



Most importantly, Egyptians should ensure that after the referendum is completed, genuine

**Carter Center Pre-Referendum Statement: The Political and Legal Context of the  
2014 Constitutional Referendum in Egypt**

The central challenge to a meaningful democratic transition in Egypt has been the implementation of an inclusive constitutional reform process reflecting input from the full spectrum of Egyptian society, while protecting democratic principles and fundamental rights and freedoms. Each of Egypt's recent constitution-

According to the March 30 Constitutional Declaration, the People's Assembly had the prerogative to appoint the Constituent Assembly, but the selection process was vague and left the drafting body's composition open to both interpretation and

On July 3, the armed forces suspended the 2012 constitution, removed President Morsi, and transferred executive and legislative authority to the head of the Supreme Constitutional Court, Adly Mansour, until the suspended constitution could be amended and elections for a new parliament and president held. On July 8, 2013, interim President Adly Mansour issued a constitutional declaration that elaborated on the armed forces' July 3 roadmap, establishing the procedures and a timeframe for a constitutional amendment and referendum process.

Violence in Egypt escalated tragically on Aug. 14 when security forces moved to forcibly

The Carter Center is deeply concerned about the environment surrounding the referendum. Given the deep polarization of society and short timeframe, Egyptians are likely to view the referendum more as a vote on the roadmap itself than on the content of the new constitution. Meanwhile, supporters of ousted President Mohamed Morsi refuse to recognize the legitimacy of the process, some resorting to non-peaceful means to express their opposition and/or to resist state security forces' violent crackdown. Thousands of Muslim Brotherhood supporters and others who oppose the military's intervention have been arrested in street protests across the country. Islamist satellite stations have been banned from broadcasting for months, the Freedom and Justice Party newspaper recently was shut down, and journalists have been accused of threatening national security for maintaining contact with Brotherhood sources.

Separately, radical militant groups have increased attacks on Egypt's security forces since Morsi's ouster. The interim government, however, does not distinguish between the two, pinning blame for the violence on the Muslim Brotherhood and supporters of the ousted president, and imposing even tighter restrictions



airtime for electoral campaigning, which according to Egyptian law applies to both public and private media.





agents, and media are limited to observing the process and seeking and recording information.

Ensure clear guidelines for the provision of impartial assistance to illiterate voters by the presiding officer or a person of the voter's choice are implemented.

Ensure polling staff is properly trained to check voter identification, apply ink, and check voters' fingers for ink before distributing ballot papers.

Ensure ballots are stamped with the official stamp in front of the voter by the authorized person when the ballot is issued.

Ensure that the regulations and procedures protecting the secrecy of the ballot are clear and understood by voters, and enforced by judges and polling staff.

Ensure that neutral voter education materials are made widely available to Egyptians across the country, informing them about the choices on the ballot, the meaning and consequences of a "yes" and a "no" vote, the location of designated polling places, voting procedures, and voters' rights and duties.

Ensure that only SCE voter education materials incorporate the SCE logo. Materials provided by any others, including but not limited to political parties, movements, civil society organizations, and private companies and citizens should not.

Ensure

representation and a meaningful voice in the amendment process. If the constitution is not adopted, The Carter Center recommends that a new Constituent Assembly be elected that represents the diverse viewpoints of the Egyptian people, especially women, youth, and minority groups.

Parallel to moving forward in the constitution-building process, Egyptian leaders should pursue inclusive dialogue and national reconciliation efforts, consistent with those the interim government announced when it established a high commission for national reconciliation in September 2013.<sup>14</sup> This process should include mechanisms for both political reconciliation and transitional justice. A meaningful democratic transition based on peaceful political participation, pluralism, and respect for the rule of law will come about only when all sectors of society have a voice in determining their country's future.

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The Carter Center has deployed election witnesses for most of Egypt's recent electoral processes, including the 2011-2012 parliamentary elections and the 2012 presidential elections. For the current constitutional referendum process, the Center deployed a small expert mission, focusing on the broader legal and political context of the ongoing transition. The Center requested and the Supreme Commission for Elections approved accreditations for a maximum of 10 international witnesses to carry out this work. Given its size, the Center's mission will not focus on witnessing voting procedures on