society organizations, local officials, and domestic observation groups. During the first and second rounds of Stage Two, DI observers witnessed balloting in 422 locations in eight of the 13 governorates voting. DI observed voting in Cairo, Damietta, Dakahlia, Ismailia, Port Said, Qalyubia, Sharquia, and Suez.

On December 9, DI released a preliminary statement (see Annex C) outlining the observation mission's initial findings from both stages. The statement was accompanied by a press release entitled, "Restrictions on Genuine Competition, Free Expression Undermine Egypt's House of Representatives Elections" (see Annex D).

On December 16, DI President Eric Bjornlund testified before the U.S. House of Representatives Committee on Foreign Affairs Subcommittee on the Middle East and North Africa (see Annex E). The hearing, entitled "Egypt Two Years after Morsi (Part II)," complemented a hearing by the same title held in June 2015. Mr. Bjornlund's testimony highlighted DI's findings during two years of observing elections in Egypt.

# BACKGROUND

## Beginning of the “Roadmap”

In the spring of 2013, as President Mohammed Morsi approached the one-year anniversary of his inauguration on June 30, his administration was visibly losing control over the sprawling state apparatus he had inherited from his predecessor, former President Hosni Mubarak. Popular support for Morsi’s presidency was eroding. The Tamarod (“Rebellion”) movement collected signatures on a petition calling for an early presidential election.

On June 30, 2013, Cairo’s Tahrir Square, where protesters had gathered two years earlier to demand the resignation of Mubarak, again became the center of large-scale protests throughout Egypt calling for the president’s removal. The following day, General Abdel Fatah al-Sisi, Minister of Defense and Commander-in-Chief of the Egyptian Armed Forces, read a statement on live television on behalf of the military establishment giving the president 48 hours to respond to the demands of the protestors. If he failed to act, the general warned, the military would be forced to intervene to maintain stability. As the protests intensified over the next two days, a wave of high-ranking government officials and cabinet ministers resigned.

On July 3, General Sisi appeared on television again to officially announce the suspension of the 2012 Constitution and the removal of Morsi from power. He laid out a roadmap to transition the country to civilian control, including the formation of a committee to amend the constitution, an early presidential election, and the appointment of Supreme Constitutional Court Chief Justice Adly Mansour as interim president to lead a transitional technocratic government. The military took President Morsi into custody and began to shut down Islamist media outlets that were seen as supporting his administration. Before his communications were cut off, Morsi released a statement condemning his removal as a coup and asserting that he remained the democratically elected president of Egypt.

On July 8, Interim President Adly Mansour issued a constitutional declaration that served as an interim constitution, setting out the details of the “Roadmap.” As laid out in the declaration, the process of amending the constitution would begin immediately with the 10-member committee of experts, known in the media as the Committee of 10 or C-10, who would have 30 days to put forth recommendations for amendments to the suspended 2012 Constitution. They would then present these recommendations for the 50-member constitutional review committee, known as the Committee of 50 or C-50, to debate. The constitutional review committee, whose members would purportedly represent the full Egyptian political spectrum, would have 60 days to review each individual article of the 2012 Constitution and present the amended constitution to the interim president. The interim president would then call for a nationwide

referendum on the new constitution within 30 days of receiving the draft. Following the referendum, the interim president would set the date for elections of the lower house of parliament at least one month and not more than two months after the referendum. (There was no mention of the upper house in the declaration.) Finally, during the first week that the new parliament was in session, the transitional government would call the presidential election. According to the Roadmap, Egypt would have a new constitution, parliament, and president within one year.

From the outset, many political movements and stakeholders criticized the constitutional declaration and the Roadmap. Many groups sympathetic to former President Morsi believed that the entire Roadmap was illegitimate and called for Morsi's release and reinstatement. Pro-Morsi protests grew throughout July and August, including large sit-ins in public areas in Cairo where protesters refused to leave until their demands were met.

The tension culminated on August 14 when military forces and police used excessive force to disperse pro-Morsi protesters at the Rabaa al-Adawiya Mosque in Cairo and al-Nahda Square in Giza. According to official numbers from the Ministry of Health, 638 people were killed. Many human rights organizations believe the number is significantly higher.<sup>2</sup> The Muslim Brotherhood claims the number is in the thousands.<sup>3</sup>

Following these events, several members of the interim government stepped down in protest over the methods used. Most prominently, Mohamed ElBaradei, former Director General of the International Atomic Energy Agency, resigned from the vice presidency on the day of the dispersal. Interim President Mansour established a fact-finding committee to look into the events, but no government or military officials were held accountable.

The four-fingered hand gesture for the number "four," *rabaa* in Arabic, had previously been used by Egyptians using public transportation to signal Rabaa Mosque as a destination. The gesture, however, became a symbol for survivors of the massacre and their supporters. The use of this symbol, even unintentionally, became a highly divisive political statement signaling support of the Brotherhood and criticism of the government.

In December 2013, the Egyptian government declared the Muslim Brotherhood a terrorist organization and criminalized any affiliation with the organization. Since then, the Egyptian government has frozen the assets of more than one thousand CSOs for alleged connections to the Muslim Brotherhood. More than half of these have been dissolved completely, and the rest remain under investigation.<sup>4</sup> By early 2015, 167 members of the upper and lower houses of parliament elected in 2011 and 2012 had been arrested and put in jail.<sup>5</sup>

A crackdown on journalists contributed to the restriction of freedom of expression. Many journalists from both Egyptian and foreign media outlets were detained. 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 supporting such charges was made public. Although the Al Jazeera journalists were eventually

freed and two were pardoned after 21 months in jail, Egypt ranked second in the world for imprisoning journalists in 2015. This number has increased steadily from zero in 2012 to 23 in 2015.<sup>6</sup> Rights organizations report that prison conditions remain poor, with widespread reports of systematic torture, including sexual abuse, electrocution, and beatings.

## Constitutional Drafting and Referendum

Against this backdrop the Committee of Experts finalized its recommendations on August 18, 2013, and sent them to the interim president. On September 1, the interim president issued a decree announcing the names of the 50 members of the Constitutional Review Committee. The makeup of the committee drew criticism for failing to represent the diversity of Egyptian political society. Only five women were selected as members. The decision to exclude any members of the Muslim Brotherhood's Freedom and Justice Party, which had won a plurality in the previous parliamentary elections, seemed to be a deliberate attempt to exclude Islamists from the political process.

On September 8, the constitutional review committee began its work and selected former Secretary General of the Arab League Amr Moussa as chairman. Almost immediately, the committee's work itself became controversial as well. Many stakeholders criticized the committee for a lack of transparency and called for wider access to its sessions. Reserve committee members, who were selected as alternates for the original 50 members if needed, protested the decision to deny them access to voting. Groups advocating for specific changes complained that their concerns were never adequately heard or addressed. The criticism intensified when the C-50 decided to depart from the Roadmap entirely by drafting a new constitution rather than amending the 2012 constitution. This extended the committee's work beyond the initial timeline.

In November 2013, the interim president signed into law new legislation restricting public protests by broadening the definition of a protest to include many social and political gatherings and requiring government authorization to hold a gathering of more than 10 people. The law was met with criticism and resistance from a wide range of political parties, activists, and others from civil society. Since the adoption of this law, a number of high-profile activists and opponents of the roadmap have been jailed, and the police and other security forces have responded to public protests with force. Local and international human rights groups have spoken out against the protest law and have accused the justice system of using it as a tool to stifle dissent. Some observers note the irony in the interim government's adoption of the law, as the government itself came to power through mass protests.

On December 3, 2013, the Constitutional Review Committee officially submitted the new draft constitution to Interim President Mansour. On December 14, Mansour announced that a national referendum on the new constitution would be held on January 14 and 15, 2014.

During the constitutional referendum campaign period, there were severe limitations on the political freedom of Egyptians that prevented any serious debate about the merits or weaknesses of the constitution. Many parties, even those that were generally supportive of the draft constitution, objected to specific provisions, particularly those allowing for military trials of civil-

ians and related to spending on the national budget. Despite their opposition to these key provisions, most were optimistic that the process for amending the constitution through legislative action would be sufficient to ensure that future changes could be made.

Political parties generally fell into two categories: those that supported the constitution and encouraged their members to vote “Yes,” and those that opposed the process in general and were calling for citizens to boycott the referendum. A much smaller third category campaigned for a “No” vote, despite significant restrictions on their activities. At least seven activists were arrested while hanging posters encouraging people to vote “No,” and, as of December 2015, two remained in jail.<sup>7</sup>

As expected, the constitutional referendum passed overwhelmingly, with 98.1 percent voting in favor. By comparison, the 2012 Constitution received support from 63.8 percent of voters. Reported turnout for the 2014 referendum—38.6 percent of eligible voters—just managed to exceed turnout for the 2012 referendum of 32.9 percent.

Although the actual administration of the voting on the referendum days appeared to allow those citizens who chose to participate to express their will, the restrictive political climate in Egypt impaired the referendum process. The referendum took place against a backdrop of arrests and detention of dissenting voices. There was no real opportunity for those opposed to the government’s Roadmap or the proposed constitution to express their dissent. As DI reported, this constrained campaign environment made a robust debate on the substance and merits of the constitution impossible.<sup>8</sup>

## Presidential Election

On January 26, 2014, Interim President Mansour issued a statement amending the Roadmap to hold the presidential election before parliamentary elections and instructing the Presidential Election Committee to begin preparations for elections to be held within 90 days. On the following day, Mansour issued a presidential decree promoting Sisi to the rank of Field Marshall, the highest rank in the Egyptian military. In order to be eligible to run for president, however, Sisi would have to resign from the military and become a civilian again before the PEC called the election.

With his highly visible role in the removal of the former president, Sisi went from a little-known minister in the Morsi government to the public face of Morsi’s removal and the Roadmap. He became a national hero in the eyes of those who supported the actions ouster of the former president and the mastermind of a coup to those who saw the interim government as illegitimate. Speculation about a potential run for the presidency began to circulate in the summer of 2013, even as Sisi himself denied such ambitions. The January 2014 referendum was widely seen as a referendum not just on the constitution and the Roadmap, but also on Sisi’s leadership.

On February 9, 2014, Hamdeen Sabahi, a leftist politician with a Nasserist platform who had finished third in the 2012 presidential election, announced his intention to run for president. Sabahi was a well-known figure in Egyptian politics who played a prominent role in the events

of January 2011 and summer 2013. Over the next several weeks, other political figures reportedly contemplated presidential runs. All of the others dropped out, however, before the close of the formal application period for candidacy. Some, such as lawyer Mortada Mansour, cited their support for Sisi.<sup>9</sup> Others, such as leftist activist and 2012 presidential candidate Khaled Ali, expressed a concern that the election would be a “farce” and neither open nor competitive.<sup>10</sup> One candidate withdrew after an assassination attempt.<sup>11</sup> The only female candidate, well-known broadcaster and activist Bothaina Kamel, failed to secure the minimum number of endorsements needed to run.<sup>12</sup>

On March 26, Sisi appeared on national television to announce his resignation and his intention to run for president. Four days later, on March 30, 2014, the PEC announced that the presidential election would be held on May 26 and 27, 2014. Both Sisi and Sabahi submitted formal applications for candidacy, and their applications were approved. The 2014 Constitution and the Law Regulating the Presidential Election (Law 22 of 2014) required that applicants must be endorsed by at least 25,000 citizens, including at least 1000 from across 15 different governorates.<sup>13</sup> On April 20, 2014, the Head of the Presidential Election Committee, Abdel Aziz Salman, announced that the 188,930 endorsements were filed in favor of Sisi, while 31,555 were filed in favor of Sabahi.<sup>14</sup>

The campaign period officially began on May 3. In many ways, however, campaigning for Sisi effectively had begun much earlier. After Morsi’s ouster, the Egyptian media consistently portrayed Sisi as a savior of sorts and accused many of those who did not support him of sympathies for the Muslim Brotherhood, a dangerous accusation given the prevailing political climate. Sisi 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 young voters, the campaign overall failed to garner significant support from any sector of the Egyptian electorate. There was an extremely heavy presence of Sisi campaign posters and billboards throughout Egypt, while Sabahi campaign materials were virtually nonexistent.

On May 26 and 27, there was a strong military and police presence at polling stations across Egypt. Throughout the two days of voting, officials announced a series of measures aimed at increasing voter turnout beginning with declaring a state holiday on the second day of voting, closing public shopping malls, offering free transportation to voters who needed to travel to their polling stations in other governorates, and threatening to enforce a fine of up to 500 Egyptian pounds (approximately US\$63, but a substantial sum for most Egyptians) against anyone who failed to vote that had long been on the books but had never been enforced. Then, at the end of the second day, the PEC made the unprecedented announcement that it would ex-

tend voting to a third day. The PEC claimed that “severe heat” had prevented people from voting and that out-of-governorate, or *wafideen*, voters had not been able to register and vote as prescribed by the PEC.<sup>15</sup> DI observers across the country, however, reported no impediments to voting during the first two days of balloting that would necessitate or justify an additional day. DI publicly questioned the need for, and announced that it would not observe, the third day of voting.<sup>16</sup>

Sisi won the election with 96.9 percent of the vote, according to the PEC’s official results. On June 8, Sisi was sworn in as Egypt’s eighth president. Although the environment for the presidential election had offered more room for Sabahi to campaign than the referendum had provided for a “No” campaign, the broader environment for political rights continued to deteriorate throughout the presidential campaign period.

In the absence of an elected legislative branch, the 2014 Constitution gave legislative power to the executive branch to issue laws by decree. The parliament, once elected, would have 15 days to review all legislation.<sup>17</sup> With the elections of the House of Representatives, the Roadmap would be complete.

# LEGAL FRAMEWORK

## Election System

The 2014 Egyptian Constitution did not define the election system, but it did require that the House of Representatives should have at least 450 elected members, with up to 5 percent of the seats appointed by the president. In the absence of a parliament, Sisi issued the legislation that established the new election system. The three key pieces of legislation were the Law on the House of Representatives (Law 46 of 2014), the Law on the Exercise of Political Rights (Law 45 of 2014), and the Law on Electoral Districting for the Elections of the House of Representatives (Law 202 of 2014 or boundary delimitation law).

The new system called for a total of 596 seats in parliament, with 568 seats elected and up to 28 seats appointed by the president. Unlike a typical mixed election system, which contains a proportional system running parallel to a district-based system, Egypt's election system contained two parallel majoritarian systems.<sup>18</sup>

The first electoral system was the "individual system," where 448 members were elected from 205 districts in two rounds. Individual candidates could be independent or party affiliated. Each district had from one to four seats, and voters were required to select on their individual-system ballot the exact number of seats in their assigned district.

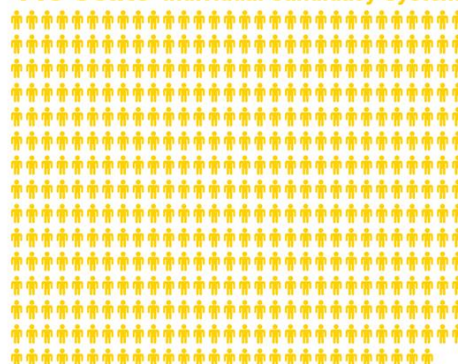
To be elected after the first round, a candidate needed to acquire an absolute majority (more than 50 percent) of the valid votes cast in the district.

There was a second round ("runoff") if at least one seat remained available. Runoffs were held among the candidates that won the most votes in the first round. The number of candidates competing in the runoffs was decided by doubling the number of seats that remained available. Thus, in a three-seat district with two seats still open after the first round, the top four candidates from round one who had not already won a seat would enter the runoff. In the runoffs, a simple majority was sufficient to win a seat. Outside of Egypt, this individual system is frequently termed a "two-round" system when applied to single-member districts and a "block vote" system when applied to multimember districts.

### 120 Seats Party Lists System



### 448 Seats Individual Candidacy System



### 28 Seats Appointed by the president



The second election system was the absolute majority, closed-list system. Under this system, there were four large districts with 120 seats in total. Each district was to be represented in parliament with one list. Two of the districts were to be represented by 15-member lists, and two of the districts were to be represented by 45-member lists. Lists could comprise both party affiliated and unaffiliated candidates. In forming lists, there were quota requirements that had to be met. The law required each list to reserve seats for women, Christians, young persons under 35, persons with disabilities, persons designated as “workers” or “farmers,” and Egyptians living abroad.

As with the individual system, the law provided for two rounds of elections. In the first round, the list that obtained an absolute majority of the votes would win all of the available seats in that district; if no list obtained an absolute majority, a runoff would be held between the top two lists, and the list with a simple majority would win. If there were only one list competing in a given district, as was the case in the East Delta district, then that list had to obtain approval from 5 percent of registered voters. Outside of Egypt, the list system might also be described as a “party block vote” system.

Political parties, individual candidates, representatives of civil society organizations, and others expressed various concerns with the double majoritarian electoral system. Some critics argued that the large percentage of seats allocated for the individual system would likely have a negative effect on political party development. Going further, they argued that it might reflect a return to Mubarak-era legislatures without lists, which were characterized by patronage networks, personal economic interests, personality politics, and weak, fragmented opposition. While Egypt has employed an electoral system with individual and list seats since 2011, the system used in 2015 shifted the balance by reducing the percentage of list seats from 63 percent to 20 percent and by changing the proportional list system used in 2011 and 2012 to a winner-take-all list system.

The design of the list system was of particular concern. Unlike traditional proportional list systems in other countries, where seats are allocated based on the proportion of votes that each list receives, the list portion of the system in Egypt was not a basis for encouraging representation of minority political parties or viewpoints. Rather, the Egyptian system had the opposite effect: the list that obtained majority of votes in the first round or run-off round would win all the available seats in that district. In fact, For the Love of Egypt (Fi Hob Misr), which was widely perceived to have the tacit support of the government, won all 120 of the list seats in the first round of each stage. Thus, the list system did not provide an avenue for politically diverse representation.

This absolute majority list system is essentially without parallel in modern electoral systems. Defenders of the list system as designed often cited the quotas. They argued that the reserved-seat quota model could only exist if the lists were closed.<sup>19</sup> But quotas can be designed in different ways to accommodate different systems, including a system of lists elected based on proportional representation. Such quotas can also be designed to prevent minorities from simply being placed at the bottom of a list through “placement mandates” or rules about the ordering of candidates.

The practice of making presidential appointments to the parliament is inconsistent with basic democratic standards because it concentrates too much power in the executive branch and removes part of the legislature from direct democratic accountability. In the context of the broader concerns with the electoral system in Egypt, however, most stakeholders seemed less concerned with, or resigned to, this long-established practice in their country.

## Legal Drafting Process

In June 2014, a few days before the end of his tenure, interim President Adly Mansour issued two laws to govern parliamentary elections: the Law on the Exercise of Political Rights and the House of Representatives law. The Law on the Exercise of Political Rights, which replaced a previous law of the same name that had been in force since 1956, covered voter eligibility, the competencies of the HEC, the establishment of the voter database, provisions governing campaigning and campaign finance, voting and vote counting, and electoral offenses. The House of Representatives law established the electoral system for the House and the criteria for candidate eligibility. In December 2014, President Sisi issued the third key piece of legislation forming the electoral legal framework, the boundary delimitation law. This law established the districts within the list and individual candidate systems as well as the number of seats in each district.

With these three laws in place, the elections were scheduled to occur in two stages, with Stage One scheduled for March 22 and 23 and Stage Two scheduled for April 26 and 27. With just a few weeks remaining until voting began and candidate registration already under way, however, the Supreme Constitutional Court issued two important decisions. On March 1, the SCC found that some of the individual districts provided for in the boundary delimitation Law violated Article 102 of the 2014 Constitution requiring “fair representation of the population and governorates” and “the equitable representation of voters.” In response to this decision, an administrative court officially postponed the elections on March 3. A few days later, on March 7, the SCC found unconstitutional the provision in the House of Representatives law requiring that a candidate possess Egyptian nationality to the exclusion of other nationalities.

These pieces of legislation had already been the subject of government-led “dialogue” among the executive, members of political parties, and individual public figures going back to as early as December 2013.<sup>20</sup> After the SCC’s findings of unconstitutionality, the electoral legislation again became a focus of political discussion. Prime Minister Ibrahim Mehleb formed a legislative amendment committee that began deliberating about necessary revisions of electoral legislation. Parliamentary Affairs Minister Ibrahim al-Heneidy chaired the committee, which included government officials and legal scholars. Beginning in March 2015, another round of dialogue sessions opened between the committee and various stakeholders, including political party representatives and individual public figures.

More than simply responding to the SCC’s rulings, many actors who were part of the dialogue process called for a larger percentage of seats to be allocated to the list system (e.g., 50 percent or more) and for a traditional proportional, rather than majority, list system. They believed that the emphasis on individual candidates would likely have a negative effect on political party

development. Many of the proposals put forward reflected similar concerns expressed by stakeholders earlier in the process of legislative drafting before the SCC findings of unconstitutionality.

Eventually, the process came to a close. On July 9, 2015, President Sisi issued amendments to the boundary delimitation law.<sup>21</sup> Later that same month, on July 29, President Sisi issued a set of amendments to the Law on the Exercise of Political Rights and the House of Representatives law.<sup>22</sup> The amendments largely responded to the SCC rulings but otherwise made few significant changes, despite the widespread criticism of the election system as a whole.

The amendments increased the number of individual seats from 420 to 448 and decreased the number of individual districts from 237 to 205. The number of list seats and the percentage of seats appointed by the president (5 percent) did not change. The number of appointed seats did increase by one to 28, however, as a result of the increase in the total number of seats. Other significant changes included an increase in campaign finance spending limits for lists and a removal of the prohibition on candidates with dual nationality. The variation in district magnitude also increased. Under the old law, each individual district had one, two, or three seats. In contrast, under the new law, each individual district had up to four seats.

Moreover, while the new boundary delimitation law made changes to the individual district boundaries in response to the SCC's ruling, low levels of public communication and transparency meant that analysts were left unsure about all the factors that were used to determine district boundaries and whether those factors were nondiscriminatory. Well after the electoral process was already under way, the HEC made important demographic information organized by district available on its website.<sup>23</sup> This information could have been used to assess representation, but stakeholders were left to make their own complicated calculations about representation.

The legislative redrafting committee clearly and openly rejected many recommendations for amendments to the broader electoral legal framework, including those put forward by a group of 32 political parties.<sup>24</sup> The amendment process was a lost opportunity not only for consensus building among electoral stakeholders but also to implement broader reforms of the electoral system. Although the legislative redrafting committee held dialogues with political parties and accepted proposals for a more sweeping reform of the electoral system, some stakeholders have expressed dissatisfaction, publicly and to DI, with the apparent lack of consideration that the committee gave their proposals. These stakeholders argued that room for meaningful participation in these dialogues was compromised from the beginning and that real citizen influence was minimal at best.

## Constitutional Review

In addition to the amendments to the three main pieces of electoral legislation, President Sisi issued amendments to law governing the Supreme Constitutional Court on July 25.<sup>25</sup> The amendments removed the 20-day timeline on the SCC to decide on an election case (including a case that would result in postponing elections), giving more flexibility to the court on the timing of when it issues election-related decisions and reducing the risk of an electoral delay.

While in the end there was not another postponement, under this framework of constitutional review a second electoral delay remained a possibility.

Not only did the amendments fail to address the risk of election delay, they did not address the risk of parliamentary dissolution as a result of a constitutional challenge to the election laws. In Egypt's modern history, the SCC has delivered four rulings finding unconstitutional electoral laws that had been used to elect a legislature. In three out of four of these instances, dissolution took place immediately after the court decision (1987, 1990, and 2012). Accordingly, many Egyptians viewed dissolution before the end of the parliament's first term a practical possibility. In response to such concerns, the Egyptian government reportedly finalized draft legislation that would protect the House from dissolution if the SCC were to find an electoral law unconstitutional in the future. Sisi, however, never issued the law. As a result, the parliament sits, but its constitutional legitimacy and longevity remain in question. Some stakeholders cited this continued risk of dissolution as undermining voter confidence in the process.

## Candidate and List Registration

The candidate and list registration period opened in February 2015, before the SCC's findings of unconstitutionality. When the HEC announced the new election timetable on August 30, 2015, the HEC announced that it would begin the registration process over again from the beginning. Overall, the candidate registration period was administered in an orderly fashion.

With registration for both stages opening on September 1, candidates and lists had only two days to prepare before the opening of the registration process. Registration was originally set to close on September 12. On September 7, however, an administrative court ruled that those applicants who had previously undergone a medical test in February would need to do it again. There were also last-minute changes to the boundary delimitation law's districts in Cairo and Qena.<sup>26</sup> These changes caused confusion and speculation about yet another delay in voting, but the HEC assigned three additional days for candidate registration, and the elections continued to move forward as otherwise scheduled.

At least some aspiring candidates found the candidate registration process to be unnecessarily burdensome. Among other things, for example, the HEC required applicants to submit documents proving that they had completed or been exempted from performing military service, that they held the required bank account for campaign funds, and that they had no record of criminality. Since many of these documents came from state institutions, some candidates questioned why the HEC would not be able to gather this information itself.

Some aspiring candidates and lists also found the process to be expensive. In addition to the fees associated with medical tests, the HEC required a security deposit and various administrative costs were involved in gathering all the necessary documents.<sup>27</sup> When the HEC required aspiring individual candidates and list members who had undergone the medical tests in February 2015 to retake it in response to a court decision, one aspiring list reportedly described the decision as "costly" and withdrew its candidacy, arguing that the HEC should have extended the registration period by 12 days instead of three and made a second medical test available for free. This list, Egypt's Awakening (Sahwet Misr), was a coalition including relatively

small, left-leaning political parties that, if they had obtained seats, would have likely served as the group most likely to oppose the executive in parliament. Egypt's Awakening further stated that they believed the decision violated the constitutional principles of "equality" and "equal opportunities."<sup>28</sup>

The official HEC electoral timetable provided that appeals regarding candidate and list eligibility would be heard on September 16, 17, and 18. Relevant institutions were supposed to decide on appeals between September 20 and 28. This time period proved unrealistic or unenforceable. The Supreme Administrative Court, for example, ruled on the registration of the Egyptian Front and Independence Current Coalition after the last day in the HEC's timeline for decisions on such appeals.

Acknowledging some discrepancies in numbers across media reports, the HEC initially approved approximately 5420 individual candidates out of a total of approximately 5940 applicants. The reported reasons for rejections included missing documents and drug use. Many aspiring individual candidates who were denied registration by the HEC, such as controversial media commentator Tawfiq Okasha, launched appeals in the administrative courts, but the number of successful appeals was relatively small. (Okasha won his appeal but was later voted out of parliament by his fellow members for meeting with the Israeli ambassador.) Regarding list registration, the HEC initially approved nine out of 14 lists. After the appeal period, the HEC approved 13 district-level lists. The HEC approved For the Love of Egypt lists in each of the four districts, Egypt (Misr) coalition lists in three districts, Nour Party (Hizb al-Nour or "Light Party" in English) lists in two districts, and lists in one district each for the Knights of Egypt (Hizb Forsan Masr), the Republican Alliance of Social Forces (Al Tahalof Al Gomohry lil Qoua Al Egtmaaeia), Independent National Awakening (Kotlet El Sahwa El watinea Al Mostaqela), and Egypt's Call (Neda'a Misr).

Despite the judicial review available to applicants who wished to contest findings of candidate and list ineligibility, some stakeholders believed that both the HEC and administrative courts were sometimes using discretionary factors not outlined in the law to control the candidate and list registration process. The Supreme Administrative Court, for example, denied registration to one aspiring female candidate on the grounds that her morals were "questionable" and she lacked a "good reputation."<sup>29</sup> This was not one of the grounds for eligibility outlined in the law, but the decision could not be appealed from the Supreme Administrative Court, the highest court that adjudicates cases involving the activities of administrative agencies of government.

# ELECTORAL PROCESS

## Election Management Body

As in previous Egyptian elections, the High Election Commission, an independent body, administered the elections. Under the law, the committee was temporary and was composed of judicial representatives *ex officio*, including the two most senior deputies to the head of the Court of Cassation, the two most senior deputies to the head of the State Council, the two most senior heads of the Courts of Appeals, and the head of the Cairo Court of Appeals. At the conclusion of the electoral process, the HEC was disbanded.

Under the Law on the Exercise of Political Rights, the HEC and its secretariat staff were responsible for all decrees governing the electoral process, including those that set the timelines for the election as well as the rules and procedures under which the elections were conducted. The HEC appointed the general committees and the polling place committees that administered the election throughout the country. Finally, the HEC was responsible for the counting of ballots in the polling stations and the announcement of electoral results.

Thus, the HEC received support from many government entities. Article 9 of the Law on the Exercise of Political Rights stated, "All state agencies shall be bound to assist the HEC in discharging its competencies." Most notably, the Egyptian Ministry of the Interior provided logistical support including procurement of necessary electoral materials such as ballot boxes and ballot papers, delivery of materials to the polling stations, and oversight of the security of the polling locations in coordination with the army and police.

According to the 2014 Constitution, a permanent national election committee will be established to administer future elections in Egypt, although the laws and regulations governing this institution have yet to be enacted. The establishment of a permanent electoral body in Egypt is a positive development since the ad-hoc nature of Egyptian election management bodies to date has not encouraged long-term capacity building among those administering the electoral process.

## Election Observation

The election laws contemplated four different types of election observers for the legislative elections: (1) multilateral organizations; (2) foreign embassies; (3) local observation groups; and (4) international observation and similar organizations (such as Democracy International). Organizations in the first category were invited to observe through a memorandum of understanding with the government of Egypt. For the parliamentary elections, these included the Arab League, the African Union, and the European Union, which sent a three-person expert team rather than a large observation mission as it had for the 2014 presidential election. More

than 60 foreign embassies were invited to accredit several representatives each to observe on election day.<sup>30</sup>

## International Organizations

### Accreditation

Before the election delay, the HEC had accredited five international organizations to observe the legislative elections in Egypt: (1) Democracy International; (2) Ecumenical Organization for Human Rights and Development; (3) Electoral Institute for Sustainable Democracy in Africa (EISA); (4) Global Network for Rights and Development (GNRD); and (5) International Institute for Peace and Justice and Human Rights (IIPJHR). Of these organizations, only EISA and DI were well known within the global election observation community.

In August 2015 before it announced new election dates, the HEC reopened the accreditation application process. Previously accredited organizations maintained their accreditation, and new organizations could apply.<sup>31</sup> One additional international organization—Common Market for Eastern and Southern Africa (COMESA)—received accreditation, bringing the total number of accredited international organizations to six. The HEC never publicly reported on any applications for accreditation that it may have rejected. Some stakeholders pointed out that the HEC criteria for accreditation of international organizations were subjective, such as a requirement that organizations have a “sound international reputation.”<sup>32</sup>

There was only one international-domestic observer partnership for the parliamentary election. COMESA, GNRD, and IIPJHR formed a partnership with MAAT Foundation for Peace, Development, and Human Rights, an Egyptian organization with past experience with election observation.<sup>33</sup> MAAT is a well-known pro-government organization. Several civic activists, including ones who have previously observed elections in Egypt and have partnered with other international observer groups in the past, questioned the credibility of GNRD and the independence of its local partner organization, MAAT.

### Access

Even international missions with accreditation faced obstacles to observation. Despite assistance from the High Election Commission, the Ministry of Foreign Affairs, and the Egyptian Embassy in Washington, DC, for example, some visas for Democracy International’s accredited core team members and short-term observers were not issued until after the voting had commenced in October. In addition, most visas were not initially issued for the duration necessary to observe the entire electoral process. This limited the mission’s access to the process during the pre-election period and precluded the deployment of a full observation mission for the first stage of the elections in October. Only later, when Egyptian authorities apparently changed their policy and suddenly began issuing visas of appropriate duration, was DI able to mount a traditional observation mission for the second phase of the process.

Democracy International had encountered a similar issue when the elections were originally scheduled earlier in 2015. At that time, DI personnel received visas, but most DI personnel who

travelled to Egypt were granted only a single-entry business visa valid for 30 days in country. These visas were of insufficient duration for an electoral process that was scheduled to last for several months. When DI teams reapplied for visas in August and September, again most team members received single-entry visas valid for only 30 days in country. The reluctance of Egyptian authorities to provide visas of appropriate type and sufficient duration created logistical challenges and hindered the ability of the election observation mission to access and observe longer-term aspects of the electoral process. The inconsistent and uncertain processing time for visas also hindered DI's ability to plan for deployment of individual observers and ultimately forced DI to change its plans to deploy an observer team.

Although the issue of obtaining appropriate visas had been a problem in advance of DI's previous missions, DI's concerns about entering Egypt grew in January 2015. A DI team member with a valid business visa was initially denied entry into the country and detained at Cairo Airport. After several hours and intervention by high-level Egyptian officials, the team member was ultimately allowed into the country. Despite pledges from various Egyptian government officials to look into the situation, DI never received an explanation of the reason why the individual was initially denied entry.

DI also experienced challenges obtaining unimpeded access to the process while in Egypt. For the runoffs during Stage One and the first round of Stage Two, DI observers faced obstacles deploying from Cairo to other parts of the country because local police insisted on accompanying them in the observers' vehicles. Police representatives claimed this was for the observers' protection. As an independent election observation mission, however, DI could not accept being accompanied by such state actors. In both cases, only after several hours of negotiations was DI able to deploy its teams.

Although DI and other international observers were generally able to observe the process in polling stations—including initial set up and openings, lunch-break closings and openings, and station closings and counting procedures—observers often had to answer questions from military or other security personnel apparently responsible for perimeter security at polling places, a process that frequently took more time than seemed to be justified. In a few instances, security personnel overseeing polling centers or judges presiding over polling stations did not allow observers access to polling places at all. In one instance a presiding judge ordered a team to leave after five minutes, before the team was able to complete its work. In another station, observers were prevented from writing information on their digital tablets.

Aside from its difficulties with visas and entry into Egypt, DI was hindered in its observation by a lack of access to the HEC. For the parliamentary elections, DI had serious difficulties working with the HEC. In the two previous election observation missions, DI had been in frequent contact with the election management body (the previous HEC for the constitutional referendum and the PEC for the presidential election). During both of those electoral processes, the HEC members assigned to be the point of contact for international observers were available to DI and willing to provide information and maintain clear lines of communication with DI's observation mission. For the parliamentary elections, DI noted a distinct change in the level of engagement from the HEC. To obtain meetings with HEC members and secretariat staff, DI's

team had to make multiple requests by fax, telephone, and email. DI found its official contact to be unresponsive and, at times, confrontational. In one instance, DI's project manager was summoned to the HEC to discuss DI's interim report; the HEC representative criticized DI for even issuing an interim report even though, under the Article 7 of Declaration of Principles for International Election Observation, observer missions should make "periodic reports as warranted."

On the voting days, as in previous elections, DI observers had some problems gaining immediate access to polling stations. In general, DI's observers were allowed to perform their duties without undue difficulty or delay. In six cases, however, DI was denied entry entirely. These cases did not appear to be systematic efforts to keep observers away from the process; rather they were more likely due to security officials being overzealous in their efforts to secure polling locations. In some cases, DI's teams noted that judges seemed deferential to security officials at polling stations, and in others judges seemed to be in control of the polling locations and security forces seemed to defer to the judges. In most cases, the judges seemed personally willing to allow accredited observers access to the polling stations. While these were relatively minor hindrances and DI has no reason to believe they were centrally authorized or intended to interfere with observers' ability to play their authorized and appropriate role, they do not reflect the openness and transparency expected under international norms.

Although, as noted above, the Arab League, the African Union, and other international organizations sent teams to observe these elections, other well-known and highly regarded international observers were not present. The European Union (EU) chose to deploy only a three-person technical team, which did not make a public report. The Carter Center, which had maintained an almost continuous presence in Egypt since May 2011 monitoring and reporting on the political transition and the electoral process, announced in October 2014 that it would not observe the legislative elections after assessing that "political space has narrowed for Egyptian political parties, civil society, and the media."<sup>34</sup>

Moreover, the National Democratic Institute for International Affairs, the International Republican Institute, the Konrad Adenauer Foundation, and Freedom House, among other groups, were not able to even consider the possibility of observing the election process, or otherwise supporting Egyptian efforts, because of the unjust and widely condemned trials and spurious convictions of 43 nongovernmental organization (NGO) workers in 2013.<sup>35</sup>

## Media

Many stakeholders characterized the media environment for the parliamentary elections as lacking in objectivity and impartiality. They expressed the view that the Egyptian media, both state- and privately owned, presented news coverage slanted in favor of the government or government-supported narratives. Numerous stakeholders also suggested that Egyptian media outlets made concerted efforts to discredit, smear, or censor groups and individuals who opposed government favored policies or political parties. One female independent candidate, for example, said that some newspapers and TV channels asked her for money in exchange for coverage.

Given that the Muslim Brotherhood had been outlawed, its members and affiliates did not receive positive coverage in national or private Egyptian media. Despite Salafi Nour Party pledges of support to President Sisi and public attempts to distance themselves from the Muslim Brotherhood, Egyptian media consistently accused the party of acting as hidden agents of the Muslim Brotherhood. Numerous state- and privately owned outlets claimed that the Nour Party represented an organized attempt by the Muslim Brotherhood to win seats in parliament through a “backdoor” or “Trojan horse” strategy.

State-owned Egyptian media consistently used provocative descriptions of political opposition figures. Media frequently called political opposition figures across the spectrum “terrorists.” This label was used to describe actual terrorist groups such as the self-proclaimed “Islamic State”; those about whom there is no international consensus that the label applies, such as the Muslim Brotherhood; and even groups that had the characteristics of legitimate political opposition, such as the April 6<sup>th</sup> Movement. The adoption of the term “terrorist” to describe any opposition voices seemed to conflate those who do not accept the government narrative with actual terrorist entities. This demonstrated the media’s complicity in the government’s strategy for discrediting, and in some cases silencing, any opposition.

On several occasions, outlets supporting narratives not favored by the government faced censorship or were not allowed to broadcast.<sup>36</sup> In addition, journalists reported 60 violations that prevented them from reporting on the elections in November alone, including seizure or destruction of equipment, verbal and physical assault, and detention.<sup>37</sup> This fed into a general media environment of self-censorship of views opposed to the official narrative.

## Election Day Administration

The House of Representatives elections took place in two stages, each with scheduled runoff rounds to be held if needed. For the purposes of administering the election, Egypt was divided into two geographic regions.

The first region encompassed the governorates in the southern part of the country (Upper Egypt) and the area west of the Nile River (West Delta). This first stage included the governorates of Alexandria, Aswan, Assiut, Beheira, Beni Suef, Fayoum, Giza, Luxor, Matrouh, Minya, New Valley, Qena, Red Sea, and Sohag. These governorates voted on October 18 and 19 with runoffs on October 27 and 28.

The second region encompassed the northeastern part of the country including the Central and East Delta and the Sinai Peninsula. This second stage included the governorates of Cairo, Dakahlia, Damietta, Gharbia, Ismailia, Kafr al-Sheikh, Monufia, North Sinai, Port Said, Qalyubia, Sharquia, South Sinai, and Suez. These governorates voted on November 22 and 23 with runoffs on December 1 and 2.

Egyptian citizens living outside of Egypt were allowed to vote in specified embassies around the world. Out-of-country voting for the first stage took place on October 17 and 18, with runoffs on October 26 and 27. For the second stage, out-of-country voting was held on November 21 and 22, with runoffs on November 30 and December 1. In response to the annulment of first

round, first-stage elections in four individual system districts, re-elections took place in those districts on December 6 and 7, with runoffs on December 15 and 16.

Even though Egyptian elections have been conducted using this phased approach in the past, critics argued that it was not necessary and that it likely contributed to voter confusion and apathy. Many voters in Cairo seemed uninformed about the two stages and were unaware that they were voting approximately one month later than voters in Upper Egypt and the West Delta regions.

Previous electoral management authorities did not believe that it was possible to conduct the elections throughout the country simultaneously due to the requirement that a judge be present as the head of each polling station, given the limited number of judges. During the 2014 constitutional referendum and presidential election, however, voting took place nationwide on the same days, without any apparent adverse effect on the administration of the process or apparent burden on the voters.

Many stakeholders also expressed concern about the HEC's decision to announce results after each stage. The HEC's justification for announcing results after each stage was to encourage transparency. Many stakeholders indicated that they would have great concerns about a long delay in the announcement of results after the elections, so the HEC's decision to announce results after each stage seemed reasonable. Article 51 of the Law on Exercise of Political Rights does not specifically seem to envision two electoral stages in reference to announcement of results. Therefore, there would not seem to be any legal prohibition on such an announcement. Nonetheless, announcing winners after the first stage led to a situation where many individuals who had been elected began to discuss their priorities as future members of parliament, which was a distraction during the campaign for the second stage.

## Election Day Observations

For the first stage of the electoral process, DI's specialized technical mission observers filed 158 observer reports from locations in Alexandria, Beheira, Luxor, and Qena governorates. For the second stage of voting DI deployed 26 accredited international observers who filed 422 observer reports from locations in Cairo, Dakahlia, Damietta, Ismailia, Port Said, Qalyubia, Sharquia, and Suez governorates.

As in past missions, DI observers used handheld tablet computers to record their observations. The information was communicated to DI's presence in Cairo mostly in real time via 3G or wireless networks.

Overall, the process of voting in most locations was organized and orderly. As in previous elections, however, there was a lack of consistency from polling station to polling station. This appears to have been a function of individual judges interpreting requirements differently. Universal and comprehensive training of judges and polling place workers would contribute to more systematic adherence to procedures and lead to significantly greater consistency in polling place operations in Egyptian elections.

Ballot secrecy has improved over observations from previous elections. In 94 percent of DI observer reports for these elections, observers indicated that ballot secrecy was ensured. This is an increase from 89 percent during the presidential election and 83 percent during the 2014 constitutional referendum. During the referendum, DI observers reported that security forces were present in 40 percent of percent of polling centers, which was roughly the same as the 37 percent reported during the parliamentary elections. This peaked at 60 percent, however, during the presidential election. DI observers reported inappropriate campaigning in 2 percent of polling centers during the parliamentary elections compared with 5 percent during the presidential election and 8 percent during the referendum.



In some locations, local citizens suggested that vote buying was occurring near polling locations. Egyptian media also reported that the practice was prevalent during the elections. On only one occasion, during the second round observation in Zagazig, did DI observers actually witness unidentified individuals giving money and pieces of paper—presumably with names of candidates for whom to vote—to voters. No voters admitted to DI to selling their votes. Allegations of vote buying seemed more prevalent in rural areas than urban areas.

The procedures for the counting process varied considerably and tended not to be completely transparent. Although DI observers were only present for the count in a small number of locations, in many of these polling stations the presiding judge did not announce results aloud and did not post results publically as required by the procedures. Polling stations closed before the official closing time of 9 PM in 19 percent of stations where DI observed closing. Many, if not most, judges in DI's small sample did not properly account for unused ballots or compare vote totals against the number of people who signed their names on the voter list. In most locations where DI observed, the judges did not show the ballots to observers or candidate representatives as they were being counted and observers were not allowed observe from a distance that would have permitted any first-hand observation of the process as it was carried out. Many observers noted that judges seemed to prioritize speed in the counting process rather than adherence to procedures. Although there did not appear to be any systematic attempt to miscount, the lack of transparency in the counting process could far too easily allow manipulation of the results in more contested circumstances.

It was not possible for DI's observation mission in Egypt to gather statistically valid information that would enable DI to estimate turnout figures. Nonetheless, DI observers reported that turnout among younger voters appeared to be light. Turnout in rural polling locations generally seemed higher than in urban ones. DI teams noted strong participation among women voters.

## Complaints Processes

Citizen trust in the electoral process can be improved through effective electoral complaints processes and structures. For the parliamentary elections, Egypt had the potential to have a strong complaints process given its established court system, the high degree of citizen awareness about the availability of legal complaint mechanisms, and the important role that judges already play in the electoral process, both as members of the HEC and as the supervising authority in polling stations.

The electoral legislation and regulations provided the core of the framework for complaints processes. Which entity had jurisdiction over a particular electoral complaint depended on the physical location of the individual bringing the complaint and the subject matter of the complaint. Depending on these factors, the complaints could either go through election committees or through the court system. Each forum involved different authorities, standing requirements, procedures, and timeline requirements. At the local level, for example, the law required the HEC general committees at the district level to respond to complaints regarding “the validity of the voting or the vote-counting before the General Committee,” whereas it was the HEC’s central authority based in Cairo that had jurisdiction over questions related to “the procedures of the voting or vote-counting in the elections.”<sup>38</sup>

In practice, citizens employed dispute resolution processes in a variety of scenarios, such as appealing decisions related to candidate and list registration, alleging vote buying, or contending that there was campaigning during a silence period. In so doing, they pursued a number of avenues to submit complaints against various aspects of the electoral process in various forums, including different courts, the HEC and its general committees, the presiding judges of polling stations, and the police. Reportedly, the HEC dismissed all the complaints it received regarding the first round of Stage Two.<sup>39</sup> The reasons for the HEC’s dismissal of cases were unclear since the HEC did not provide any detailed statistics or additional information on the complaints process. The media reported a lack of accompanying documentation and evidence as at least one common reason for the dismissal of complaints.<sup>40</sup> Contrary to what existed under the presidential election law, there was no explicit language that immunized decisions of the electoral management body against appeals before courts.<sup>41</sup> Courts were available to complainants who made allegations about the HEC’s misconduct, as occurred when administrative courts ordered re-elections in four individual system districts, and the law explicitly provided for judicial review when it came to candidate and list registration.<sup>42</sup>

How the dispute resolution framework functioned overall was difficult to assess due to the complexity of the legal framework and the limited information that the HEC and other authorities shared publicly. There were, however, pieces of information made available from time to time, such as when the President of the HEC, Ayman Abbas, spoke at a press conference on December 4, 2015. Among other things, he explained that, over the course of both stages, the HEC “dismissed” many cases of campaign infringements and referred hundreds of other cases to prosecution. It was not clear from Mr. Abbas’s comments whether all cases of campaign infringements were dismissed. The spokesperson of the HEC, Omar Marwan, held regular, weekly meetings with journalists to discuss the elections as a whole but did not have time to address

questions related to complaints in sufficient detail during these one-hour sessions. The HEC did not issue any official press releases regarding the number, nature, or outcomes of complaints that citizens submitted before all the various authorities.

What is clear from the information available is that the various complaint mechanisms were in need of greater simplification, clarification, and public explanation. Citizens and candidates found the number of avenues available and the differences in subject-matter jurisdiction confusing. At least some individual candidates decided to avoid submitting any formal complaints against competitors, despite their allegations of wrongdoing, because of what was perceived as an excessively confusing and burdensome complaints process. In the context of media reports on campaign violations, the HEC issued a press statement on November 19, 2015, in which it encouraged citizens to submit complaints about campaign violations before the governorate-level HEC committee but still failed to make clear the steps involved in submitting such a complaint.<sup>43</sup>

Reportedly, administrative courts dismissed a number of cases that citizens submitted directly to them instead of the HEC. Article 55 of the Law on the Exercise of Political Rights required, as a matter of procedure, that complaints "regarding the polling and vote-counting processes" be made to the HEC first; otherwise the case would be deemed inadmissible in court.

There were also challenges associated with the timelines for the issuance of judicial decisions, particularly with regard to candidate and list registration. While electoral judicial proceedings should be expeditious and the HEC's timetable encouraged prompt decision-making related to registration appeals, timelines for making such decisions were not always respected or did not always allow enough time for the decisions to be implemented even when they were respected. In a press statement acknowledging the administrative court decisions requiring re-elections in four individual districts, for example, the HEC explained that the issuance of candidate registration appeal decisions shortly before voting began, and after the printing of ballots, made it difficult to remove the candidate names from ballots in time before election days.<sup>44</sup> This meant that the rejected candidates remained on the ballot on election day, and one candidate even won an outright majority in the first round, meaning that he would have been a member of parliament had his candidacy not been rejected.<sup>45</sup>

Another concern related to dispute resolution by Egypt's highest court of general jurisdiction, the Court of Cassation. The Court of Cassation adjudicated complaints relating to the validity of membership in the House. Complaints had to be filed with the court within 30 days of the announcement of electoral results or the publication of a decision regarding membership. The court had to issue a decision within 60 days of the receipt of the complaint. If a member of parliament was found to be ineligible, the only remedy provided in the law was to remove the member.<sup>46</sup> This lengthy timeline was problematic. It permitted the court to issue decisions as late as March 2016, well after the seating of parliament on January 10. Since the House had already met, elected members had already participated in important decision-making, such as the review of executive decrees, even though complaints were still pending. Moreover, with the parliament already active, decisions about the removal of any member could have been subject to a higher risk of perceived court bias. While the court has many other nonelection-

related cases to hear and decide upon, good practice suggests that the law should provide increased priority to electoral cases so that they can be adjudicated sooner, before an individual is seated as a parliamentarian.<sup>47</sup> Indeed, as of the printing of this report, approximately 250 cases involving 100 members of parliament were still under consideration by the Court of Cassation.<sup>48</sup> The feature of the law could be exploited to pressure sitting parliamentarians while cases are pending.

## Invalid Ballots

The percentage of invalid ballots was notably high. For the first round of Stage One the HEC reported 9.6 percent of ballots were invalid, for example, a high rate of disqualification compared to previous elections in Egypt. (See table below.) This large disqualification of ballots appears to have been due, at least in large part, to the requirement that voters in multi-member districts vote for exactly the number of candidates in that district. Some voters were not aware of this requirement, and there was no official voter education campaign to explain this requirement to voters. Since the number of seats varied by district, many voters may have been confused about how many candidates to select on their ballot. DI observers noted several presiding officers attempting to explain this requirement when issuing ballots, but the scope of the problem indicates that such efforts were not sufficient. This problem was exacerbated by the fact that the number of seats in individual districts was different from the number of seats in those same districts in previous elections, where most districts had two seats. The percentage of invalid votes was higher in Stage One than Stage Two and also higher in the first round of Stage Two than the runoff round. This could suggest that voters became more familiar with the regulations as the elections progressed. The HEC never made data on invalid ballots for the Stage One runoff publicly available.

Electoral Event	Percentage of Invalid Votes
2011-2012 Parliamentary Elections	Not available
2012 Presidential Election	
Round One	1.7%
Runoff Round	3.3%
2014 Constitutional Referendum	1.2%
2014 Presidential Election	4.1%
2015 Parliamentary Elections	
Stage One, Round One	9.6%
Stage One, Runoff Round	Not available
Stage Two, Round One	6.8%
Stage Two, Runoff Round	3.2%

In determining what constitutes a valid or invalid ballot, globally accepted best practice dictates that the central question should be whether or not voter intent can be determined. Dis-

qualifying the ballots of voters who have cast fewer votes than the number of seats available (undervotes) ignores their intent and effectively disenfranchises them.

The HEC does not report the reasons for disqualifying particular ballots. It is therefore not possible, based on reported information, to determine whether other reasons for invalidation, such as intentionally spoiling ballots, were also responsible for a significant part of the disqualified ballots. Several ballots observed during counting appeared to have been intentionally spoiled and some voters indicated that they had intentionally cast protest ballots.

## Electoral Violence

During the pre-electoral and electoral periods, Egypt continued to face sporadic terrorist attacks targeted primarily at the government, military, and police in Cairo and across the country. The Sinai Peninsula remained the most dangerous part of the country as the government of Egypt continued to battle a persistent insurgency there.

Against this backdrop, several violent episodes during the pre-electoral and electoral periods had a direct impact on electoral stakeholders, including political parties, candidates, and poll workers. In the most noteworthy and widely covered violent incident, in November during the second stage, insurgents in North Sinai attacked a hotel that was housing judges presiding over polling stations in the region. The attack left seven people, including two judges and four policemen, dead. The self-proclaimed Islamic State claimed responsibility.

The Nour Party faced serious violence and intimidation. The party reported death threats and worse directed at their candidates. The only Nour Party candidate running in North Sinai governorate was shot dead during the campaign period, another Nour candidate in Sharquia was stabbed in front of his campaign headquarters, and a third candidate in Gharbia was pulled out of his car and assaulted.<sup>49</sup> While there is no conclusive evidence that these attacks were politically motivated, incidents like these likely spread fear among the Nour ranks and interfered with their ability to participate in the elections.

Nour Party candidates were not the only ones subjected to threats. A candidate in Ismailia, for example, withdrew from the race after unidentified kidnappers took his 11-year-old son. They demanded that he drop out of the race or pay a ransom for his son's return.<sup>50</sup>

Despite these incidences, however, fears of widespread violence on election days failed to materialize. Voting was generally orderly and the reactions after results were announced were largely peaceful. DI observers did not themselves witness any violence on the election days.

# POLITICAL PARTICIPATION

Other than seeking an appointment from the president for one of the 28 appointed seats, candidates had three avenues to win a seat in the House of Representatives. The first avenue was to run for one of the 448 individual seats in one of Egypt's 205 individual districts. These candidates could build on local name recognition and networks, but often faced tough competition from dozens of other candidates competing for the same seat. The second avenue was to join a party or coalition list running for the 15 or 45 seats in one of Egypt's four list districts. This offered more campaign support but meant that if the list did not win a majority, none of the candidates on the list would win seats since the list system was not proportional. Candidates in either the individual or list systems could choose whether to affiliate with a political party.

Against the polarized political backdrop, these layers created a complex landscape of political participation. Of the 6,311 eligible candidates, 870 ran on lists and 5,441 ran for individual seats. After the elections, the HEC announced that 41 percent of the members of the House of Representatives had a political party affiliation while 59 percent did not.<sup>51</sup> The 596 seats in the House of Representatives broke down as follows: of the 448 individual system seats, 197 of the successful candidates were affiliated with registered political parties; of the 120 list system seats, 46 of the successful candidates were affiliated with registered political parties; and of the 28 appointed members, two members were affiliated with registered political parties.<sup>52</sup>

Type of Seat	Total Seats	Party Affiliated	Independent
Individual	448	197 (44%)	251 (56%)
List	120	46 (38%)	74 (62%)
Appointed	28	2 (7%)	26 (93%)
Total	596	245 (41%)	351 (59%)

As central to understanding the political context surrounding the elections as those who participated were those who did not participate, either because they were socially marginalized, because they were no longer welcome in the political sphere, or because they chose to boycott the elections. The political environment only allowed for a relatively narrow range of political opinions, and the broader political context meant that many potentially important candidates and parties could not compete at all. Many parties that were active in the 2011 parliament were not able to run in these elections because of outright bans or marginalization. Women and young people were also disproportionately underrepresented as candidates. Many young

people and others who did not see their views reflected in the narrow political spectrum allowed chose not to participate.

## Political Parties

Egypt has approximately 100 registered political parties, which vary widely in ideology, approach, and embrace of political Islam and secularism.<sup>53</sup> The political party landscape has shifted dramatically since the first uprising in 2011, when the political space opened up considerably and many new parties emerged. It shifted again after the second uprising in 2013, when some parties gained strength and others faced challenges in a new political context once again. For the 2015 parliamentary elections there were three broad groups of political parties: (1) parties that largely supported the president, though they might provide some opposition at times; (2) political Islamist parties; and (3) center-left political parties that were more oppositional in their stance toward the president.

Party Name	Dominant Ideologies	2011/12 Elections					2015 Elections					2015 Elections List Name
		List Seats	Individual Seats	Total	% Seats (of 508)	Rank	List Seats	Individual Seats	Total	% Seats (of 596)	Rank	
Free Egyptians Party	Liberal	14	1	15	3.0%	5	8	57	65	10.9%	1	For the Love of Egypt
Future of Nation Party	Liberal	Established in 2014					10	43	53	8.9%	2	For the Love of Egypt
New Wafd Party	Nationalist Liberal	37	2	39	7.7%	3	8	27	35	5.9%	3	For the Love of Egypt
Guards of the Homeland Party	Centrist	Established in 2014					8	10	18	3.0%	4	For the Love of Egypt
Republican People's Party	Liberal	Established in 2012					0	13	13	2.2%	5	-
Congress Party	Liberal	Established in 2012					4	8	12	2.0%	6	For the Love of Egypt
Nour Party	Islamist Salafist	87	21	108	21%	2	0	11	11	1.8%	7	Nour
Conservatives Party	Conservative	0	0	0	0.0%	-	5	1	6	1.0%	8	For the Love of Egypt
Democratic Peace Party	Liberal	1	0	1	0.2%	19	0	5	5	0.8%	9	Independence Current
Egyptian Patriotic Movement Party	Secular	Established in 2013					0	4	4	0.7%	10	Independence Current
Social Democratic Party	Socialist Liberal	15	1 Appointed	16	3.1%	4	0	4	4	0.7%	10	-
Reform and Development Party	Liberal	8	1	9	1.8%	8	1	2	3	0.5%	11	For the Love of Egypt
Dignity Party	Leftist, Nasserist	6	0	6	1.2%	10	0	0	0	0.0%	-	-
Freedom and Justice Party	Islamist Salafist	115	100	215	42.3%	1	Dissolved					-
Building and Development Party	Islamist	3	10	13	2.6%	6	Boycott					-
Wasat Party	Moderate Islamist	9	0	9	1.8%	7	Boycott					-
Socialist Popular Alliance	Leftist	7	0	7	1.4%	9	0	0	0	0.0%	-	-

Source: Egyptian High Election Commission; Ahram Online

The winners in these elections were largely from the first group, and many of them were relatively new. Many of the largest and most successful parties have been founded and/or backed by wealthy business elites, prominent families, and ex-military officers since the 2011 uprising. Many of these parties support President Sisi and stand in strong opposition to the Muslim Brotherhood and any other Islamist groups. Some of the old opposition parties under Mubarak take a similar stance. The three political parties that won the largest numbers of seats in parliament through both systems were: (1) Free Egyptians Party (Hizb al-Masryeen al-Ahrar); (2) Future of the Nation Party (Hizb Mostakbal Watan); and (3) New Delegation Party (Hizb al-Wafd al-Gadeed or Wafd). Although the Wafd Party is an old party that has recently reemerged, the Free Egyptians established themselves in 2011 and the Future of the Nation Party was established in 2014. Some stakeholders believed that a combination of tacit state support, strategic candidate recruitment, and large financial resources gave those parties an unfair advantage and contributed to their success. The other three parties in the top six vote-getters were also founded after 2011: the Guards of the Homeland (Hizb Homat al-Watan), the Republican People's Party (Hizb al-Shaab al-Gomhouri), and the Congress Party (Hizb al-Moatamer).

One of the most pronounced trends in the political party landscape for these elections was the enormous loss of seats by Islamist parties. While Islamist parties constituted more than 70 percent of parliament in 2012, the once-powerful Freedom and Justice Party (Hizb al-Hurriya wa al-Adala) was barred from participation in the 2015 elections and many others—such as the Building and Development Party (Hizb al-Benaa wa al-Tanmia), the New Center Party (Hizb al-Wasat al-Gadeed or Wasat), and the Strong Egypt Party (Hizb Masr al-Qawiya)—boycotted in 2015.<sup>54</sup> For many Islamist groups, especially the now banned Muslim Brotherhood, these elections represented the final step in what they viewed as an unjust political Roadmap that never afforded them a genuine opportunity to participate.

Islamist parties faced the additional obstacle of Article 74 in the 2014 Constitution, which prohibits parties that were “formed on the basis of religion.” Thus, before the adoption of the 2014 Constitution, the Nour Party carefully reoriented the description of their party from being an Islamist party to being a “political party with a religious background.”<sup>55</sup> This was not only a legal issue for the Nour Party but also a political one that became the focus of public debate. The “No to Religious Parties” campaign, for example, collected signatures from citizens in favor of the party’s dissolution.

The Nour Party, the only Islamist party that contested these elections, faced a number of significant obstacles. On several occasions, Nour candidates were prevented from campaigning freely. Nour party members were detained, and as discussed above a few were even victims of violent attacks.<sup>56</sup> Although the Nour party won 108 individual and list seats in the 2012 parliamentary elections, it only secured 11 individual seats in 2015. Once a strong ally of the Muslim Brotherhood, Nour may have lost its base of support, according to some analysts. Party members, however, blamed their poor performance on an unfair electoral environment.<sup>57</sup>

Representatives of secular, left-leaning parties also lost ground compared with the last parliamentary elections. The Socialist Popular Alliance Party (Hizb al-Tahalof al-Shaaby al-Eshtarki),

for example, had significant support after the 2011 uprising and won seven seats that parliament when it was in an electoral block under the proportional party system but did not win any seats in these elections. The Dostour Party (Hizb al-Dostour or “Constitution Party” in English) enjoyed popular support when it was founded on a liberal secular platform in 2012 but did not field any candidates in the elections. Both parties initially announced a boycott of the process in early 2015 and objected to provisions in the electoral law that they believed were designed to weaken parties and create an uneven playing field. The Socialist Popular Alliance announced its participation in these elections only after the authorities convicted a police officer of shooting the 32-year old Socialist Popular Alliance member Shaimaa al-Sabbagh on January 24, 2015.<sup>58</sup> Many Dostour members continued to boycott. In September 2015, both the Socialist Popular Alliance and Dostour parties initially registered under the Egypt’s Awakening list. That list, however, as noted above, later withdrew from the race, citing a variety of reasons, including expensive registration costs. In the context of the withdrawal, a leader of the Social Popular Alliance also criticized the election system for its emphasis on individual candidates.<sup>59</sup>

Overall, party affiliation was less important in these elections than in past legislative elections due, in part, to the design of the electoral system. The majority of seats were individual system seats in which competing individual candidates had incentives to create narrow platforms that responded directly to their constituency and did not always align well with broader political ideologies espoused by any political party. Similarly, voters tended to focus more on the individual candidates and less on broader political party affiliations. Moreover, in districts with more than one seat, members of the same party had to compete against one another for party support.

The absolute list system further weakened and fragmented political parties. Small parties in particular voiced concerns that the list system particularly disadvantaged political actors outside the mainstream. In a proportional list system where seats are allocated based on the percentage of votes each list receives, a small party can win seats based on receiving a small percentage of votes. In Egypt, however, since only one list would win for each district, the system encouraged the formation of one list with the strongest candidates and the most widely popular platforms rather than multiple lists reflecting diverse viewpoints. The lack of proportional representation ensured the representation of one strong list at the expense of smaller parties.

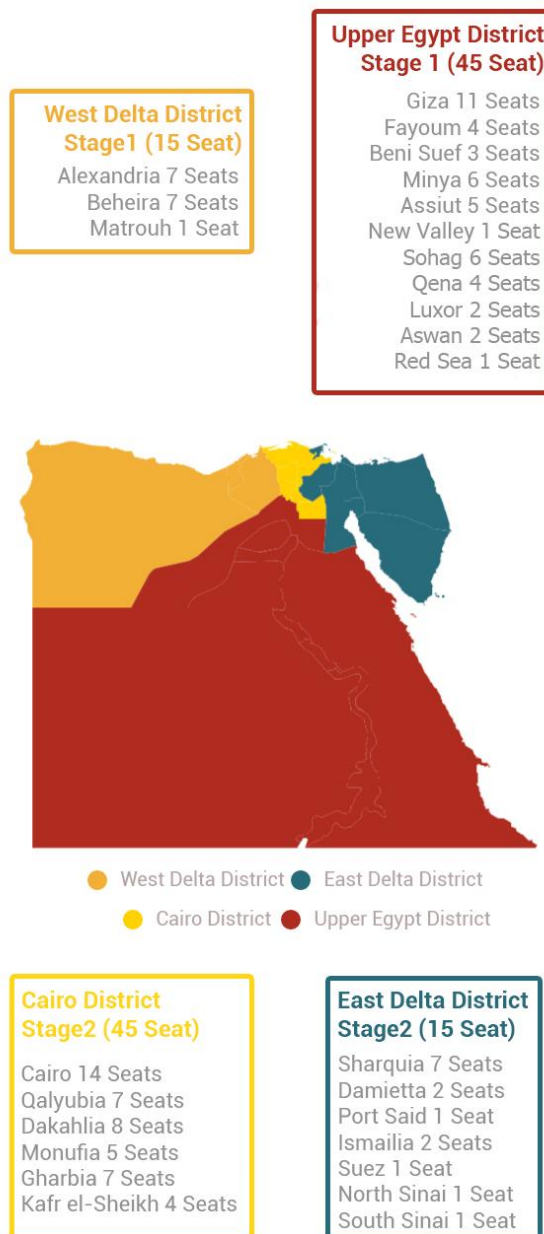
Of the 50 political parties that competed in the elections, only 19 of them won seats. Although it is often the case after a political transition that many new parties appear and some later disappear after some parties consolidate and others fail to become viable, many small parties participating in these elections cited specific barriers to their participation, such as the cost of paying for medical exams twice for each of their candidates.

## Lists

Seven lists competed in the elections. Some of these registered to compete in only one district, and others competed in multiple districts. The only list to compete in all four districts—For the Love of Egypt—also won in all four districts in the first round of voting, including in the East Delta district, where it ran unopposed and only had to meet a minimum threshold to win.

The quota requirements for the lists and all-or-nothing outcomes encouraged political parties to build coalitions to create lists. Four out of seven competing lists were political party coalitions. For the Love of Egypt included eight political parties: Free Egyptians, Future of the Nation, New Wafd, Guards of the Homeland, Congress, Conservatives (Hizb al-Mohafezeen), Reform and Development (Hizb al-Eslah wa al-Tanmiya, and Modern Egypt (Hizb Masr al-Hadeetha). Many lists also included prominent candidates not affiliated with political parties, and not all lists included party coalitions. Two parties—Nour and the Knights of Egypt—ran their own lists with no candidates from other parties. A third list—the Republican Alliance of Social Forces—included only unaffiliated candidates.<sup>60</sup> While the system gave some political parties a prominent role in the formation of the lists, some stakeholders suggested that prominent individuals had more control over decision-making, especially in the dominant For the Love of Egypt list.<sup>61</sup>

Throughout the electoral process, stakeholders consistently perceived For the Love of Egypt as the most powerful list, a claim borne out by the results. Many stakeholders and analysts suggested that tacit state support gave For the Love of Egypt an overwhelming competitive advantage.<sup>62</sup> Several stakeholders claimed that the For the Love of Egypt lured candidates or parties that sought to join other lists into For the Love of Egypt through unmatched financial incentives or coercion coordinated with the state's intelligence apparatus. The combination of For the Love of Egypt's alleged financial re-



sources and purported coordination with the security services contributed to the perception that there was more room for competition for individual seats than for list seats.

## Individual Candidates

In each of Egypt's 205 individual districts, candidates competed for one to four seats.<sup>63</sup> Each candidate had to reside in his or her district. The number of candidates competing in each district varied from two to 67, with an average of 25, according to the HEC's official figures. The experience and resources of candidates varied as well. Many of the individual candidates had little political experience, while some were former politicians with existing financial resources and name recognition.

In almost all districts there was a runoff between the top candidates. Only four candidates in the first stage and nine candidates in the second stage won their seats without a runoff.

Voters reported that they did not know many if any of the candidates, which may suggest that many individual candidates had not previously run for office, had their home district changed through redistricting, or struggled to campaign effectively. Individuals with financial resources, strong family or tribal connections, and a history in politics tended to fare better as individual candidates. Media reports suggest that a relatively large number of businessmen won seats, along with previous members of former President Mubarak's party, the National Democratic Party (Hizb al-Watani al-Demokrati or NDP).<sup>64</sup>

Candidates noted that name recognition became especially challenging when two or more districts were merged into one under the new legislation, thus expanding the geographical campaign area and requiring greater financial investments into campaign activities. Stakeholders frequently offered anecdotes about the importance of family names or tribal loyalty in these elections.

Individual candidates who were former police or military officers performed especially well. The electoral success of candidates affiliated with the state security apparatus mirrors the increased role in society of Egyptian security and police following the 2013 revolution. A total of 75 former police and army officers won seats. This is the highest percentage in Egypt's parliamentary history.<sup>65</sup>

Although the individual system offered some advantages to voters, such as allowing for increased direct accountability due to smaller districts, the final results also underscore the challenges for political parties in the individual system. Candidates affiliated with political parties won less than half of the individual system seats. In an effort to bolster their chances, some political parties recruited locally recognizable candidates to run in the elections under their political party banner, paying little regard to their policy positions. Similarly, some candidates aligned themselves with political parties in order to obtain financial and/or material support, even if their political beliefs did not match well. Due in part to the design of the electoral system, political parties competing in the elections at times made decisions that prioritized strategic and competitive considerations over a consistent political party ideology and unified political party vision, effectively reducing their influence, coherence, and internal unity. Accordingly,

the strength of the relationship between an individual candidate and political party may be weak at its starting point, especially when considering that many of these parties are new.

## Campaigns

The official campaign period ran for 18 days before each electoral stage. Candidates who moved on to the second round could campaign for four days before the runoffs. Candidates had to observe a period of silence beginning one day before voting and continuing through the first and second election day of each round. Stakeholders across the political spectrum criticized the compressed nature of the campaign period, claiming the short time prevented participants from effectively campaigning. In a setting where many candidates were businessmen and prominent individuals with wide-scale tribal and familial connections, those with limited political experience, popularity, and financial resources felt that the short campaign timeframe further disadvantaged them because it did not afford them enough time to gain name recognition through less expensive campaign methods.<sup>66</sup>

Parties and individual candidates employed a variety of methods for campaigning, including posters, flyers, social media, and rallies, and many tried to build strategic alliances. Generally, tactics did not vary greatly among independent, party-affiliated, and list-affiliated candidates. Regardless of affiliation, all competitors relied heavily on any pre-existing popularity within local communities, personal wealth, and family and tribal relations.

The degree of central control from political parties and candidate lists over both the form and substance of campaigning varied. Many candidates running on lists or affiliated with a party received support in the form of campaign materials, expert advice, and financial resources.

Due to the complexity of the electoral system, and specifically the need for voters to select multiple candidates in many districts, some individual candidates prioritized voter education as part of their campaigns. This provided an important opportunity for candidates to ensure that their supporters did not have their votes nullified for selecting too many or too few candidates on a given ballot. Candidates that emphasized voter education held constituent meetings and circulated flyers describing what to expect on election day; many focused on explaining the need to cast the correct number of ballots.

The law provided that independent candidates could spend no more than 500,000 Egyptian pounds (approximately US\$63,000 at the time) in a first round and 200,000 (approximately US\$25,000) in a run-off. A 15-member list could spend up to 2,500,000 EGP (approximately US\$315,000) in a first round and 1,000,000 (approximately US\$125,000) in a run-off. A 45-member had limits of up to 7,500,000 and 3,000,000, respectively.<sup>67</sup> Some stakeholders thought the spending limits were too high, while others thought they were unrealistically low. Candidates, list members, and civil society actors repeatedly raised concerns relating to the enforcement of campaign finance spending limits. Across the political spectrum, stakeholders believed that spending often exceeded the legal limits. Some stakeholders claimed that authorities selectively enforced campaign finance limits to disadvantage particular groups. Most stakeholders, however, agreed that there was a need for improved enforcement.

The legal framework did provide some monitoring and enforcement mechanisms. The law required, for example, that competing candidates and lists establish a bank account from which to use campaign funds and serve as the basis for recording both their sources and expenditures.<sup>68</sup> Similarly, Article 68 of the Law on the Exercise of Political rights provided for “a fine of no less than ten thousand pounds and no more than one hundred thousand pounds” for spending unrecorded campaign funds. While making campaign expenditures outside of this bank account represented a campaign violation, stakeholders voiced suspicion that this practice occurred nonetheless.<sup>69</sup> One candidate admitted privately that he had used personal funds before the campaign period to begin organizing his campaign, and another admitted to exceeding the maximum spending limits. Although some citizens filed electoral complaints related to excess spending, media reports to date suggest that the HEC dismissed many or all of these complaints and that the complaint process had little to no impact on campaign finance in these elections.

The electoral legal framework in Egypt requires reporting on both sources and expenditures; gaps, such as third party spending, however, need to be better addressed. While donations to candidates are regulated, for example, there is no effective regulation governing advertising that a third party might pay for directly.<sup>70</sup> There should also be greater transparency; candidate and list reporting on spending to the HEC should be made publicly available on the HEC website.<sup>71</sup>

In addition to the duration of the campaign period and campaign finance expenditures, many stakeholders complained about unequal access to television airtime, the prohibition against using places of worship as campaign venues, and campaigning during silence periods.<sup>72</sup> In many ways, all of these campaign complaints highlight some of the broader political concerns with these elections: equality of opportunity, fairness, and the credibility of the election process more generally.

## Voter Turnout

Despite government efforts to encourage citizens to vote, voter turnout was relatively low and runoffs consistently saw lower voter turnout than in the first rounds. For the first stage, the HEC reported 26.5 percent turnout in the first round and 21.7 percent turnout in the runoff. For the second stage, the HEC stated that turnout was 29.8 percent in the first round and 22.3 percent in the runoff. Re-elections in the four contested districts experienced even lower voter turnout, with only 19.4 percent in the first round and 16.1 percent in the runoffs.<sup>73</sup>

The combined turnout of 28.3 is low compared to the 37.6 percent turnout reported in the January 2014 constitutional referendum and the 47.7 percent turnout in the May 2014 presidential election. Still, after the first stage of the elections, the president of the HEC observed that Egypt had seen lower turnouts in recent history, namely, in the 2005 People’s Assembly elections and 2012 Shura Council elections.<sup>74</sup> Comparing these elections to the 2005 legislative elections under Mubarak and the elections of a body intended to be consultative offers little solace, however.



The reasons for low voter turnout remain open to debate, and throughout the process stakeholders speculated widely about the reasons for it. Egypt has held eight national elections since the 2011 uprising, and many stakeholders posited that citizens have experienced “voter fatigue.” Others suggested that some citizens do not understand the importance of the potential counterweight an elected legislature provides to the executive. Still

others suggested that given the narrow political space within which candidates and lists could compete, citizens did not see appealing options in this particular legislature or saw their previously favored political movement completely marginalized. The risk of parliamentary dissolution, of which many Egyptians are well aware, may have also reduced enthusiasm to vote. At a general level, the history of a strong presidential system in Egypt, which awards the presidency the most important powers of governance, still dominates in the minds of many.<sup>75</sup>

Separate from the restrictive political environment, other stakeholders suggested that the complexity of the electoral system and larger number of candidates may have discouraged citizens from participating. The large number of candidates in some districts, with as many as 67 candidates on a single ballot in some places, could confuse voters. A general lack of clarity and substance in the campaign platforms of many candidates may have exacerbated voter confusion. The complex, double-majority electoral system also caused confusion. Multiple ballots, checkboxes, and changes in the boundaries of electoral districts may have disoriented voters, forcing them to re-learn how, where, and for what offices to vote with little advanced notice.

The boycott by Islamist parties likely played a role in lower voter turnout as well. Although there was not an organized boycott effort as there had been for previous electoral events such as the referendum, some parties said that their members did not intend to vote. Leaders of one party said that they had decided not to organize an official boycott because they did not believe that these elections mattered enough to warrant drawing the negative attention from the government that would come with it.

In addition, a general lack of trust in state institutions may have played a factor in the widespread voter apathy, particularly among youth. The lack of trust went so far as to result in some stakeholders questioning the legitimacy of the official HEC turnout rates. One media outlet reported that, based on its sampling, turnout was only 2.3 percent, although it did not offer enough information about its sampling methodology to provide confidence that this number was meaningful; in the absence of a high-quality nationwide sample-based observation, the turnout numbers reported by the HEC cannot be verified.<sup>76</sup>

Low turnout was likely the outcome of a combination of many of these factors.

## Women and Other Marginalized Groups

The House's closed-list system established quotas for a number of marginalized groups within each list. Each 15-member list was required to have two workers or farmers, two individuals under 35 years old, one person with a disability, one Egyptian residing abroad, three Christians, and at least seven women. For the 45-member lists, the quotas for each of these groups tripled.<sup>77</sup> The presidential appointments were also subject to a de facto 50 percent quota for women (14 out of 28), bringing the total number of reserved seats for women in the House to 70, or 11.7 percent.

Although welcome, the quota systems by themselves were unlikely to meaningfully increase the diversity in the House. The quota numbers were relatively small compared to the large number of individual system seats without any applicable quotas. Moreover, in the context of the constrained political environment, the political compromises that individuals had to make to form coalitions under the closed-list system and the politicization of the presidentially appointed seats raise concerns about the quality of participation associated with these reserved seats.

Youth, in particular, require more attention. Those between the ages of 18 to 29 constitute 24 percent of the total Egyptian population.<sup>78</sup> In many ways young people have been the driving force of democratic movements in Egypt, and they are disproportionately affected by unemployment and poverty, underlying issues for the 2011 uprising. A quarter of young Egyptians are unemployed, and half live close to or below the poverty line. Still their participation in formal politics remains low. Only 84 successful candidates, representing 14.1 percent of the elected members of the House of Representatives, however, were under the age of 35.

Women's representation was also a subject of particular discussion among stakeholders. Article 11 of the 2014 Constitution requires that "necessary measures" be taken to "ensure the appropriate representation of women" in parliament. On the surface, the first parliamentary elections results since the referendum look like a positive step for women. With 87 women, or 14.6 percent, the new parliament includes the highest number of women in Egypt's history, a dramatic increase over the 1.8 percent in the last parliament. Since women's suffrage was introduced in Egypt's 1956 Constitution, women's representation in parliament has averaged only 3.6 percent.<sup>79</sup> While the overall percentage looks like a large improvement, women secured only 17 seats or 3.8 percent of the individual seats. This is only slightly higher than the historical average.

Women faced a variety of challenges competing for unreserved seats in the individual system. Like the campaigns of many of their male counterparts, campaigns of women were largely self-funded. Since women have fewer financial resources in general, however, a much smaller pool of women candidates had the independent resources to run. In fact, only 308, or 5.7 percent, of individual candidates were women.<sup>80</sup> Moreover, patriarchal views toward women generally made obtaining voter support more difficult.<sup>81</sup> While there was some sincere support from civil society and women's groups for female candidates and voters, the effort was limited. An increasingly restrictive operating environment resulted in some civil society organizations being forced to significantly scale back their program activities in this area. An absence of women's

leadership within most political parties also excluded women's participation in key internal party decisions, including nominations and campaign platforms. Moreover, parties struggled to identify candidates, including women, for the extensive list quota requirements.

While more women in parliament represent a positive step, stakeholders should do more to ensure the meaningful participation of women in all facets of the election process. More needs to be done to expand the work of organizations supporting women's rights and participation. More should also be done, among other things, to increase the number and diversity of women candidates, including enacting more inclusive quotas such as a zipper list system (alternating male and female candidates on the list) based on proportional representation, increasing financial resources and technical campaign training and support for women candidates, and taking measures to empower women leaders and candidates within political parties such as internal quotas.

# CLOSING SPACE FOR CIVIL SOCIETY AND POLITICAL DISSENT

## Operating Environment

Political space for dissenting opinions or alternative viewpoints continued to shrink in the run up to the parliamentary elections. Since launching its election observation mission in December 2013, DI has met with nearly 100 civil society organizations, domestic observation groups, legal specialists, and civic and human rights activists to gain a broad understanding of the issues facing civil society in Egypt. These groups span the ideological and political spectrum and work on a variety of issues. Many of them describe a climate of fear that continues to shape how they go about their work.

## Legal Constraints

A web of overlapping laws provides the discretionary tools to crack down on those that are perceived to be a challenge to the state. The Law on the Right to Public Meetings, Processions and Peaceful Demonstrations (Law 107 of 2013), better known as the protest law, often used in combination with the Law on Illegal Assembly (Law 10 of 1914), has been used to clamp down on broader and deeper forms of dissent. The Egyptian authorities have imprisoned thousands of peaceful protestors under this law, which bans any public gathering of more than 10 people without prior government authorization.

Governments in power since 2002 have also used the Law on Associations and Foundations (Law 84 of 2002), commonly known as the “NGO law,” to crackdown on civil society organizations. According to the law, all NGOs must register with the Ministry of Social Solidarity. In practice, many NGOs were not registered, and many of those that were had historically registered under a variety of forms, including as not-for-profit companies under Egyptian Civil Code and Corporate Code. In 2014, the Ministry of Social Solidarity published an announcement requiring NGOs to register under the NGO law by November of that year. Many organizations found the requirements too burdensome and invasive and chose not to register. After the passing of this deadline, however, organizations that had not registered were at greater risk of harassment, intimidation or other repercussions.

Other organizations and activists have been threatened under terrorism laws. Since the designation of the Muslim Brotherhood as a terrorist organization in December 2013, the Egyptian

government has frozen the assets of more than 1000 NGOs for alleged connections to the group. More than half of these have been dissolved completely, and the rest remain under investigation.<sup>82</sup> In addition to pre-existing provisions in the Penal Code, President Sisi issued new laws to counter terrorism in 2015. In February, Sisi issued the Terrorist Entities Law (Law 8 of 2015). It defines terrorist entities using broad, ambiguous, and subjective criteria that provide authorities with unreasonable discretion. Later, in August, Sisi issued the Law for Confronting Terrorism (Law 94 of 2015). This law has similar shortcomings. Among other things, it protects state actors from accountability for the use of force, punishes journalists who report on terrorist acts or counter-terrorism operations in a manner that contradicts official government statements, and creates a de facto state of emergency. Many members of civil society suspect these laws represent a cover for the creation of additional legal tools to target peaceful dissenters.

In September 2015 President Sisi issued a declaration pardoning 100 prisoners, including the two international journalists for the Al Jazeera network (discussed above).<sup>83</sup> Although human rights groups hailed the move as one positive step, these pardons appeared to be timed to coincide with the president's attendance at the United Nations General Assembly meeting, and the majority of those pardoned were only guilty of violating the draconian protest law. In effect, these pardons were granted to prisoners whose only crime was freely expressing their beliefs.

Authorities' selective restraint in enforcing laws restricting freedom of expression may have given a false impression of greater openness. In the fall of 2015, there appeared to be slightly more space in the Egyptian media for expression critical of the state compared to early 2015. Similarly, some protests by government workers and others, such as a protest against the Civil Service Law (Law 18 of 2015) in September, proceeded peacefully without arrests. In short, although citizens may protest on narrow issues and a few "safe" topics, the space for broader political dissent has returned to a status more akin to that during the Mubarak era. Much activism has been relegated once again to the online world.

## State of Civil Society

Egypt has historically had an expansive and vibrant civil society sector, with organizations focused on a variety of issues, including access to information, gender empowerment, environmental protection, and charity work or social services. Following the February 2011 ouster of President Hosni Mubarak, Egyptian civil society grew steadily, experiencing both new opportunities and challenges. Since the events of the summer of 2013, however, the political space for civil society to operate has become more restrictive and civil society is increasingly under threat. Currently the sector is highly fragmented, and the government has effectively limited the funds that organizations can receive. The laws outlined above and the government's response to the deteriorating security situation has increased polarization of the population.

The operating environment continues to deteriorate for Egyptian civil society actors that the government perceives as opposition. While charity and service-delivery organizations—with the exception of those who are accused of supporting the Muslim Brotherhood—continue to do

their work, organizations focused on human rights face a different reality. With few if any exceptions, these groups described an increased threat of government action that constrains how they go about their work. Many CSOs reported that they changed their public profile in order to not “cause trouble” or be seen as agitators. Several groups dug deeper into issues they were already working on that were deemed safe and were part of the current public discourse, such as women’s rights and sexual harassment. Activities that focused on other good governance or government transparency, civic education, or advocacy efforts were increasingly met with resistance.

Human rights activists were concerned about the government’s increasingly direct methods of controlling alternative voices, including the large number of arrests of opposition activists, raids on human rights organizations, and the inability for anyone to be openly critical of government narratives. In October 2015, security forces raided the Mada Foundation for Media Development, seized computers and money, and detained one of its leaders, Hisham Jafar, on charges of belonging to a banned group and receiving international bribes; he and his colleagues rejected the charges as fabricated.<sup>84</sup> In December, security services conducted similar raids on Cairo’s Townhouse Gallery and Rawabet Theater, two cultural venues where political activists often gathered. No reason was officially given for the raids at the time, but both institutions were forced to close.<sup>85</sup> In November Hossam Bahgat, a former CSO leader and a journalist with the independent online newspaper Mada Masr, was arrested and interrogated for “spreading false news” because of an article he wrote about exposing divisions within the military establishment.<sup>86</sup> He was released apparently in response to international pressure.<sup>87</sup> Similarly, Ismail Iskandarani, a journalist and a human rights activist, was arrested on his return from Germany, where he had been lecturing, and was accused of tarnishing Egypt’s image.<sup>88</sup> And Negad al-Borai, a prominent lawyer and human rights activist who led a civil society campaign to draft anti-torture legislation, was interrogated four times, and then in March was charged with inciting disobedience of state authorities, among other charges.<sup>89</sup> One activist described recent government actions as moving beyond repressing civil society to openly attacking activists and groups who are seen as a potential threat.

Civil society organizations also reported that some of their members were on no-fly lists and were thus unable to leave Egypt. Many of these individuals said they were never officially informed that they were under investigation and found out only when they arrived at the airport to check in for a flight and had their passports confiscated. Although activists suspected their problems were due to their views toward government and their previous outspokenness, the authorities often declined to state the reasons for the investigations or provide additional information.

Human rights organizations reported more than 1000 enforced disappearances in 2015.<sup>90</sup> Exact numbers are difficult to verify and could be higher since many disappearances are never reported. The issue came to increased prominence during the parliamentary elections period due to the case of Esraa al-Taweel, a young student who disappeared in June and turned up in jail two weeks later. Her widely publicized trial on charges of belonging to the Muslim Brotherhood, which she denied, drew widespread sympathy. Increasing domestic and international pressure evidently led to her eventual release in December to house arrest, ostensibly for med-

ical reasons.<sup>91</sup> Some victims, such as Ms. al-Taweel, have been found in prisons weeks or months after they disappeared while others have eventually been released without charges after interrogation and, in some cases, even torture. Still others remain missing or have later been found dead under suspicious circumstances. The government has consistently denied responsibility for such disappearances.<sup>92</sup> Several human rights groups have launched campaigns to try to find victims and draw attention to the seriousness of the issue in Egypt.

## CSO Activities

### Domestic Observation

The High Election Commission accredited 81 domestic observer groups, coalitions, or networks to observe the parliamentary elections. Most accredited groups noted that the accreditation process had improved since the 2014 presidential election. These groups reported receiving the approximate number of accreditation badges requested, with the notable exceptions of two groups, one that received less than half the number it applied for and another that received none at all. Groups reported receiving the badges enough in advance of election days to deliver them to observers around the country. This was an improvement from recent election cycles when the timely delivery of badges had inhibited the ability of some organizations to observe.

Despite these administrative improvements, domestic election observation was neither robust nor widespread. DI observers met with only a handful of groups actively engaged in domestic observation and saw nonpartisan or independent domestic observers in only 9 percent of polling stations they visited. Many organizations that had previously been active in the sector, including previously monitoring elections, no longer felt that there was space for them to participate. Several groups that witnessed previous elections, including the 2014 constitutional referendum and presidential election, as well as elections as far back as 2005, chose to not seek accreditation for the parliamentary elections cycle. Some groups stated explicitly that observing these elections was not worthwhile because the elections were unlikely to contribute to positive change in Egypt and that witnessing them would not make any difference. Others said that the restrictive NGO regulations made it difficult for them to finance observation missions. One group attained accreditation and then decided not to observe after they were sued for their work with a well-regarded international partner. Some even reported that state security force raids on their offices had dissuaded them from pursuing any accreditation at all. These groups asserted that the risks of genuinely independent observation were too high to justify engaging at this time.

### Other Election-related activities

Throughout the world, civil society can play an important role in providing politically neutral voter education, including nonpartisan get-out-the-vote activities. Such activities are a way for them to participate in their own political processes. In advance of the parliamentary elections in Egypt, however, few civil society organizations conducted such election-focused activities.

Some cited the legal restrictions that prohibited civil society organizations from publically endorsing or supporting political candidates. As noted above, several groups that work on political and civil rights and had worked on elections under previous governments intentionally pivoted to what they called “charity work” in order to not attract government attention.

Of the more than 25 CSO leaders and activists DI met with during the parliamentary elections period, only three described any CSO-led voter education activities. Another CSO leader claimed that none of the ongoing voter education efforts it had witnessed were meaningful due to the programmatic boundaries within which organizations were forced to operate. Some groups conducted other limited election-related activities, such as monitoring the candidate registration process and the campaign period through election days. Efforts also included advocacy related to women and youth participation and monitoring of television, radio, print and social media. Several groups described using social media as a source of getting out the vote since, given the restrictive environment, they were unable to hold more grassroots-style events. Others opted to keep a low profile for fear that unbalanced public portrayals might draw negative attention to their work and risk the safety of their personnel.

## The Future of Civil Society in Egypt

Human rights groups and organizations focused on good governance in Egypt face a high-risk decision: self-censor their speech and their actions or risk a strong government response. Confronted by media that are increasingly negative and a political climate that is antagonistic toward human rights issues, many CSOs have chosen to limit their activities to avoid undue attention that may be viewed as too critical of the government or counter to the state narrative. This self-censorship hinders activists’ ability to operate freely and harms civil society’s ability to advocate for alternatives. This climate of fear creates an atmosphere that has led many human rights civil society actors in Egypt to take a more measured and cautious approach in their determination of how best to act and react to government actions. Independent voices are not as loud as they were just a few years ago. This chilling effect has wider implications for freedom of expression, freedom of assembly, and freedom of association.

# RECOMMENDATIONS

Individual rights and freedoms are the cornerstone of a democratic society. Yet during the time of implementation of the transitional Roadmap, Egyptian society has become markedly less open and there have been increasingly significant restrictions on basic civil liberties. This climate has made genuinely democratic election processes impossible. The justification for these restrictions appears to be that limitations on individual freedoms are a necessary trade-off in order to assure security in Egypt. While Egypt certainly faces a serious threat of terrorism, the current climate has exacerbated tensions in society. Arbitrary arrests, the draconian protest law, mass detention of citizens on specious charges, and suppression of virtually all political opposition or dissent will only lead to greater instability in Egypt over the longer term.

Since its report on the January 2014 Constitutional Referendum, DI has made recommendations intended to help Egypt move back in the direction of democracy. Some of these recommendations have been partially implemented, but almost all remain apt, if not even more necessary than before. (See Annex F.) Building on those prior recommendations and drawing on the findings of its comprehensive observation since late 2013, DI offers the following recommendations.

## To the Egyptian Authorities:

### General Recommendations

#### Uphold Rights and Freedoms

Egyptian authorities should take immediate steps to increase citizens' ability to exercise their rights and immediately release the thousands of political prisoners currently being detained. Basic freedoms such as freedom of expression, assembly, and association are fundamental to a vibrant democratic society. These freedoms, guaranteed by Egypt's 2014 Constitution, are not protected in practice. Arbitrary detention and forced disappearances of activists, journalists, opposition political leaders, and other actors deemed to be in opposition of the state undermine the credibility of the Egyptian judicial process and are an affront to democratic values.

#### Institute Proportional Representation

Egypt's current electoral legal framework does not allow for any meaningful representation of minority opinion or opposition within parliament and discourages political party development. It should be replaced with a system that allows proportional representation. The absolute ma-

jority list system should be replaced with one that provides for proportional representation so that there can be some representation of minority opinion in the political system.

### **Encourage Citizen Participation in Government**

Egyptian authorities should take steps to broaden citizens' ability to play an active part in their government. Restrictive laws such as the draconian protest law and the NGO law have curtailed the ability of ordinary citizens to air their views or to participate in public affairs. The virtual elimination of the ability of civil society organizations to receive foreign assistance, the arduous process of registration, and the selective enforcement of restrictions on civil society organizations have made it impossible for citizens to organize in order express political opinion and encourage open debate about the future of their society. The Egyptian government should amend the NGO law, end state surveillance of and interference in the activities of peaceful civil society groups, and reform the process of registration for CSOs.

### **Encourage Youth Participation in the Political Process**

Egyptian authorities should investigate and take seriously the underlying reasons behind low youth participation in the voting process. Young people have expressed their disillusionment with the current political process. Egyptian authorities should take active steps to encourage youth participation as voters and candidates and to move to allow real political discourse in universities, public spaces, and social media.

### **Stop Selective Enforcement of Laws**

Egyptian authorities should endeavor to enforce all provisions of the law in a fair, impartial, and consistent manner. The enforcement of existing laws, such as the imposition of fines for not voting, should not be used as a threat against citizens. The practice of discretionary application of laws, such as only allowing protests by groups with opinions favorable to the government, should be ended. Laws that are not enforced, or only enforced selectively, should be amended or eliminated.

### **Ensure the Independence of the Election Commission**

The 2014 Constitution calls for the establishment of an independent commission. Recent election commissions, however, have been highly dependent on other state institutions, specifically the Ministry of the Interior, the police, and the military. The commissioners of the future National Election Commission should be full time and without professional judicial responsibilities outside the commission. The government should make sure that the commission is adequately funded and staffed and provide a clear mandate to set and enforce regulations apart from other state institutions.

## **Technical Recommendations**

### **Ensure Adequate Training for Polling Officials**

Egyptian electoral authorities should work to provide training to all poll workers on procedures and regulations for polling place operations. Any deviation from established procedures in a

specific polling location can lead to questions about the credibility of the process. This is particularly true of the counting process. Judges and other polling place workers must understand the procedures themselves as well as the need for strict adherence to them throughout the voting process.

### **Publicly Report Results by Polling Station**

Presiding officers should announce and publicly display the full vote count at each polling station. The election commission should make the full election results for all candidates in each polling station available on its website. This gives parties, candidates, and observers the ability to verify that the results they observed in a specific polling location have not been manipulated later and builds confidence in the process.

### **Hold Future Elections in a Single Stage of Voting**

Egypt should hold elections at one time throughout the country. Multiple geographic stages increase voter confusion and voter fatigue and increase the cost associated with administering and running in elections. Announcing results after earlier stages creates a political dynamic where some candidates have won races while others are still campaigning and runs the risk that the results of earlier stages will unduly affect the later stages. While there are challenges in administering a national election in Egypt, authorities should organize elections throughout the country at the same time, as they were able to do for both the Constitutional Referendum and Presidential Election in 2014. Indeed, for the 2014 Constitutional Referendum, Egypt held simultaneous voting in more than 30,000 polling stations, more than the approximately 25,000 polling stations used over two stages for the House of Representatives elections.<sup>93</sup>

### **Respect Voter Intent**

Egypt should modify the criteria for determining whether a ballot is valid and allow undervotes to be counting in districts that elect multiple members. If there are three seats in a district and a voter votes for only one candidate, for example, the voter's ballot should not be rejected as invalid. The current system causes ballots to be invalidated even when voter intent is clear and effectively disenfranchises some voters. This system also penalizes candidates and parties that have obtained the support of such voters.

### **Clarify the Complaints Process and Make It More Transparent**

There should be a straightforward and transparent mechanism to receive and resolve complaints beyond the polling station judge. The criteria, review process, and timeline for complaints should be clearly and publically articulated and timelines for filing complaints should be modified to allow citizens to identify the proper venue for their complaints.

## **To the International Community:**

International supporters of Egypt should remain vigilant, continue to support the ideals of the 2014 Constitution, and remain committed to the goal of genuine democracy in Egypt. International stakeholders should continue to insist that internal dialogue and cooperation among all

Egyptian citizens and groups is the only path to real stability. The international community must not ignore human rights concerns in an effort to engage with the Egyptian government. The community of nations must not fall victim to the mistaken belief that authoritarianism in Egypt is the key to stability, even in the near term. Egypt has been traveling on an antidemocratic path that has greatly harmed prospects for stability. International stakeholders should continue to support Egyptian civil society organizations and must continue to serve as a voice for the tens of thousands of Egyptians who have been wrongly imprisoned and resist government attempts to stifle criticism in the name of security.

# BEYOND THE ROADMAP

With the conclusion of these parliamentary elections and the seating of a new House of Representatives, Egypt has now completed the steps outlined in its transitional Roadmap. But the conclusion of the Roadmap by itself should not be viewed as progress. A democratic transition should ensure the expansion of citizen rights, but during the Roadmap process Egyptians have lost more rights than they have gained. In the years since President Morsi was removed from office, Egypt's political system has become less inclusive and democratic. Today's Egypt is one that is characterized more by repression, censorship, and intimidation, than by free expression, universal participation, and other hallmarks of democracy.

Although Egypt adopted a constitution that calls for the protection of the rights essential to vibrant democracy, the state has done little to ensure respect for these constitutional provisions. 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 political environment.

Each of the electoral events DI observed over the past two years took place against a backdrop of arrests and detention of dissenting voices. There was no real opportunity for those opposed to the government's Roadmap or the subsequent government actions to dissent. The parliamentary elections were characterized by a lack of genuine competition and robust debate, widespread apathy reflected in low voter turnout, and a flawed electoral system that failed to ensure a broadly representative body. This constrained campaign environment made a robust debate on the pressing issues facing Egypt, such as the economy, security, and participation, impossible.

Ultimately, a successful transition to democracy in Egypt will depend on meaningful opportunities for all political forces in the society to participate peacefully in the political process. As DI and others in the international community have urged in the past, the government must seek opportunities to engage its opponents in dialogue, including those currently excluded from the political sphere. Since the events of summer 2013, Egypt has implemented its transitional Roadmap without regard for basic political rights. If Egypt continues on this trajectory, it will further entrench the polarization of Egyptian society and ensure further instability.

Genuine democracy is the only viable path to long-term stability. For Egypt to move forward, the president and the parliament must work together to embrace political inclusion and to re-orient the country toward broad respect for human rights and effective, democratic institutions that are viewed as legitimate across the society.

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<sup>1</sup> Democracy International, "Egypt Constitutional Referendum Observation Report," April 2014, <http://democracyinternational.com/publications/egypt-constitutional-referendum-observation-report>; Democracy International, "Egyptian Presidential Election Observation Report," July 2014, <http://democracyinternational.com/publications/egyptian-presidential-election-observation-report>; Democracy International, "Egyptian Parliamentary Election Observation Interim Report," July 2015, <http://democracyinternational.com/publications/egyptian-parliamentary-election-observation-interim-report>.

<sup>2</sup> Human Rights Watch, "All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt," August 2014, [https://www.hrw.org/sites/default/files/reports/egypt0814web\\_0.pdf](https://www.hrw.org/sites/default/files/reports/egypt0814web_0.pdf).

<sup>3</sup> IkhwanWeb, "Press release: A year since Rabaa Massacre," August 14, 2014, <http://ikhwanweb.com/article.php?id=31747>.

<sup>4</sup> ONtv, "Interview with Kamal Al Sharif, First Undersecretary of the Ministry of Social Solidarity," December 16, 2015, [https://www.youtube.com/watch?v=VuopRp\\_jIRE](https://www.youtube.com/watch?v=VuopRp_jIRE).

<sup>5</sup> European Parliament, "European Parliament resolution on the situation in Egypt," January 15, 2015, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2015-0012+0+DOC+XML+V0//EN>.

<sup>6</sup> Committee to Protect Journalists, "2015 prison census: 199 journalists jailed worldwide," December 1, 2015, <https://cpj.org/imprisoned/2015.php>; Al Jazeera, "Egypt pardons imprisoned Al Jazeera journalists," September 23, 2015, <http://america.aljazeera.com/articles/2015/9/23/egypt-pardons-two-al-jazeera-journalists.html>.

<sup>7</sup> Human Rights Watch, "Egypt: Activists arrested for 'No' campaign," January 13, 2015, <https://www.hrw.org/news/2014/01/13/egypt-activists-arrested-no-campaign>.

<sup>8</sup> Democracy International, "Egypt Constitutional Referendum Observation Report."

<sup>9</sup> Ahram Online, "Lawyer Mortada Mansour withdraws from presidential race," April 19, 2014, <http://english.ahram.org.eg/NewsContent/1/64/99397/Egypt/Politics-/Lawyer-Mortada-Mansour-withdraws-from-presidential.aspx>.

<sup>10</sup> Mahmoud Mostafa, "Breaking: Khaled Ali withdraws from presidential race," *Cairo Post*, March 16, 2014, <http://english.ahram.org.eg/NewsContent/1/64/99397/Egypt/Politics-/Lawyer-Mortada-Mansour-withdraws-from-presidential.aspx>.

<sup>11</sup> Ahram Online, "Anan won't run in the upcoming presidential elections," March 13, 2014, <http://english.ahram.org.eg/NewsContent/1/64/96580/Egypt/Politics-/Anan-wont-run-in-the-upcoming-Presidential-electio.aspx>.

<sup>12</sup> Ahram Online, "Bothaina Kamel poised for second presidential run," April 13, 2014, <http://english.ahram.org.eg/NewsContent/1/64/98946/Egypt/Politics-/Bothaina-Kamel-poised-for-second-presidential-run.aspx>.

<sup>13</sup> Article 142 of the Constitution of the Arab Republic of Egypt 2014,

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<http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>; Law Regulating the Presidential Election (Law 22 of 2014), Article 2

<sup>14</sup> Mada Masr, "Update: Sisi gets 6 times the number of endorsements as Sabbahi," April 20, 2014, <http://madamasr.com/content/update-sisi-gets-6-times-number-endorsements-sabbahi>.

<sup>15</sup> AbdelHalim H. AbdAllah, "Extension of voting in presidential elections stirs controversy," *Daily News Egypt*, May 28, 2015, <http://www.dailynewsegyp.com/2014/05/28/extension-voting-presidential-elections-stirs-controversy/>.

<sup>16</sup> Democracy International, "Press release: Decision to extend vote further harms credibility of Egyptian political process," May 28, 2014, <http://democracyinternational.com/news/press-release-decision-extend-vote-further-harms-credibility-egyptian-political-process>.

<sup>17</sup> Article 156 of the 2014 Constitution.

<sup>18</sup> International Institute for Democracy and Electoral Administration, "Electoral system design: the new International IDEA handbook," 2005, [http://www.idea.int/publications/esd/upload/Idea\\_ESD\\_full.pdf](http://www.idea.int/publications/esd/upload/Idea_ESD_full.pdf).

<sup>19</sup> Ahmed Fouad, "Did Egyptian intelligence meddle in recent elections?" *Al Monitor*, January 22, 2015, <http://www.al-monitor.com/pulse/originals/2016/01/egypt-parliament-accusation-interference-intelligence.html>.

<sup>20</sup> Ahram Online, "Egypt's interim president emerges from shadows at national dialogue meetings," December 23, 2013, <http://english.ahram.org.eg/NewsContent/1/64/89869/Egypt/Politics-/Egypys-interim-president-emerges-from-shadows-at-n.aspx>.

<sup>21</sup> Law 88 of 2015.

<sup>22</sup> Law 92 of 2015.

<sup>23</sup> High Election Commission, "Voter Demographics," <https://www.elections.eg/about-election/voters-demographics>.

<sup>24</sup> Ahram Online, "Egypt rejects opposition's suggested amendments to election laws," June 9, 2015, <http://english.ahram.org.eg/NewsContent/1/64/132363/Egypt/Politics-/Egypt-rejects-oppositionssuggested-amendments-to-.aspx>.

<sup>25</sup> Law 91 of 2015.

<sup>26</sup> Mada Masr, "Elections countdown: 39 days," September 9, 2015, <http://www.madamasr.com/news/elections-countdown-39-days>.

<sup>27</sup> Youm7, "Ministry of Health: Fee for medical examination reduced for candidates who paid 4,200 pounds," September 8, 2015, <http://www.youm7.com/story/2015/9/8/%D8%A7%D9%84%D8%B5%D8%AD%D8%A9--%D8%AA%D8%AE%D9%81%D9%8A%D8%B6-%D8%B1%D8%B3%D9%88%D9%85-%D8%A7%D9%84%D9%83%D8%B4%D9%81-%D8%A7%D9%84%D8%B7%D8%A8%D9%89-%D9%84%D9%84%D9%85%D8%B1%D8%B4%D8%AD%D9%8A%D9%86->

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%D8%A7%D9%84%D9%85%D8%B3%D8%AF%D8%AF%D9%8A%D9%86-4200-  
%D8%AC%D9%86%D9%8A%D9%87/2339591#.Ve7-iNKqqko.

<sup>28</sup> Ahram Online, "'Sahwet Misr' withdraws from Egypt's parliamentary elections," September 11, 2015, <http://english.ahram.org.eg/News/140258.aspx>.

<sup>29</sup> Mada Masr, "Ahmed Ezz and Sama al-Masry disqualified from the race," October 7, 2015, <http://www.madamasr.com/news/elections-countdown-11-days>.

<sup>30</sup> Aswat Masriya, "Over 60 embassies have requested to observe Egypt's elections," October 8, 2015, [http://en.aswatmasriya.com/news/view.aspx?id=f603cd93-e5ed-473b-a41d-86a18746f79c&mc\\_cid=705badf99d&mc\\_eid=c4ba71955a](http://en.aswatmasriya.com/news/view.aspx?id=f603cd93-e5ed-473b-a41d-86a18746f79c&mc_cid=705badf99d&mc_eid=c4ba71955a).

<sup>31</sup> HEC Decision 56 of 2015.

<sup>32</sup> Article 3 of HEC Decision 27 of 2015.

<sup>33</sup> COMESA, "Preliminary Statement: COMESA election observer mission to the parliamentary election in the Arab Republic of Egypt," October 25, 2015, <http://www.comesa.int/attachments/article/1728/COMESA%20Preliminary%20Statement%20-%20Egypt.pdf>.

<sup>34</sup> The Carter Center, "Carter Center closes Egypt office; calls for stronger protections for democratic rights and freedoms," October 15, 2014, <http://www.cartercenter.org/news/pr/egypt-101514.html>.

<sup>35</sup> Ben Hubbard, "Egypt convicts workers at foreign nonprofit groups, including 16 Americans," *New York Times*, June 4, 2013, [http://www.nytimes.com/2013/06/05/world/middleeast/in-egypt-guilty-verdicts-for-employees-of-foreign-nonprofits.html?\\_r=0](http://www.nytimes.com/2013/06/05/world/middleeast/in-egypt-guilty-verdicts-for-employees-of-foreign-nonprofits.html?_r=0); Freedom House, "Statements in response to Egypt NGO trial verdict," June 4, 2013, <https://freedomhouse.org/article/statements-response-egypt-ngo-trial-verdict>.

<sup>36</sup> Egypt Independent, "Reem Maged says banned from any Egyptian channel," November 12, 2015, <http://www.egyptindependent.com/news/reem-maged-says-banned-any-egyptian-channel>; Mada Masr, "Update: Court renews detention of Al-Masry Al-Youm owner Salah Diab," November 8, 2015, <http://www.madamasr.com/news/update-court-renews-detention-al-masry-al-youm-owner-salah-diab>.

<sup>37</sup> Egypt Independent, "132 violations recorded against journalists in November: report," December 11, 2015, <http://www.egyptindependent.com/news/132-violations-recorded-against-journalists-november-report>.

<sup>38</sup> Articles 49 and 54 of the Law on the Exercise of Political Rights (Law 45 of 2014).

<sup>39</sup> El Watan News, "HEC: Rejects all appeals in the first round," December 1, 2015, <http://www.elwatannews.com/news/details/848690>.

<sup>40</sup> Youm7, "HEC rejects the grievances of 98 losing candidates before the announcement of results," December 4, 2015, <http://www.youm7.com/story/2015/12/4/%D8%A7%D9%84%D8%B9%D9%84%D9%8A%D8%A7-%D9%84%D9%84%D8%A7%D9%86%D8%AA%D8%AE%D8%A7%D8%A8%D8%A7%D8%AA->

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%D8%AA%D8%B1%D9%81%D8%B6-98-%D8%AA%D8%B8%D9%84%D9%85-%D9%85%D9%86-  
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%D8%AE%D8%A7%D8%B3%D8%B1%D9%8A%D9%86-%D9%82%D8%A8%D9%84-  
%D8%A5%D8%B9%D9%84%D8%A7%D9%86-%D8%A7%D9%84/2475334#.Vnu3IsB94y5.

<sup>41</sup> Article 7 of Law 22 of 2014.

<sup>42</sup> HEC Decision 67 of 2015.

<sup>43</sup> HEC Decision 74 of 2015; HEC decision 75 of 2015; HEC, "Press release," November 19, 2015, [https://www.elections.eg/images/pdfs/press-releases/press\\_release\\_19-11-2015-1.pdf](https://www.elections.eg/images/pdfs/press-releases/press_release_19-11-2015-1.pdf).

<sup>44</sup> HEC, "Press release in regards to the verdicts of re-doing elections in a limited number of constituencies for the first phase," 25 October 2015, [https://www.elections.eg/images/pdfs/press-releases/press\\_release\\_25-10-2015.pdf](https://www.elections.eg/images/pdfs/press-releases/press_release_25-10-2015.pdf).

<sup>45</sup> Islam Al-Ghazouly, "Voting delayed in Alexandria's al-Raml as Hour fights to advance in Amreya," *The Tahrir Institute for Middle East Policy*, October 27, 2015, <http://timep.org/pem/exclusive-coverage/voting-delayed-in-alexandrias-al-raml-as-nour-fights-to-advance-in-amreya/>.

<sup>46</sup> Article 107 of the 2014 Constitution; Article 29 of the Law on the House of Representatives (Law 46 of 2014).

<sup>47</sup> Article 25 of Law 46 of 2014.

<sup>48</sup> Ahmed Metwally, "Court of Cassation begins consideration of appeals on the results of parliament elections," Youm7, January 16, 2016,

<http://www.youm7.com/story/2016/1/16/%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D9%86%D9%82%D8%B6-%D8%AA%D8%A8%D8%AF%D8%A3-%D9%86%D8%B8%D8%B1-%D8%A7%D9%84%D8%B7%D8%B9%D9%88%D9%86-%D8%B9%D9%84%D9%89-%D9%86%D8%AA%D8%A7%D8%A6%D8%AC-%D8%A7%D9%86%D8%AA%D8%AE%D8%A7%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86-%D8%A7%D9%84%D8%A3%D8%B3/2540955#.VvK6Q1UrLVR>; Dostor, March 13, 2016, <http://www.dostor.org/1001097>.

<sup>49</sup> Mada Masr, "2 police officers, Nour Party candidate killed in North Sinai," October 24, 2015, <http://www.madamasr.com/news/2-police-officers-nour-party-candidate-killed-north-sinai>; Ahram Online, "Unknown assailant stabs Nour Party candidate in Egypt's Sharqiya," November 16, 2015, [http://english.ahram.org.eg/NewsContent/1/64/168823/Egypt/Politics-/Unknown-assailant-stabs-Nour-Party-candidate-in-Eg.aspx?mc\\_cid=8bf20f5ae6&mc\\_eid=c4ba71955a](http://english.ahram.org.eg/NewsContent/1/64/168823/Egypt/Politics-/Unknown-assailant-stabs-Nour-Party-candidate-in-Eg.aspx?mc_cid=8bf20f5ae6&mc_eid=c4ba71955a).

<sup>50</sup> Cairo Post, "Ismailia parliamentary candidate withdraws after son kidnapped," November 18, 2015, [http://thecairopost.youm7.com/news/177715/news/ismailia-parliamentary-candidate-withdraws-after-son-kidnapped?mc\\_cid=36b9bd208f&mc\\_eid=c4ba71955a](http://thecairopost.youm7.com/news/177715/news/ismailia-parliamentary-candidate-withdraws-after-son-kidnapped?mc_cid=36b9bd208f&mc_eid=c4ba71955a).

<sup>51</sup> Ahram Online, "Egypt's elections committee announces final parliamentary results," December 18, 2015, <http://english.ahram.org.eg/NewsContent/1/164/173877/Egypt/Egypt-Elections-/Egypt's>

---

elections-committee-announces-final-parliam.aspx.

<sup>52</sup> HEC Press Conference, December 18, 2015, <https://www.youtube.com/watch?v=DdU4S0myUZY>; Ahram Online, "28 MPs appointed by Egypt's Sisi to new parliament: who's who," December 31, 2015, <http://english.ahram.org.eg/NewsContent/1/164/179843/Egypt/Egypt-Elections/-MPs-appointed-by-Egypt-Sisi-to-new-parliament-Wh.aspx>.

<sup>53</sup> Ahram Online, "Ahead of the parliamentary race, what's left of Egypt's political parties?" September 7, 2015, <http://english.ahram.org.eg/NewsContent/1/151/139874/Egypt/Features/Ahead-of-the-parliamentary-race,-whats-left-of-Egy.aspx>.

<sup>54</sup> Adham Youssed, "More parties to boycott elections, blaming government for 'oppressive laws'," February 8, 2015, <http://www.dailynewsegypt.com/2015/02/08/parties-boycott-elections-blaming-government-oppressive-laws>; Mahmoud Mourad, "Ex-presidential candidate's opposition party to boycott Egypt election," *Reuters*, February 4, 2015, <http://www.reuters.com/article/us-egypt-election-boycott-idUSKBN0L81WK20150204>; Mada Masr, "Strong Egypt Party to boycott upcoming parliamentary elections," February 5, 2015, <http://www.madamasr.com/news/strong-egypt-party-boycott-upcoming-parliamentary-elections>.

<sup>55</sup> Ahram Online, "The 'no to religious parties' campaign gains momentum," August 26, 2015, <http://english.ahram.org.eg/News/138915.aspx>.

<sup>56</sup> Daily News Egypt, "Al-Nour candidate stabbed by unknown attacker," November 17, 2015, <http://www.dailynewsegypt.com/2015/11/17/al-nour-candidate-stabbed-by-unknown-attacker/>.

<sup>57</sup> Zeinab Al-Gundi, "Where are the Islamists in Egypt's upcoming parliamentary elections?," *Ahram Online*, October 11, 2015, <http://english.ahram.org.eg/NewsContent/1/164/152415/Egypt/Egypt-Elections-/Where-are-the-Islamists-in-Egypt-s-upcoming-parliam.aspx>; Jacob Olidort, "Egypt's Elections (Part 1): Al-Nour Goes on the Defensive," Washington Institute, September 28, 2015, <http://www.washingtoninstitute.org/policy-analysis/view/egypts-elections-part-1-al-nour-goes-on-the-defensive>.

<sup>58</sup> Ahram Online, "Egypt's Constitution Party to participate in upcoming parliamentary elections," September 8, 2015, <http://english.ahram.org.eg/NewsContent/1/64/139922/Egypt/Politics-/Egypt-s-Constitution-Party-to-participate-in-upcomi.aspx>; Amira Al-Fekki, "Freedoms and rights required to face terrorism: Socialist Popular Alliance Party," *Daily News Egypt*, October 8, 2015, <http://www.dailynewsegypt.com/2015/10/08/freedoms-and-rights-required-to-face-terrorism-socialist-popular-alliance-party/>.

<sup>59</sup> Menna Alaa Al-Din, "Egypt's left wing groups downcast ahead of parliamentary elections," *Ahram Online*, October 6, 2015, <http://english.ahram.org.eg/NewsContent/1/164/152213/Egypt/Egypt-Elections-/Egypt-s-left-wing-groups-downcast-ahead-of-parliame.aspx>.

<sup>60</sup> Ahram Online, "Egypt's lists running in the 2015 parliamentary marathon," October 15, 2015, <http://english.ahram.org.eg/NewsContent/1/164/159017/Egypt/Egypt-Elections-/Egypt-s-lists-running-in-the-parliamentary-maratho.aspx>.

---

<sup>61</sup> Mai Shams Al-Din, "The impossible parliamentary alliance: the pro-regime Alliance to Support Egypt is trying hard to control parliament, but so far with limited success," *Mada Masr*, December 27, 2015, <http://www.madamasr.com/sections/politics/impossible-parliamentary-alliance>.

<sup>62</sup> Mada Masr, "Hazem Abdel Azeem faces backlash following controversial testimonial on parliament," January 5, 2015, <http://www.madamasr.com/news/hazem-abdel-azeem-faces-backlash-following-controversial-testimonial-parliament>.

<sup>63</sup> Pesha Magid, "Elections explainer: A map to the madness," *Mada Masr*, October 16, 2015, <http://www.madamasr.com/sections/politics/elections-explainer-map-madness>.

<sup>64</sup> Egypt Independent, "Egypt's new parliament: marriage renewed between NDPs, businessmen," September 12, 2015, <http://www.egyptindependent.com/news/egypt-s-new-parliament-marriage-renewed-between-ndps-businessmen>.

<sup>65</sup> Egypt Independent, "Egypt's new parliament."

<sup>66</sup> Ahram Online, "Campaigning to begin Tuesday for Egypt's parliamentary elections," September 28, 2015: <http://english.ahram.org.eg/NewsContent/1/64/147578/Egypt/Politics-/Campaigning-to-begin-Tuesday-for-Egypt-s-parliament.aspx>.

<sup>67</sup> Article 25 of Law 45 of 2014; Article 1 of Law 92 of 2015; HEC Decision 74 of 2015.

<sup>68</sup> Articles 27 and 28 of Law 45 of 2014; HEC Decisions 67 and 75 of 2015.

<sup>69</sup> Articles 27 and 68 of Law 45 of 2014.

<sup>70</sup> Article 26 of Law 45 of 2015.

<sup>71</sup> Egypt is a State Party to the *United Nations Convention Against Corruption*, which requires transparency in funding for candidates. Egypt has not made any reservations to this treaty. Article 7(3) reads as follows: "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties."

<sup>72</sup> Mada Masr, "Top media execs accused of campaigning in their own news outlets," October 15, 2015, <http://www.madamasr.com/news/top-media-execs-accused-campaigning-their-own-news-outlets>; Amira Al-Fekki, "Violations mark parliamentary electoral campaigns," *Daily News Egypt*, October 13, 2015, <http://www.dailynewsegyp.com/2015/10/13/violations-mark-parliamentary-electoral-campaigns/>.

<sup>73</sup> HEC Press Conference, December 9, 2015, <https://www.youtube.com/watch?v=9otORLzwaA>.

<sup>74</sup> Mada Masr, "Elections commission: there have been lower turnouts," October 31, 2015, <http://www.madamasr.com/sections/politics/elections-commission-there-have-been-lower-turnouts>.

<sup>75</sup> Shadi Bushra, "Egyptians in Giza hoping for a parliament that will support, not check, president," The Tahrir Institute for Middle East Policy, October 18, 2015, <http://timep.org/pem/exclusive->

---

coverage/egyptians-in-giza-hoping-for-a-parliament-that-will-support-not-check-president/.

<sup>76</sup> Ahram Online, "Day of parliament voting smooth; PM declares Monday a half-day for state workers," October 18, 2015, <http://english.ahram.org.eg/NewsContent/1/164/161179/Egypt/Egypt-Elections-/Day--of-parliament-voting-smooth;-PM-declares-Mond.aspx>.

<sup>77</sup> Article 5 of Law 46 of 2014.

<sup>78</sup> Sara Aggour, "26.3% of youth unemployed, 51.2% suffer poverty," *Daily News Egypt*, August 11, 2015, <http://www.dailynewsegypt.com/2015/08/11/26-3-of-youth-unemployed-51-2-suffer-poverty/>.

<sup>79</sup> Rahma Diao, "In numbers: Egyptian women in parliament throughout history," *Aswat Masriya*, January 1, 2016, <http://en.aswatmasriya.com/news/view.aspx?id=ee92e8e9-ef2c-49bc-bd99-b01969128f4d>.

<sup>80</sup> Ahram Online, "Egyptian Copts, women make record gains in 1<sup>st</sup> stage of 2015 parliament elections," October 31, 2015, <http://english.ahram.org.eg/NewsContent/1/164/162317/Egypt/Egypt-Elections-/Egyptian-Copts,-women-make-record-gains-in-st-stag.aspx>.

<sup>81</sup> George Mikhail, "How one Coptic woman made Egyptian parliamentary history," *Al Monitor*, January 19, 2015, <http://www.al-monitor.com/pulse/originals/2016/01/coptic-woman-parliament-victory-egypt-voters-sisi.html>.

<sup>82</sup> ONtv, "Interview with Kamal Al Sharif."

<sup>83</sup> Reuters, "Egypt's Sisi pardons 100 prisoners, including Jazeera journalists," September 23, 2015, <http://www.reuters.com/article/us-egypt-pardon-idUSKCN0RN1AH20150923>.

<sup>84</sup> The Arab Network for Human Rights Information, "Damages resulted from Mada Foundation for Media Development's invasion and the intimidation of 35 of its employees," December 13, 2015, <http://anhri.net/?p=156575&lang=en>; AlKarama, "Egypt: Incommunicado detention of journalist and head of Mada Foundation," December 3, 2015, <http://en.alkarama.org/1975-egypt-incommunicado-detention-of-journalist-and-head-of-mada-foundation>.

<sup>85</sup> Mada Masr, "Townhouse Gallery, Rawabet Theater closed after interagency raid," December 29, 2015, <http://www.madamasr.com/news/culture/townhouse-gallery-rawabet-theater-closed-after-interagency-raid>.

<sup>86</sup> Hossam Bahgat, "A coup busted?" *Mada Masr*, October 14, 2015, <http://www.madamasr.com/sections/politics/coup-busted>.

<sup>87</sup> Hossam Bahgat, "A statement by Hossam Bahgat on his military detention, interrogation," *Mada Masr*, November 10, 2015, <http://www.madamasr.com/sections/politics/statement-hossam-bahgat-his-military-detention-interrogation>.

<sup>88</sup> Egypt Independent, "Journalist Ismail Iskandarani arrested at Hurghada airport," January 12, 2015, <http://www.egyptindependent.com/news/journalist-ismail-iskandarani-arrested-hurghada-airport>.

<sup>89</sup> Amira Al-Fekki, "Rights' lawyer accused of managing 'illegal organization,'" *Daily News Egypt*, March 3, 2016, <http://www.dailynewsegypt.com/2016/03/03/rights-lawyer-accused-managing-illegal->

---

organisation/; Marwa Al-A'sar, "Egyptian lawyer interrogated for drafting anti-torture law," Al-Monitor, <http://www.al-monitor.com/pulse/originals/2015/06/egypt-police-abuse-torture-jail-investigation-draft-law.html#>.

<sup>90</sup> Daily News Egypt, "Rights groups to launch week-long campaign in solidarity with forcibly disappeared individuals," November 2, 2015, [http://www.dailynewsegypt.com/2015/11/02/rights-groups-to-launch-week-long-campaign-in-solidarity-with-forcibly-disappeared-individuals/?mc\\_cid=74ffda5c7b&mc\\_eid=c4ba71955a](http://www.dailynewsegypt.com/2015/11/02/rights-groups-to-launch-week-long-campaign-in-solidarity-with-forcibly-disappeared-individuals/?mc_cid=74ffda5c7b&mc_eid=c4ba71955a).

<sup>91</sup> Mada Masr, "Injured student Esraa al-Taweel released for medical reasons after seven months of detention," December 19, 2015, <http://www.madamasr.com/news/injured-student-esraa-al-taweel-released-medical-reasons-after-seven-months-detention>.

<sup>92</sup> Ahram Online, "No forced disappearance cases in Egypt: Interior Ministry," October 14, 2015, <http://english.ahram.org.eg/NewsContent/1/64/155955/Egypt/Politics-/No-forced-disappearance-cases-in-Egypt-Interior-Mi.aspx>.

<sup>93</sup> HEC website, "General Committees by Governorate," <https://referendum2014.elections.eg/polling-stations-stats>; <http://gate.ahram.org.eg/NewsContentPrint/13/70/791339.aspx>; Rehab Abdel Moneim, "HEC: 28.3 million voters for the second phase and no queues due to increased commissions," Al-Ahram, November 5, 2015, <http://gate.ahram.org.eg/NewsContentPrint/13/70/791339.aspx>.