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**Carter Center Preliminary Statement on the Second Round of Voting in Egypt's People's Assembly
Elections**

Carter Center witnesses observing the People's Assembly elections in Egypt reported progress in several aspects of polling during the second round of voting on Dec. 14-15, but found that there are numerous areas where procedures need further improvement.

On the positive side, the experience gained by judges supervising the first round of the elections was evident in the second round of voting, as many of the logistic and administrative operations improved. In addition, Carter Center witnesses reported a reduction of illicit political campaigning during the campaign silence period in most areas.

Nevertheless, many problems observed in the first round were still evident in the second round of voting. Assistance to illiterate voters has been inconsistent across polling stations and would be improved by issuing clear instructions to election officials. In addition, there are areas in the implementation of vote counting where the process should be enhanced, including through the development of specific and clear procedures for those responsible for the counting and aggregation of results.

In both polling and counting activities, a breakdown of communication between judicial officials and security forces was observed to hinder access to sites. The management of access to polling stations and count centers for election officials, party and candidate agents, and domestic and international witnesses was reported as unnecessarily difficult in many cases. Improvements in the security forces' awareness of their own duties is necessary,¹ as well as their coordination under judicial officials.

While the environment surrounding the elections has been generally peaceful,² The Carter Center notes with regret the deaths and injuries of demonstrators arising from recent violence around the Parliament

¹ Inter-Parliamentary Union (IPU), Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, Art. 4(8): "States should take the necessary measures to ensure that parties, candidates and supporters enjoy equal security, and that State authorities take the necessary steps to prevent electoral violence."

² The Center acknowledges isolated incidents of physical violence committed in some cases by the security forces and in others by candidates and supporters of political parties. It was reported widely in the media that on Dec. 15, 2011, Yasser El-Rifai-the Revolution Continues was beaten by military police when he tried to enter one of the polling stations. Carter Center witnesses in Suez observed clashes between security forces and Freedom and Justice

and Tahrir Square. The Carter Center condemns the violence and the excessive use of force by security forces and urges a thorough and detailed investigation into these events. Such violence undermines the fundamental right of security, which is vital for all Egyptian citizens and essential to ensure their rights of freedom of expression and of association, which are especially important during elections.

The Carter Center mission witnessed the second round of Egypt's People's Assembly elections held on Dec. 14-15 across nine of the nation's 27 governorates.³ The Center deployed more than 40 international witnesses to all nine governorates to directly observe the pre-election environment, polling, and counting processes.

As the elections are being conducted in phases, this statement will form part of the Carter Center's overall assessment to be completed at the end of the People's Assembly elections. This statement builds on previous statements issued during and after the first round.⁴ The goal of these statements is to provide substantive and constructive feedback to the electoral authorities in the interest of achieving progressive improvements in the electoral process. It is in this context that The Carter Center offers the following key recommendations to the Supreme Judicial Commission for Elections (SJCE).

Polling Process

- Assign additional judicial officials to each polling center with the sole task of coordinating, liaising, and supervising security forces in their management of access to polling sites;
- Ensure instructions are issued to all presiding judges to make clear the procedures for providing impartial assistance, if any, to illiterate voters;
- Reinforce instructions to judges about the importance of ballot reconciliation procedures at the end of polling;
- Ensure that any decision to extend polling hours is adequately communicated as early as possible. In order to ensure transparency and avoid speculation, the reason for the extension should be provided. Such decisions should also be communicated to the public through all available means so that voters are informed of the extension;

Movement of Ballot Boxes

- Implement improved logistical plans for the orderly movement of ballot boxes from polling stations to counting centers and ensure that the presiding judge is able to accompany the ballot boxes;
- Implement procedures to record the arrival and intake of ballot boxes and other voting materials at the counting centers;

Party (FJP) supporters. The head of the Judges Club is also alleging that the security forces at a polling center in Sharkiyaa mistreated several judges.

³ These nine governorates include the following: Beni Suef, Giza, Beheira, Ismailia, Sharqiya, Suez, Monoufiya, Sohag, and Aswan.

⁴ Carter Center Statement on Egypt's Pre-election Environment, Nov. 21, 2011; Carter Center Preliminary Statement on the First Round of Voting in Egypt's People's Assembly Elections, Dec. 2, 2011; Carter Center Statement on Egypt's Election Results and Complaints Management Process, Dec. 8, 2011.

Counting Centers

- Assign additional judicial officials to counting centers with the task of coordinating, liaising, and supervising security forces in their management of access, to ensure the orderly and timely access by authorized people, including judges, party agents, domestic and international witnesses, and others;
- Issue clear procedures to election officials to standardize the conduct of the counting process;
- Provide more information to electoral stakeholders on how and when the votes from the out-of-country voting process are integrated into the election results;

Complaints Procedures

- Improve the clarity of the complaints procedures and implement systems to record and track complaints that are lodged;
- Make concerted efforts to inform and raise the awareness of the complaints procedures among electoral stakeholders;
- Ensure that the handling of complaints, appeals and resolutions is in accordance with the legal framework.

The full Carter Center preliminary statement may be found at www.cartercenter.org.

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.

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Carter Center Preliminary Statement on the Second Round of Voting in Egypt's People's Assembly Elections

Dec. 18, 2011

The Carter Center mission witnessed the second round of Egypt's People's Assembly elections held Dec. 14 -15 across nine of the nation's 27 governorates,⁵ deploying more than 40 international witnesses to all governorates to directly observe the pre-election environment, polling, and counting processes. As these elections are being conducted in phases, The Carter Center is issuing this statement as a preliminary assessment. It builds on previous statements issued during and after the first round. The goal of these statements is to provide substantive and constructive feedback to the electoral authorities in the interest of achieving progressive improvements in the electoral process.⁶ The main findings of Carter Center witnesses during the second round of voting include the following.

Illicit Campaigning: Witnesses noted an improvement in several aspects of the polling activities compared to the first round. A noticeable decline of illicit political campaigning during the 48 hour campaign-silence period ahead of polls was evident in urban areas, although a similar level of campaign-related violations still took place in several rural districts. Illicit campaigning inside polling stations during election days was considerably reduced in most areas, due in part to the heightened vigilance of presiding judges.

Access to Polling Centers: Administrative and logistical difficulties that caused late openings of polling stations in the first round were less frequently reported. In spite of this, late openings continued to be a problem. Carter Center witnesses reported a number of instances where security forces controlling access to polling centers impeded the access of party and candidate agents. This is especially problematic since the agents must be present inside the polling station for the presiding judges to be able to prepare the polls for opening. In light of this working level breakdown in communication between security forces and the supervising judges, the Center offers several recommendations for future rounds of polling:

- An additional judicial official should be assigned to each polling center, solely to provide dedicated coordination and supervision of security forces;

⁵ These nine governorates include the following: Beni Suef, Giza, Beheira, Ismailia, Sharqiya, Suez, Monoufiya, Sohag, and Aswan.

⁶ The Carter Center acknowledges that the SJCE has taken steps recently to improve the electoral process by issuing new "Instructions for the Judges and Councils" before the second round of voting.

- Security forces at polling stations should be better briefed in their duties, which include being responsive to the instructions of supervising judges; and
- Accredited party and candidate agents and representatives should be provided and required to wear clearly displayed identification at all times to facilitate access to polling centers.

Inside the Polling Stations: Within polling stations, the effect of the Supreme Judicial Commission for Election's (SJCE's) recent instruction to require a female poll worker in all polling stations was broadly implemented, which is a positive development. However, consistent checking for the presence of indelible ink on voters' fingers prior to voting remained weak, as did the correct application of ink. Of particular concern also is a continued lack of clarity and consistency over assistance to illiterate and disabled voters. The Law on the Exercise of Political Rights (Article 29) is clear that disabled voters may be assisted as they cast their ballot. However, for illiterate voters, the degree of assistance that may be provided is not stated, and as a result, has been inconsistent. To ensure consistency in the polling process and preserve its credibility, The Carter Center therefore strongly urges the SJCE to ensure instructions are issued to all presiding judges to make clear the procedures for providing impartial assistance, if any, to illiterate voters.

Extended Voting Hours: The decision of the SJCE to extend polling hours to 9 p.m. on the first day of polling was a source of confusion at many polling stations. Carter Center witnesses reported that in many cases, presiding judges were notified of the extension during the last hour or at the stage of poll closing. Further, election officials appeared unclear about the reason for the extension. If the SJCE intends to extend polling hours in future rounds it is recommended that they ensure that any decision to extend polling hours is adequately communicated all electoral stakeholders as early as possible. To ensure transparency and avoid speculation, a reason should also be provided for the extension.

Reconciliation of Ballots and Movement of Sensitive Materials: The reconciliation of ballots at the closing of a poll station is a key measure to ensure the integrity of the vote.⁷ Carter Center witnesses, however, observed inconsistencies in this process. In addition, Center witnesses observed what appeared as a chaotic and confusing process to transport ballot boxes to count centers. The lost and missing ballot boxes in Cairo District One (Al Sahel) that occurred in the first round, which will now have to re-poll in January, highlights the importance of ensuring orderly processes. The Carter Center therefore suggests that the SJCE reinforce the importance of the procedures for ballot reconciliation at the end of polling, and ensure an adequate and orderly logistical plan for the movement of ballot boxes, also ensuring that presiding judges are able to accompany the boxes in all cases.

Access to the Count Centers: At the count centers themselves, the arrival of ballot boxes, judges, and poll workers was observed as chaotic. Difficulties in physical access to the count centers contributed to

⁷ International Convention on Civil and Political Rights (ICCPR), Article 25(b): "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors"; International good practice suggests that "The legal framework should provide, in clear and objective language, the procedures for transferring the protocol results of counting, ballots, and election materials from lower election commissions to intermediate and higher election commissions for tabulation and safekeeping."; " OSCE, Guidelines for Reviewing a Legal Framework for Elections, p. 37: "Closing and counting procedures should be established in law and provide safeguards that guarantee a transparent, prompt and accurate count." European Union, Handbook for European Union Election Observation, Second Edition, p. 82.

this problem. The fact that judges, agents, and observers encountered problems in gaining access to the count centers was strong evidence of a breakdown in communication between security forces and the supervising judicial officials.⁸ To improve procedures for access to count centers in future rounds of polling, The Carter Center strongly recommends that the SJCE consider the following suggestions:

- Additional judicial officials should be assigned to count centers and be dedicated to supervising security forces controlling access to count centers;
- Security force personnel with command and management functions should be better briefed on their duties and be responsive to the instructions of the supervising judges;
- A system to verify the arrival and in-take of ballot boxes and other sensitive materials from polling stations should be implemented to register and confirm the arrival of materials;
- Where possible, vehicle access to count centers should be separate to pedestrian access. That would allow the presiding judge and a few poll workers to accompany the ballot boxes by vehicle, while other poll workers, party and candidate representatives, and domestic and international witnesses could enter via the pedestrian route; and
- Where there is difficult physical access to count center facilities, a secondary staging site should be used to control and manage the flow of vehicles, materials, and staff into the count center.

Inside the Count Centers: Inside the count centers, the atmosphere was also generally chaotic. Despite effort and instructions from the SJCE, insufficient furniture and equipment for poll workers and presiding judges often forced the adoption of improvised arrangements for counting. The physical limitations of the count centers and the improvised counting arrangements impeded efforts for party and candidate representatives, as well as witnesses, to adequately follow and observe the process. In addition, Carter Center witnesses noted that a continued lack of standardized procedures for the count resulted in a variety of systems being used. It is important to note that in spite of these observed problems at the counting centers, Carter Center witnesses were impressed by the dedication of judges, polling staff, and others who worked for very long hours to complete the counting process. Finally, it remains unclear how and when votes from the out-of-country voting process are integrated into the results. The Carter Center urges the SJCE to consider the following related recommendations:

- Greater efforts need to be made to prepare adequate work space and equipment at the count centers for the work of the presiding judges and poll workers during the counting process;
- In order to ensure transparency, the layout of the count centers should provide ample space for party and candidate agents, as well as domestic and international witnesses, so that they are able to meaningfully observe the process;
- Clear procedures for how to conduct the counting process should be issued to election officials to standardize the process of counting; and
- The SJCE should provide clarity on how and when the votes from the out-of-country voting process are integrated into the election results.

Complaints Process: Overall, the second round has suffered from several structural deficiencies that were already identified in the first round of the election. In particular, the management and administration of the electoral complaints process remains opaque. For example, the decision by the courts to allow for

⁸ In at least 5 instances Carter Center witnesses could not access the counting center due to the chaotic environment or denial of access by the security forces and/or judges, which is a deterioration from phase one.

previously excluded parties to be included on the ballot in three proportional representation district races on the day prior to the election forced these races to be postponed until the runoff phase. While the decision to allow these parties to compete enables a more genuinely inclusive election process, the timing of the court's decision on their appeal is problematic.⁹ Article 9 of the Law Concerning the People's Assembly Law (as amended) articulates the timeline for the resolution of these appeals. The interruption of polling activities and the uncertainty created by failing to abide by these provisions was disruptive to the electoral process. The management of complaints and appeals is a vital component of any election, as is their timely resolution, to reduce uncertainty for electoral stakeholders.¹⁰ As such, The Carter Center again urges the SJCE to:

- Improve the clarity of complaint procedures and implement systems to record and track complaints that are lodged;
- Make concerted efforts to inform electoral stakeholders and raise their awareness of the complaints process; and
- Ensure that the handling of complaints, appeals and resolutions is in accordance with the legal framework.

The Carter Center mission to witness Egypt's Parliamentary Elections has been accredited by the SJCE. The Carter Center deployed the first phase of its international delegation on Nov. 6, 2011. The Carter Center has deployed 40 long- and medium-term observers from 21 countries including: Australia, Brazil, Canada, France, Germany, Iraq, Ireland, Italy, Kenya, Lebanon, Malaysia, Morocco, the Netherlands, Norway, Palestine, Philippines, Slovakia, Somalia, Spain, Sudan, Tunisia, United Kingdom, and the United States. While deployed, these witnesses will observe the election administration, campaigning, voting and counting operations, and other activities related to the electoral process in Egypt.

The Carter Center's election mission is conducted in accordance with the Regulations and Code of Conduct for Elections Followers issued by the Supreme Judicial Commission for Elections, as well as the Declaration of Principles for International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by more than 37 election observation groups. The Center assesses the electoral process based on Egypt's national legal framework and its obligations for democratic elections contained in regional and international agreements.

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⁹ Regarding international best practices, see, for example, OSCE, Existing Commitments For Democratic Elections In OSCE Participating States, p. 75: "One best practice for election complaints is to provide for an expedited process of complaint and appeal, to permit resolution of complaints in an effective manner - if possible, during the election period."... "additional best practices for handling election complaints and appeals include the following: The right to a timely remedy."

¹⁰ ICCPR, Article 2(3)(a): "Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, not withstanding that the violation has been committed by persons acting in an official capacity."; UN Human Rights Committee, General Comment Number 34, para. 19: "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information..."; IPU, Free and Fair Elections: International Law and Practice, p. 158: "The integrity of the system requires not only that such issues [electoral complaints] be dealt with by an independent and impartial authority, such as the electoral commissions or the courts, but also that decisions be reached in a timely manner, in order that the outcome of elections not be delayed."

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