



**COMMITTEE  
FOR JUSTICE**



**RIGHT TO FREE  
ELECTIONS**

**Methodology**

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## AIMS OF THE PROJECT

Egyptian presidential elections are set to be held in the second week of December. During elections fundamental rights such as (Freedom of expression, Freedom of assembly and the right to vote and stand as a candidate at elections), might be violated. Therefore, it is important to ensure the exercise of those rights by citizens, and to monitor and document any violations of the rights of voters and candidates during the electoral process. And since the primary objective of CFJ is to defend the rights of victims and persons subject to human rights violations, a committee was formed to monitor and document human rights violations before, during and after the Egyptian presidential elections. The committee will work to ensure that the Egyptian state respects the rights and freedoms of voters and candidates, and to ensure that the presidential electoral process was held in accordance with national and international legislation and in accordance with democratic election standards. Since CFJ is working to ensure the right to know and trying to promote the human rights situation in Egypt and in the region, therefore the committee will provide a knowledge hub —weekly reports, and a comprehensive final post-electoral report— which provides monitored, documented, detailed, and verified information on the numbers and patterns of violations committed during the electoral process.

As stated in the relevant human rights instruments, “every citizen has the right —without any discrimination or restriction— to participate in the electoral process and to participate in public affairs of his country”, as a voter or as a candidate (UDHR, 1948, Article 21; ICCPR, 1966). Undoubtedly, Fair elections are a necessary and essential step towards efforts to protect and promote human rights (UN, 2011). Moreover, the participation in the electoral process cannot be effective unless a wide range of fundamental rights and freedoms are respected such as freedom of expression, freedom of assembly, freedom of association, right to liberty and security, right to information, freedom of movement, freedom from fear, right of equality and non-discrimination, freedom of torture and inhuman or degrading treatment (UN, 2022; Declaration of principles for international election observation, 2005). The committee will primarily be monitoring the human rights situation —Monitoring and documenting human rights violations— during the electoral process, and not monitoring the election as a political process. The committee will systematically, accurately, and comprehensively collect information on the institutions involved in the electoral process and other factors related to the general electoral atmosphere. Usually, the precise collection of information on the laws and institutions involved in the electoral process is a useful starting point for identifying potential human rights concerns, which require follow-up before, during and after the electoral process. For instance, the European Union and (OSCE) are sending teams of observers at least three months before the start of elections in some countries, such as Madagascar elections in 2013. OHCHR also sent teams to monitor the human rights situation during the electoral process, such as the 2013 Kenya elections (OHCHR, 2013).

As election monitoring may play a role in promoting transparency and accountability, we assure that the work and methodology of the committee will be based on monitoring and documenting violations of individuals rights —Voters and Candidates— in an impartial, transparent, and systematic manner, to ensure that **Egyptian State respects the following rights:**

1. The right of citizens to stand up as candidates in the presidential elections.
2. The right of candidates and voters to prepare for election, election campaigning and political campaigns in an open and fair atmosphere without administrative interference and intimidation, and fear of retaliation against candidates, parties, or voters.
3. The right to hold elections within the constitutional framework and within the framework of electoral laws.
4. The right of all citizens to participate freely without threat or intimidation during the voting process.
5. The right to form associations and parties, and to ensure that parties can compete based on equal treatment before the law and by the authorities.
6. The right to establish and join political parties.
7. The right of citizens to freedom of movement before, during and after the electoral process.
8. The right of citizens not to be subjected to security and harassment because of their participation in the electoral process, or because of their support for a specific candidate.

9. The right of candidates and voters to organize election campaigning and express their views freely without restrictions.
10. The right to vote by secret ballot.
11. The right to have full access to media outlets for all candidates and voters without restrictions.
12. The right of candidates and voters to submit complaints in front of the judicial commissions and institutions dealing with electoral complaints and to respond to those complaints in a timely manner.

### **Furthermore, the Committee must assess whether:**

1. Voters and candidates were able to exercise their political rights and fundamental freedoms without obstruction, punishment, or retaliation.
2. The Egyptian authorities taking the necessary measures to protect the political and fundamental rights and freedoms of all participants in the electoral process and to facilitate the voting process.
3. In the event of human rights violations and harassment of candidates or voters, Egyptian authorities must act appropriately to prevent further similar violations and abuses, investigate allegations in a transparent and timely manner and hold those responsible accountable.
4. The electoral process was conducted in a fair, free, and non-discriminatory manner.

### **Accordingly, the Committee work to monitor and document violations will be divided into three phases (OSCE, 2012):**

#### **Documenting pre-election violations (phase 1)**

In this phase in particular, violations of non-application or failure to apply electoral legislation in a fair, consistent, transparent manner will be monitored and documented. Furthermore, the committee will monitor, and document violations related to the functioning of the institutions responsible for managing the electoral process, registration of candidates and voters, methods of adjudicating electoral disputes and violations to which citizens may be exposed for expressing their views, or for supporting a specific candidate. As a result, a weekly periodic pre-election report on the violations monitored, documented, and analyzed will be published.

#### **Documenting election day violations (phase 2)**

This phase will be monitoring and documenting violations committed in the election day at voting centers, as well as individual-related violations as they are heading to the ballot boxes and inside voting centers. Furthermore, this phase will monitor and document any violations during the vote counting process and results announcement. After monitoring and documenting and analyzing several violations, it will be easier to recognize the patterns of systematic violations, to achieve a comprehensive picture of the human rights situation for election day. Moreover, the committee is focused on monitoring and documenting violations that contain evidence indicating intimidation, tension and turmoil, and evidence refers to providing incentives for the voter to vote in a particular way or denying a voter from his right to vote.

#### **Documenting post-election violations (phase 3)**

At that stage, the committee focus will be placed on monitoring and documenting violations about the complaints and appeals process submitted by voters and candidates for official bodies and the transparency of the adjudication of such complaints. Furthermore, the committee will document violations as a result of the participation in the electoral process or for expressing an opinion about the election process or election results. At the end of this phase, a comprehensive report will be published covering the patterns and numbers of violations that occurred during the three phases.

## METHODOLOGY FOR MONITORING AND DOCUMENTING VIOLATIONS

The committee will monitor and document violations through victims, their families, eyewitnesses, official documents, official statements, press sources, activists, human rights defenders, social media, and photos and videos. Accordingly, the committee will conduct an impartial analysis of the information collected about the nature and patterns of violations before, during and after the electoral process. Based on the results of the analysis of monitored and documented information, patterns of violations and abuses will be identified. Accordingly, the committee will address these violations through international advocacy campaigns, providing credible information to human rights defenders, activists, lawyers, civil society, and the international community. Also, the committee will publish statistical and analytical reports about the violations committed.

Violations will therefore be monitored, documented, investigated, fact-finding, and evidence will be gathered, thereby documenting information, and obtaining an accurate recording of the details of any incident (violation). With the importance of emphasizing fact-finding and evidence prior to the publication of information obtained from the field, testimony of a victim, and eyewitness without facts indicating the credibility of the information. Therefore, the committee will be attentive to monitoring the recurrence of a violation in more than one place and time to determine patterns of violations occurring or to predict other systematic violations against voters and candidates. Consequently, violations will be divided into monitored and documented violations, bearing in mind that monitored violations may become documented later.

### Monitoring of violations

Violations will be monitored by collecting information daily from multiple sources and will rely mainly on monitored information provided by human rights defenders, lawyers, activists, families of victims and the victims themselves, as well as newspaper and media reports, and posts on social media platforms. Information will be collected for statistical analysis and patterns of violations, and a weekly report will be published, and some of the observed violations may be moved to the documentation stage if the required authentications are met.

### Documenting of violations

Documented violations mean that a member of the committee has directly communicated with the victim, eyewitness, a lawyer, or a human rights defender who has enough information to document a violation. Documentation of any violation must contain basic and supporting documents. The basic documents contain personal information such as name, age, profession and other background information, and questions about the violation that occurred, such as its date, location and who is the perpetrator. This information will be verified in terms of credibility (location and context) and the ability of the documented person to establish and support the occurrence of the violation with supporting evidence, such as images, videos, or live recording. The frequency of information on similar violations will be checked from our sources, social media, medical reports, and physical evidence supporting the violation's occurrence. In order for photographs or videos to be approved, they must contain the time, place, victim, offender or effect of the violation, or the existence of a pattern of repetition in the same or similar places, where violations are expected as a result of their association with the polling process, such as (Inside and outside Notary public offices "Shahr Akari", Inside and outside voting centers, Inside and outside election campaigns headquarters, and any place where there is a campaign rally for a candidate).

## SOURCES OF INFORMATION

### The committee will rely on several sources to gather the information, such as:

**Victims:** The sources and information monitored or documented by the victims themselves include, the authenticity of the narrative is verified in place and context, and the ability to validate the information by (witnesses, photos, videos, recordings) as supporting evidence proving the authenticity of the observed or documented information.

**Families of victims:** This source includes close family and relatives of victims/lawyers, and information from that source is approved based on how close he is to the victim, and his ability to prove and reinforce the information with supporting information/documents.

**Eyewitnesses:** Eyewitness testimony will be taken —more than one witness to document a violation— and there must be consistency in the content of the testimony, and if there are no more than one witness, the witness's testimony must conform to other monitored/documented information about the same places and the pattern of violations that occurred in it.

**Official documents:** This source includes official complaints submitted to competent bodies, medical reports, and any papers or documents issued by official institutions in Egypt.

**Official statements:** This includes the statements made by government and official authorities in Egypt, especially the institutions responsible for managing the electoral process and the executive and judiciary.

**Press sources:** Press sources will be relied on to monitor violations, but by specific criteria such as the reputation of the source, the presence of an official headquarters, source is not suspected of spreading rumors/propaganda systematically and repeatedly. Non-compliant press sources can be identified, depending on their behavior in getting involved in spreading rumors/propaganda repeatedly with other sources as they share the same interests and orientations.

**Activists and Human rights defenders:** From this source, the committee will rely on documented information from activists and human rights defenders involved in monitoring human rights violations, volunteers, and human rights collaborators.

**Social Media:** It includes sources and information posted on social media. Such information will be selected based on the credibility of the page —after investigating the extent of its involvement in spreading fake news and rumors— and the identity and credibility of those responsible of the page, the frequency of publication and the date of creation of the page.

**Photos and Videos:** Photographs and videos will be mainly relied upon as evidence to monitor and document a violation, but it is required that every photo/video must contain enough evidence to document that violation. For example, it must document the violation by the place, time, and party responsible for the violation. Photos/videos captured after the occurrence of the violation must contain one or all the following: the presence of the person responsible for the violation, the presence of eyewitnesses to prove the allegations, the effect of the violation on the victim, the frequency of photos or videos published documenting similar violations in the same place/time.

## CRITERIA FOR THE INCLUSION AND EXCLUSION OF INFORMATION

The Committee will take several precautions regarding the assessment and use of monitored and documented information by ascertaining the following:

1. **Source of information:** Including how the source obtained the information and the ability of the committee to verify and audit the information.
2. **Level of details** in the narrative that monitored/documented a violation.
3. **Absence/inconsistency of the narrative** and meaningless information. Information will be assessed based on consistency of the narrative.
4. **Absence of evidence** to support or refute what has been monitored/documented.
5. **When the information was monitored:** To assess the accessibility of information according to the date of the violation and the date on which the source obtained the information, bearing in mind the nature of the human rights situation in Egypt as the State is keen not to provide incriminating information, and intimidating victims, their families, and eyewitnesses. Consequently, victims and their families and eyewitnesses are afraid to communicate directly and in a timely manner with human rights organizations to document a violation.

## CHALLENGES

It must be noted that monitoring and documentation of human rights situation during the electoral process will face challenges in the domestic context of Egypt; Like any human rights project to monitor/document violations committed by official institutions or by another party acting under the protection of State institutions. As the Egyptian State deliberately withheld information from the public, threatening and prosecuting witnesses and victims, obstructing the procedures to ensure impunity for perpetrators. Furthermore, during the electoral process and the procedures that precede and follow it, candidates and voters may be subjected to several human rights violations, therefore a methodology is essential to monitor and document and verify those violations. The committee has therefore been established as an opportunity to systematically and impartially monitor and document election-related violations. Through election observation, the committee aims to play a role to enhance transparency and accountability, as well as to strengthen individuals' confidence in the electoral process, and to hold elections based on national and international legislation, standards, and commitments. Since human rights defenders and lawyers and victims and eyewitnesses face great risks to monitor/document a violation, we emphasize that the statistical figures to be published reflect what the committee team has been able to monitor and document. One of the main objectives of the committee is to provide information on violations without violating the principle of no-harm. We also emphasize our diligent efforts to protect the confidentiality of the information provided, the identity of the sources, as we use more than one system to collect, archive and analyze information, to prevent exposing the committee members and the sources to danger.



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