

Testimony of Eric Bjornlund  
President, Democracy International

at a hearing of

Subcommittee on the Middle East and North Africa  
House Committee on Foreign Affairs

on:

**“Egypt Two Years After Morsi (Part II)”**

Wednesday, December 16, 2015

## **What Recent Elections Tell Us About Egypt Two Years After Morsi**

Thank you, Madame Chairman, Representative Deutsch, other distinguished members of the Subcommittee. It is an honor to have been invited to appear before this subcommittee. This is an appropriate time for this important discussion about the future of Egypt.

The recent House of Representatives elections in Egypt, which took place in stages from October to early December, marked the conclusion of the so-called “Roadmap to Democracy” declared by General Abdel Fatah El-Sisi after the ouster of President Muhammad Morsi in July 2013. Although recent elections have been a cause for hope in many countries around the world—including in Burma, Nigeria, Sri Lanka, and, most recently, Venezuela—Egypt’s elections over the past two years remind us that elections by themselves do not necessarily further democratization and human rights. While these recent House of Representative elections, along with the Constitutional Referendum and Presidential Election in 2014, have completed a process of civilianizing the highest levels of the government, they have not resulted in a more free or democratic Egypt.

This testimony reflects the findings of Democracy International’s comprehensive election observation program in Egypt funded by the United States Agency for International Development (USAID) over the past two years. Since 2013, Democracy International (DI) has monitored the electoral component of the “roadmap” through multiple international observation missions and a regular presence in country. Throughout the world, DI provides analytical services, technical assistance, and project implementation for democracy, human rights, governance, peace and resilience, and other international development programs. Since its founding in 2003, Democracy International has worked in 70 countries and has conducted election observation missions and election-assistance programs in 16 countries, many in conflict-affected or politically-unstable environments. As President of DI, I have had the opportunity to visit Egypt many times since the spring of 2013 and to lead our election observation missions there.

Democracy International established its election observation mission in Egypt in December 2013 and deployed the largest international mission to observe the constitutional referendum in January 2014 with 83 accredited international observers from 10 countries. In May 2014, DI carried out a comprehensive mission to observe the presidential election process, with 88 accredited observers from 17 countries. For the parliamentary elections initially scheduled for spring 2015, with accreditation from the High Electoral Commission (HEC) of Egypt, we deployed a core team of experts in February 2015 to assess the pre-election environment and election preparations, but our observers departed from the country in May after the elections were postponed and visas expired. After the elections were rescheduled for October to December, DI was unable to obtain visas for core staff members and observers until after the voting had commenced in October. 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. The small team on the ground nonetheless observed voting in 158 locations in five governorates. For the second stage in November and early December, DI deployed more than 20 accredited international observers from six countries to observe the balloting in 422 locations in eight governorates.

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

In each of our missions, we have seen how Egyptian authorities have attempted to hide a restrictive political climate behind a façade of electoral processes. To the credit of the HEC, and those who provided technical assistance to it, such as the International Foundation for Elections Systems (IFES), the administration of these elections over the past two years has been generally satisfactory. Such election-day problems and irregularities that we witnessed do not appear to have been systematic or intentional.

The elections took place, however, amidst a broader backdrop of arrests, an ongoing crackdown on civil society and the media, and forced disappearances. Many civil society organizations, trade unions, professional associations, and individual activists report continuing constraints on their ability to operate, including frequent arrests, harassment, armed raids by law enforcement or security services, and travel bans. Once-strong movements and political parties have been silenced, often with force. Opponents of the government have been arrested; courts have ordered dissolution of their organizations; and an orchestrated campaign equating dissent with “terrorism” is echoed by much of the Egyptian media. Many organizations say they limit their activities to avoid being viewed as overly critical of the government, the state narrative, or government policy positions. This climate has not been conducive to meaningful, democratic elections.

### **Constitutional Referendum**

In early 2014, DI voiced serious concerns about the political environment in the period leading up to and during the voting for the Egypt's constitutional referendum. As we noted in our report on the referendum, there was no real opportunity for those opposed to the government's so-called “roadmap” or the proposed constitution to dissent. A number of high-profile activists and opponents of the “roadmap” were jailed, and the police and other security forces met public protests with violence. Some prominent groups were specifically prevented from campaigning against the adoption of the constitution. Other individuals attempting to campaign against the passage of the referendum were reportedly harassed. Some journalists were arrested and imprisoned. The Egyptian media overwhelmingly and actively supported the adoption of the constitution, and those opposed to the passage of the referendum were not afforded reasonable opportunities to express their views. We concluded that limits on freedoms of assembly and speech and restrictions on civil society seriously constrained the campaign environment and made a robust debate on the substance and merits of the constitution impossible.

### **Presidential Election**

At the conclusion of Egypt's constitutional referendum process, DI called for the interim government to end repression and support a more inclusive political environment before subsequent elections. Unfortunately, although the Egyptian constitution adopted in the referendum guarantees freedom of speech and association, continued suppression of political dissent and re-

restrictions on fundamental freedoms continued to prevent free political participation. These restrictions severely compromised the broader electoral environment for the presidential election in May 2014, making a competitive presidential election impossible. We concluded that the disregard for Egyptians' rights and freedoms prevented a genuine, democratic presidential election. Among other things, we expressed concern that the "protest law" adopted in November 2013, which limited public gatherings through burdensome permission requirements and disproportionate penalties, curbed peaceful public assembly and expression. Selective application of the protest law, systematic suppression of opposition protests, and rapid escalation of force by security forces discouraged participation in the political process during the presidential election. We also reported that a climate of pessimism, self-censorship, and fear pervaded the presidential election process. Arrests and convictions of journalists, political activists, and students as well as the banning of political organizations suppressed dissenting voices vital to fair elections and functioning democracy.

### **House of Representatives Elections**

Most recently, voting for Egypt's House of Representatives was held in stages from October to December 2015. Egypt has not had an elected House of Representatives—previously called the People's Assembly—since June 2012, when the Supreme Constitutional Court dissolved the legislative body on grounds that it had not been elected constitutionally. Thus, these elections were to re-establish a potentially important governing institution. note

Although the administrative aspects of the parliamentary elections were generally satisfactory, we again found that restrictions on freedom of expression and political participation and a flawed election system made a fully democratic electoral process in Egypt impossible. The result will be a parliament that does not fully represent the views of all Egyptians. Unless those who assume seats in the new body take decisive action, these elections are unlikely to represent even a small step toward a more open and accountable political system in Egypt.

As we noted in our July 2015 interim report on the pre-election environment the repression of political opposition—including the criminalization of nonviolent political parties and movements—and the suppression of peaceful dissent through the misuse of legislation designed to restrict the foreign financing of terror groups have increased since the adoption of the Constitution and the election of President El-Sisi. Since the beginning of 2015, a number of forced disappearances have been reported. Arrests of journalists, including some trying to report on the election process, continue to mount. Laws limiting protests and governing the operations of civil society organizations continue to be applied in a manner that chills the freedoms necessary for robust democratic participation and debate.

Likely owing to voter fatigue and continued pessimism, public interest in these most recent elections in Egypt was muted. Turnout was relatively low, especially low among younger Egyptians. During the eight days of voting across the country, DI observers rarely saw voters under the age of 35.

Although a number of political parties participated in the elections by fielding candidates for individual and list seats, critics of the government, including groups who might identify themselves as liberals, as well as those that opposed the removal of former President Morsi in 2013,

were largely prevented from participating or chose to boycott. Islamist parties, which constituted a majority of the parliament elected in January 2012, were almost entirely excluded, either because of their designation as terrorist organizations, or because of their decisions to boycott.

The electoral system for the elections did not promote inclusion. The 596-member House of Representatives is composed of 448 members elected from 205 districts, each with one to four seats; 120 members elected on a winner-take-all basis from lists running in four large districts; and up to 28 members that may be appointed by the president. Unlike traditional 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 a majority of votes in the first round or run off won all the available seats in that district. In fact, *For the Love of Egypt*, which is widely perceived to have the 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 a means for politically diverse representation.

Despite the presence of international and domestic election observers, the election process was not fully open to independent scrutiny. Domestic election observation was neither robust nor widespread. Although the HEC accredited 81 Egyptian groups to observe these elections, DI observers saw nonpartisan or independent domestic observers in only 9 percent of polling stations they visited. Representatives of some nongovernmental groups that observed previous elections declared that observation was not worthwhile because the elections were unlikely to contribute to positive change in Egypt or asserted that the risks of genuinely independent observation were too high to justify engaging at this time.

Moreover, legitimate, accredited international observers encountered obstacles, while others were simply not able to participate. DI, for example—despite assistance from the HEC, the Ministry of Foreign Affairs, and the Egyptian Embassy in Washington, DC—did not receive visas for core staff members and observers until after the voting had commenced in October. 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.

Although the Arab League, the Electoral Institute for Sustainable Democracy in Africa (EISA), and other 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 a three-person technical team. The Carter Center, which had maintained an almost continuous presence in Egypt since May 2011 monitoring and reporting on the political transition, and electoral process, announced in October 2014 that it would not monitor the legislative elections after assessing that “political space has narrowed for Egyptian political parties, civil society, and the media.” 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 supporting Egyptian efforts, because of the unjust and widely condemned trials and spurious convictions of 43 NGO workers in 2013.

The balloting process for the parliamentary elections was conducted in an administratively satisfactory manner, and polling station officials appeared diligent and conscientious. Nevertheless,

the procedures in polling stations where DI observed varied considerably from one to another. Moreover, election officials used inconsistent methods to count votes, which might have been more worrisome if voter turnout had been higher or the elections were more vigorously contested. In the future, the election management body should seek to standardize procedures and improve training for polling station officials.

The orderliness of these recent House of Representatives elections should not be misinterpreted: the larger story is about the parties and candidates who were not allowed to participate, the voters who stayed away, and the independent observers—domestic and international alike—who could not observe, all of which has occurred in a climate of political repression and declining freedoms. These elections reflect the trend that we have observed throughout the past two years: decreasing space for political competition and increasing repression of opposition.

### **Toward a More Democratic Egypt**

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

The election of a new president and, most recently, a new parliament could have marked the beginning of a reorientation by the Egyptian state toward broader respect for human rights, including adherence to existing constitutional rights and a commitment to establishing truly democratic institutions. So far, however, there seems to be little cause for optimism.

Although the new House of Representatives does not seem to fully represent the views of all Egyptians, it is a potentially important governing institution. But unless those who assume seats in the new body take decisive action, the parliament will not be even a small step toward a more open and accountable political system in Egypt.

Genuine democracy is the only path to long-term stability in Egypt. Political repression and a disregard for basic rights make real democracy impossible and will only increase the ongoing polarization of Egyptian society. Egypt's leaders must take steps to ensure that the fundamental rights of all Egyptians, as embodied in the constitution, are respected and enforced. For Egypt to move forward with peace and stability, its leaders need to embrace political inclusion and to reorient the country toward broad respect for human rights and effective, democratic institutions.