

Elections

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CONTACT: In Atlanta, Deborah Hakes +1 404-420-5124

The Carter Center today released its recommendations for the upcoming parliamentary elections based on its observation missions for the 2011-2012 parliamentary and presidential elections. The Center suggests critical reforms in the following areas: voter education and information, women in the electoral process, electoral observation, internal and external communications, procedures and training, voter access and participation, electoral contestants (parties and candidates), and electoral legal framework. The recommendations come as the Shura Council is considering electoral legislation, and the election commission is preparing for the upcoming House of Representatives election.

an lawmakers and election
authorities as they work to develop electoral laws and
international obligations and commitments. Many of these recommendations have been mentioned in
previous Carter Center reports
http://www.cartercenter.org/news/publications/election_reports.html#egypt

The Carter Center deployed accredited witnesses throughout Egypt for the 2011-2012 parliamentary and presidential elections. The Center conducts missions in accordance with the applicable laws, regulations, and international obligations of the host country and with the Declaration of Principles for International Election Observation and Code of Conduct for International Observers that were adopted at the United Nations in 2005 and have been endorsed by more than 40 election observation groups.

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"Waging Peace. Fighting Disease. Building Hope."

A not-for-profit, nongovernmental organization, The Carter Center has helped

by solving conflicts; advancing democracy, human rights, and economic

and able to freely and effectively exercise its right to vote.² This includes not only information on how, when, and where to vote, but also the electoral process.

This is especially important in Egypt given its significant rate of illiteracy and the complexity of its electoral processes. For example, during the 2011-2012 parliamentary elections, voters were asked to mark two separate ballots, one vote on one ballot for a party list and two votes on the other ballot for two majoritarian candidates.³ There also were challenges in determining runoff elections and their winners under the proportional representation system, as well as a 50 percent quota for candidates designated as workers or farmers, which added to the need for comprehensive voter education.

Political Participation of Women

⁴ require that Egyptian authorities take strong steps to ensure that women participate in the electoral process on an equal basis not only as voters, but also as candidates, election administrators, and policy makers. In some recent surveys, Egypt has ranked among the bottom 10 ⁵ Underrepresentation

was reinforced by the Supreme Council of the Armed Forces Declaration, which required that only one woman be included in any location on each list. In many cases, parties placed a woman candidate near or at the bottom of a party list, making their election to a seat highly unlikely. Only nine⁶ Assembly.

It has been recently reported that lawmakers drafting the newest election law are considering reimposing the same, inadequate requirement that at least one woman candidate be included on a party list, but in any position on that list. As was the case in 2011-2012, such a provision will likely have only a minimal impact on the total number of seats won by women.⁷ The Carter Center strongly recommends that

assemblies and, to achieve this guarantee, recommends that lawmakers adopt firmer measures for women candidates on electoral lists that prior to the upcoming elections.

The Carter Center also urges that additional steps be taken to ensure effective participation of women more generally:

² United Nations, United Nations Human Rights Committee, General Comment 25, Para. 20.

³ The 2011 elections introduced an electoral system that combined one-third of seats allocated to two-seat majoritarian constituencies and two-thirds to a closed list proportional representation system.

⁴ UN, International Covenant on Civil and Political Rights (ICCPR), Art. 3: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." UN, UNHRC, General Comment No. 28(68): Equality of rights between men and women (Article 3), Para. 3: "The State party must not only adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women."

⁵ According to data compiled by the Inter-Parliamentary Union on the basis of information provided by National Parliaments by October 31, 2012, Egypt ranked in the bottom 10 of 190 countries classified by percentage of women in the lower or single house. <http://www.ipu.org/wmn-e/classif.htm>; emrge1 0al Gender G406.39 Tm(2)JTJETBT1 0 18(s(406.wJTJE11(hET)5(hi)-4(s g)9(u-4(m)18(e)4(a)

Provide voter education that focuses on women: Social factors and the higher illiteracy rates among Egyptian women require special attention be paid to effective voter education to ensure women are able to exercise their rights without undue pressure. In previous elections, Carter Center witnesses reported widespread pressure on women voters. This included reports of threats made to women that voting for a different candidate than that chosen by their family or tribe constitutes legal grounds for divorce.

Promote the inclusion of all eligible women in civic life and the electoral process: In some parts of the country, the inclusion of women in the electoral process has been negatively impacted by societal norms and historical factors, the availability of birth certificates, and awareness of eligibility for or access to the civil registration process. Current government and officially sponsored civil society initiatives seek to address these issues, but it is estimated that four million women may be undocumented.⁸ The national identification database therefore does not necessarily serve as a

Carter Center encourages the continued efforts of the government of Egypt and others to ensure that women have the opportunity to obtain national identification cards.

participation,

with good practice and standards for election observation.⁹ These provisions could include:

Allow observing organizations to be accredited to observe the entire election process: Elections comprise a number of interrelated processes that interact and influence one another involving a range of stakeholders. It is therefore necessary for observation missions to observe all aspects of an election in order to provide a comprehensive and accurate assessment of the process. These aspects include but are not limited to the legal framework, voter education and information, registration, candidate nomination, campaigning, phases of polling, counting, and aggregation, as well as the announcement

authorities to accredit observation missions at the earliest possible instance and before the call for elections and the start of the election process.

Allow observation missions to issue public statements without interference throughout the entire electoral process: In accordance with international good practice, accredited observation missions should be free to issue public statements that can constructively identify areas for improvement, especially if there is still time to implement positive changes that may strengthen the credibility of the process and legitimacy of the outcome. Regulations put in place by the Presidential Election Commission (PEC) prohibited election observation missions from issuing public statements prior to the announcement of results. The PEC ultimately allowed these missions to issue public statements after the vote count but before the official release of results. Nonetheless, the regulation on statements undermined an important positive role that election observation missions can have during an election process.

Eliminate time limitations on election observers inside the polling station: Imposing time limitations on election observers inside the polling place, such as the 30 minute limitation imposed on witnesses during the presidential election, is an unnecessary restriction and undermines freedom of access and transparency in the electoral process. If a polling place is unusually crowded, the head of the polling station should be able to fairly manage access. For example, regulations could provide for rotations for election observers and media, as well as agents of candidates and parties.

Communications

externally and enhance transparency by promoting equal access to information for all election stakeholders.¹⁰ This is particularly important in Egypt, where the transition has followed an uncertain course, producing a fragile political environment and an atmosphere that often fosters speculation and suspicion. The Carter Center, therefore, rec

Improve internal communication systems

communication infrastructure to more effectively transmit information to its district general committees and subcommittees. This is particularly important in light of the repeated last minute changes to electoral procedures during previous elections. A primary example of this includes

⁹ Ideally, as part of the establishment of a permanent electoral management body, lawmakers and election officials should consider establishing a permanent regulation enabling domestic and international observation organizations to apply and obtain accreditation for any upcoming election, without the need to develop new regulatory provisions before the beginning of each electoral process.

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requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to en

-minute decisions to amend electoral regulations and

decisions to extend polling by several hours and in some cases even an additional day.¹¹ While it is preferable not to make any changes close to or during the polling phase of an election, it is critical that systems are in place to quickly and accurately inform all election officials in the event of unavoidable changes. This would help prevent procedural mistakes such as the early closing of polling stations, which can disenfranchise eligible voters.

Organize stakeholder consultations:

that there are no ballots that have been illegally removed or placed in the ballot box. The Carter Center recommends that the commission train staff and develop forms that follow systematic procedures for ballot reconciliation and recording the voting procedures.

Use secure tamper evident bags: It is vital to ensure the security of sensitive materials such as ballots and signed forms while transporting them from the polling center to the district general

Open polling places on time:¹⁵ Late opening of the polling station can undermine voter access and right to participate
importance of adhering to official polling hours as part of official guidelines on how to efficiently and

a process to appeal decisions of the to-be-established National Election Commission to the administrative courts as established in Article 211 of the new constitution is therefore a positive development. This step will ensure that all electoral decisions made by the NEC will be reviewable by an independent, impartial authority and should also facilitate the development of a clear, public record of all electoral complaints and their adjudication.²⁸ For the 2013 parliamentary elections, The Carter Center hopes that Egyptian lawmakers and the HEC, the election authority for those elections, will consider establishing a transparent, unified appeals process for those who wish to challenge decisions of the HEC, and that all decisions of the courts pertaining to the HEC are publicized.

Ensure judicial independence in electoral complaint adjudication: In accordance with internationally recognized standards regarding judicial independence and ethics, The Carter Center recommends that any future election authorities and the judiciary take transparent steps to ensure that judges adjudicating election-related cases have no conflicts of interest, or the appearance of a conflict of interest, with judges supervising the electoral process who might be associated with the case at issue.

Promote Independence of the National Election Commission: The new Egyptian Constitution establishes the NEC to oversee all national and local elections as well as referenda following the 2013 House of Representatives election. The Carter Center considers the establishment of the NEC to be a positive step. Within the law, the NEC must have the ability to perform its duties free of undue influence by the government, political parties, candidates, and other powerful electoral stakeholders. This includes independence in the hiring of staff, development of the NEC budget, and disbursement of funds.²⁹ In addition, a permanent presence in each of the governorates through dedicated field

at the local level, improve voter education and assistance efforts, and strengthen oversight and enforcement of electoral procedures on election day. This is particularly important given the frequency of elections in Egypt.

²⁸ Appeals of NEC decisions in local elections are to be heard by local administrative courts. Art. 211, constitution of 2012.

²⁹ See Article 200 of the Egyptian Constitution of 2012, which guarantees financial and administrative autonomy for all independent bodies and regulatory agencies defined in the constitution, including the NEC.