

National Election Authority
Decree No. 22 of 2019 of the National Election Authority
On Creating a Database for Registering CSOs and Other Organizations
To Observe Elections and Referenda¹

The President of the Authority

Upon review of the Constitution;
And Law No. 22/2014 on Regulating Presidential Elections;
And the Law on Regulating the Exercise of Political Rights promulgated by Law No. 45/2014;
And the Law of the House of Representatives promulgated by Law No. 46/2014;
And the Law of Associations and other Foundations engaged in civil work promulgated by Law No. 70/2017;
And Law No. 198/2017 on the National Election Authority;
And upon the Approval of the Board of Directors of the National Election Authority in its session held on March 10, 2019.

Has decided:

Article 1

A database shall be established at the National Election Authority (NEA) for registering local, foreign and international civil society organizations and other organizations and foreign election authorities and commissions, and those authorized by NEA to observe elections and referendums, pursuant to the regulations set forth herein.

Registration or authorization is not considered a license or document to practice any other activities in the Arab Republic of Egypt.

Article 2

The database shall include the name of the organization, authority, commission or other applicants; the number and date of the decree issued on the acceptance and renewal of the registration request, the elections and referendums observed throughout the term of authorization; names of the agents doing the observation, dates of issuing and renewing the authorizations; NEA comments on the organization and the agents thereof, the violations committed by the agents, NEA decision on such violations, and any requests submitted by the organization during the term of authorization.

Article 3

Elections or referendums observation encompasses all the works of observation, watching and following- all the procedures of candidate registration, electoral campaigning, polling, counting, and announcement of result. Observers are banned from interfering in, or hindering, the election process in any way; or influencing voters; or campaigning for candidates; or receiving or granting under any circumstances any gifts, presents, aids or benefits to or from a candidate or their supporters.

1.Unofficial translation- in case of any discrepancy between the English and Arabic text, the Arabic text prevails.

Article 4

Local CSOs applying for registration on the database of elections and referendums observation must meet the following criteria:

1. Have a good reputation and be recognized for neutrality and impartiality.
2. Their major activities include election observation, supporting democracy or human rights.
3. The agents willing to observe elections and referendums shall be registered on the voter database.

The following documents must be attached to the application:

1. An officially certified copy of the documents proving the CSO registration.
2. A recent certificate issued by the relevant ministry to prove the CSO's registration, continuation of activity, compliance with the applicable laws and regulations, and the areas of activity.
3. A detailed summary about the CSO, its legal status, activities, and previous experiences in elections or referendums observation, if any.
4. A list of the observers nominated by the CSO and interested in receiving authorizations for elections or referendums observation in each governorate of the Republic's governorates.
5. The name of the CSO representative before the NEA.

The NEA may request any other documents that it deems necessary.

Article 5

Foreign and international CSOs applying for registration on the database of elections and referendums observation must meet the following criteria:

1. Have a good reputation and are recognized for neutrality and impartiality.
2. Their original activities include election observation, human rights or supporting democracy.

The following documents must be attached to the application:

1. A detailed summary about the organization, its legal status, activities, and previous experiences in elections or referendums observation.
2. Names of the countries where the organization took part in elections or referendums observation during the three years preceding the date of submitting the application, if any.
3. A list of the number of observers nominated by the organization and interested in receiving authorizations for elections or referendums observation.
4. The name of the organization's representative before the NEA.

The NEA may request any other documents that it deems necessary.

Article 6

Registration on the database mentioned in Article 1 of this decree shall be as per an application submitted to the NEA during the period when no election or referendum is being held. Registration shall be suspended as of the date of calling on voters (the call for election) until announcement of result.

Article 7

The NEA shall announce on a rolling basis the names of the institutions that were registered and grant each institution a one-year authorization for elections and referendums observation and a number of unique unrepeatable codes equal to the number of authorized observers to be used for registration via the NEA official website (www.elections.eg) within no more than three days from the date of code receipt.

Article 8

The elections and referendums observers nominated by the registered institution must meet the following criteria:

- 1- Have good conduct and reputation.
- 2- Is not affiliated with any political party and is not a member of the electoral campaign of a candidate in the Arab Republic of Egypt.
- 3- Is no less than 18 years old at the time of submitting the registration application.
- 4- Fills out all the data required in the registration form found on the NEA website.

Article 9

The NEA shall consider the observer forms and issue authorizations for those who meet the set criteria. The observer authorization shall be valid for the same period as the authorization issued for the registered institution.

Article 10

The institution representative or their delegate shall receive from the NEA headquarters the authorizations that allow the institution's agents to observe elections and referendums. The institution is committed to return the authorizations issued thereto and to its agents thereof in case of issuing a decree on removing the institution from the database. In case of excluding or replacing an agent, the institution shall return their respective authorization.

Article 11

An institution may submit a request to exclude or replace one of its agents registered on the database, with the agent's authorization attached thereto. The substitute agent should meet the registration criteria in order for the replacement request to be approved.

Article 12

The NEA shall consider the exclusion or replacement request within fifteen days from the date of submission and has the right to approve or reject such request. In case of replacement, the authorization issued shall be valid for the remaining period of the term of the former authorization.

Article 13

During the term of the authorization, the institution may request increasing the number of its observers thereof. In case of approving the request, the same registration process set forth herein apply. The new authorizations shall be valid for the validity period remaining for the institution's authorization.

Article 14

The authorized institution that wishes to renew the authorization issued thereto and to the agents thereof, shall submit a renewal request to the NEA fifteen days before the expiry date of the observation authorization issued to the institution. In doing so, the institution and the observers thereof should meet the criteria set forth herein as well as any other criteria or controls that may be adopted at the time of renewal.

In all cases, the authorizations shall be deemed valid if their expiration dates coincide with holding elections or referendums.

Article 15

Elections and referendums observation shall be limited to those authorized by the NEA. In order to enter the polling centers, stations, and general committees, the authorizations must be held visibly and presented, when needed.

Entering polling stations shall be as per a permission from the presiding officer and in a way that does not interrupt the polling or counting processes.

The presiding officers and heads of general committees may, when necessary, limit the duration allowed for the presence of the observers and their numbers in the polling stations to avoid overcrowding or obstructing the process.

In all cases, the instructions given by presiding officers and heads of general committees in this regard must be followed.

In case an observer commits a violation, the presiding officer shall prepare a memorandum to be attached to the papers of the electoral process and submitted to the general committee to be sent to the NEA.

Article 16

The institution that is authorized to observe elections and referendums shall comply with all the provisions of the laws and regulations and the decrees regulating the electoral event, and to undertake observation procedures according to the rules and regulations set by the NEA, taking into account accuracy, impartiality, objectivity and not using observation to achieve political or partisan aims.

Article 17

The authorized institution shall immediately inform the NEA about the important remarks concluded from the observation that it deems necessary to report to the NEA.

The NEA shall study and verify these remarks and take the necessary procedures accordingly.

Article 18

The authorized institution must not announce any results or indicators of elections or referendums before being announced officially by the NEA.

Article 19

After the end of the election or referendum, the institution shall prepare a report on the observation results to be presented to the NEA. The report shall be impartial, build on verifiable facts, include a technical evaluation that highlights the positive and negative aspects that may be monitored during observation. The report shall objectively reflect the official response that may be given by the NEA regarding the institution's remarks.

Article 20

The NEA may invite whoever it deems necessary from the heads, members and representatives of foreign electoral authorities and commissions, embassies, unions, and international and regional organizations for elections or referendums observation.

Article 21

The Egyptian national councils shall submit a request for registration on the elections and referendums observation database. In case the request is approved, the criteria and regulations set forth herein shall apply on the councils' observers

Article 22

Any concerned party may file a complaint to the NEA against any institution or the agents thereof regarding the violation of the observation regulations or for losing any of the requirements set forth herein. The NEA may summon the institution's representative to respond to the complaints or memorandums submitted on the violations committed by the institution or any of the agents thereof. The institution must respond in writing within fifteen days from the date of notification.

Article 23

Without prejudice to the penalties stipulated in the Penal Code and the laws relating to the electoral processes and referendums, the NEA may exclude or cancel the registration of the institution or observer on the database, in case of violating the regulations set forth in the NEA decrees. In case of issuing an exclusion decree, the institution shall return the authorizations, which are the subject matter of this exclusion decree, within three days from the date of notification.

Article 24

The institutions that observed the Presidential Elections that were held in March 2018 shall be registered on the abovementioned database whenever they want to as per a request submitted to the NEA on no later than 31 March 2019, unless a legal impediment should arise that prevents their engagement or requires the cancellation of the authorizations issued earlier thereto.

The NEA shall issue a one-year authorization to these institutions, and they should adjust their status pursuant to the present Decree within no more than one week from the date of approving the registration request.

Article 25

This decree shall be published in the Official Gazette to be executed by the concerned authorities.

Issued on 10/3/2019

President of the National Election Authority
Judge/ Lasheen Ibrahim
Vice-President of the Court of Cassation