

# **The Constituent Assembly**

**\*\***

## **The Drafting Committee**

### **Preliminary draft of the Constitution of the Arab Republic of Egypt (Sunday 14/10/2012)**

#### **Notes:**

- (1) This is a preliminary draft. The manner in which its sections and provisions are organized is not final.**
- (2) This draft is put forward for debate within the Constituent Assembly and for discussion within society.**
- (3) The section on general principles and the preamble have not been completed.**

## TABLE OF CONTENTS

<b>PART I - STATE AND SOCIETY .....</b>	<b>1</b>
Article 1 Nature of the Egyptian state.....	1
Article 2 Religion, language and source of legislation .....	1
Article 3 Other religious law.....	1
Article 4 Al-Azhar.....	1
Article 5 Sovereignty .....	1
Article 6 Democratic system of government and principles.....	2
Article 7 Additional principles.....	2
Article 8 Equality .....	2
Article 9 Family.....	2
Article 10 Protection of morals, traditions, etc.....	2
Article 11 Unity and arabization.....	2
Article 12 Prohibition on civil ranks .....	3
Article 13 National economy.....	3
Article 14 Agriculture .....	3
Article 15 Natural wealth .....	3
Article 16 Nile River and groundwater.....	3
Article 17 Other water bodies, monuments and natural reserves .....	4
Article 18 Ownership.....	4
Article 19 Public funds.....	4
Article 20 Cooperatives and craft industries.....	4
Article 21 Workers .....	4
Article 22 Beneficiaries of public service projects .....	4
Article 23 Private property.....	4
Article 24 Religious endowments.....	5
Article 25 Taxation and public expenditures .....	5
Article 26 Nationalization.....	5
Article 27 Confiscation of funds.....	5
<b>PART II - PUBLIC RIGHTS, FREEDOMS AND DUTIES.....</b>	<b>6</b>
Article 28 Dignity .....	6
Article 29 Nationality .....	6
Article 30 Non-discrimination .....	6
Article 31 Personal freedom .....	6
Article 32 Prohibition on arbitrary arrest and detention rights.....	6
Article 33 Protection of dignity in detention .....	7
Article 34 Dignity, health and rehabilitation of those detained .....	7
Article 35 Right to privacy in communication.....	7
Article 36 Right to privacy in home .....	7
Article 37 Freedom of belief and religion .....	7
Article 38 Religious restriction on freedom of expression.....	8
Article 39 Freedom of thought and opinion .....	8
Article 40 Freedom of creativity and protection of diversity.....	8
Article 41 Freedom of information .....	8
Article 42 Freedom of the press.....	8

Article 43	Freedom to issue and own media outlets .....	8
Article 44	Freedom of movement, residence and immigration.....	9
Article 45	Freedom of assembly.....	9
Article 46	Freedom of association .....	9
Article 47	Freedom to establish syndicates, cooperatives and unions.....	9
Article 48	Right to address public authorities.....	9
Article 49	Right to free and fair elections .....	9
Article 50	Education .....	10
Article 51	Freedom of scientific research .....	10
Article 52	Arabic language, religious education and national history .....	10
Article 53	Plan for the eradication of illiteracy .....	10
Article 54	Right to health .....	10
Article 55	Right to work .....	11
Article 56	Due care obligation after war and revolution .....	11
Article 57	Right to social insurance.....	11
Article 58	Right to safety.....	11
Article 59	Organ trafficking and scientific experiments on humans.....	12
Article 60	Right to housing and other socio-economic rights.....	12
Article 61	Right to sport .....	12
Article 62	Right to litigation .....	12
Article 63	Regulation of crimes and penalties .....	12
Article 64	Rights of the accused, criminal appeals and individual protection ...	13
Article 65	Right to defense.....	13
Article 66	Fair sentencing.....	13
Article 67	Children’s rights .....	13
Article 68	Gender equality .....	14
Article 69	Youth rights.....	14
Article 70	Rights of persons with disabilities .....	14
Article 71	Criminally prohibited activities .....	14
Article 72	Egyptian diaspora .....	14
Article 73	Right to asylum .....	15
Article 74	Compensation for rights violations.....	15
Article 75	Independence of the judiciary and judicial immunity.....	15
Article 76	Military recruitment .....	15
Article 77	National solidarity and security .....	15
Article 78	Saving.....	15
Article 79	Right to environment.....	15
<b>PART III - PUBLIC AUTHORITIES .....</b>		<b>16</b>
<b>CHAPTER I – THE LEGISLATIVE POWER.....</b>		<b>16</b>
<b>Section I - Common Provisions .....</b>		<b>16</b>
Article 80	Legislative authorities.....	16
Article 81	Prohibition on double membership.....	16
Article 82	Civil servants and membership in parliament .....	16
Article 83	Member Oath .....	16
Article 84	Member remuneration.....	16
Article 85	Challenges to the validity of membership .....	16

Article 86	Member vacancies.....	17
Article 87	Membership revocation .....	17
Article 88	Property and financial regulation .....	17
Article 89	Member opinions .....	17
Article 90	Member immunity.....	18
Article 91	Seat of parliament .....	18
Article 92	Rules of procedure.....	18
Article 93	Maintenance of internal order .....	18
Article 94	Public and in camera meetings.....	18
Article 95	Inauguration and adjournment or ordinary sessions .....	18
Article 96	Extraordinary sessions .....	19
Article 97	Selection of speaker and deputy speakers .....	19
Article 98	Required majority .....	19
Article 99	Legislative initiative .....	19
Article 100	Consideration of draft laws .....	19
Article 101	Reconsideration of draft laws.....	20
Article 102	Promulgation of laws.....	20
Article 103	Government attendance, discussion and voting.....	20
Article 104	Member right to question government.....	20
Article 105	Chamber right to question government.....	21
Article 106	Member right to express interest.....	21
Article 107	Adoption of draft laws .....	21
Article 108	Legislative disputes between chambers.....	21
Article 109	Temporary vacancy of Speaker position.....	21
Article 110	Member mandate.....	22
Article 111	Citizen right to submit petition, grievance or proposal.....	22
Article 112	Member resignation .....	22
<b>Section II – The Council of Representatives .....</b>		<b>22</b>
Article 113	Composition.....	22
Article 114	Term.....	22
Article 115	Function .....	23
Article 116	Economic and social development plan .....	23
Article 117	Budget.....	23
Article 118	Transfer of funds.....	23
Article 119	Public enterprises .....	23
Article 120	Collection and disbursement of public funds .....	24
Article 121	Payments from the State Treasury .....	24
Article 122	Approval for public loan or project.....	24
Article 123	Final account and annual report.....	24
Article 124	Committee review of financial, administrative and economic affairs.....	24
Article 125	Urgent public matters.....	25
Article 126	Questions .....	25
Article 127	Motion of no confidence .....	25
Article 128	Resignation following a vote of no confidence in the Government..	25
Article 129	Dissolution of the Council of Representatives.....	25
<b>Section III: The Senate.....</b>		<b>26</b>
Article 130	Composition of the Senate .....	26
Article 131	Eligibility.....	26

Article 132	Term.....	27
Article 133	Functioning as the Council of Representatives.....	27
<b>CHAPTER II- THE EXECUTIVE POWER.....</b>		<b>27</b>
<b>Section I - The President of the Republic.....</b>		<b>27</b>
Article 134	Function .....	27
Article 135	Term.....	27
Article 136	Eligibility.....	27
Article 137	Nomination .....	28
Article 138	Election .....	28
Article 139	Non-availability for election .....	28
Article 140	Oath of Office.....	29
Article 141	Vacancy .....	29
Article 142	Vacancy in the President and election of Parliament.....	29
Article 143	Remuneration .....	29
Article 144	Resignation .....	30
Article 145	Appointment of the Prime Minister .....	30
Article 146	Statement of general policy.....	30
Article 147	Promulgation of laws.....	30
Article 148	Referendums.....	30
Article 149	Appointment of civil, military, and diplomatic officials.....	31
Article 150	State of emergency.....	31
Article 151	Amnesty and commuting of sentences .....	31
Article 152	Supreme Commander of the Armed Forces and the declaration of war .....	31
Article 153	International relations and international treaties .....	32
Article 154	Expenditure of the Presidency.....	32
Article 155	Exercise of powers .....	32
Article 156	General Policy and supervision.....	32
Article 157	Delegation of power .....	32
Article 158	Meetings with the Council of Ministers.....	32
Article 159	Impeachment.....	33
<b>Section II - The Government .....</b>		<b>33</b>
Article 160	Composition.....	33
Article 161	Responsibility for the implementation of state policy .....	33
Article 162	Statements to Parliament.....	33
Article 163	Eligibility.....	34
Article 164	Appointment and dismissal of civil servants .....	34
Article 165	Regulations for implementing laws .....	34
Article 166	Regulations for public utilities and departments .....	34
Article 167	Control regulations .....	34
Article 168	Remuneration of Government .....	34
Article 169	Economic work groups .....	35
Article 170	Oath of office .....	35
Article 171	Functions.....	35
Article 172	General Policy .....	36
Article 173	Civil Employees .....	36
Article 174	Accountability of the Prime Minister.....	36

<b>CHAPTER III - THE JUDICIAL POWER</b> .....	<b>36</b>
<b>Section I - Judicial Rules</b> .....	<b>36</b>
Article 175    Judicial independence .....	36
Article 176    Independence of Judges .....	36
Article 177    Judicial structures and functions, and the appointment of judges ...	37
Article 178    Public hearings and judgments.....	37
<b>Section II - Litigation</b> .....	<b>38</b>
Article 179    Public Prosecution .....	38
Article 180    Civil Prosecution .....	38
Article 181    Administrative prosecution .....	38
<b>Section III - State Council</b> .....	<b>38</b>
Article 181    Function .....	38
<b>Section IV - Supreme Constitutional Court</b> .....	<b>39</b>
Article 182    Role .....	39
Article 183    Composition.....	39
Article 184    Compliance procedures .....	39
Article 185    Publication of judgments.....	39
<b>CHAPTER IV - LOCAL ADMINISTRATION SYSTEM</b> .....	<b>40</b>
Article 186    Local Administrative Units .....	40
Article 187    Election of councils .....	40
Article 188    Function .....	40
Article 189    Decisions and conflict of jurisdiction .....	40
Article 190    Resources.....	40
Article 191    Assistance to Local Units .....	41
Article 192    Budget and financial accounts.....	41
Article 193    Dissolution of local council .....	41
Article 194    Cooperation .....	41
Article 195    Nomination and competence of governors.....	41
<b>CHAPTER V - SECURITY AND DEFENSE</b> .....	<b>42</b>
<b>Section I - National Defense Council</b> .....	<b>42</b>
Article 196    Establishment, composition, and role .....	42
<b>Section II – The Armed Forces</b> .....	<b>42</b>
Article 197    Regulation of the armed forces .....	42
Article 198    Commander in Chief .....	42
Article 199    Public mobilization.....	42
Article 200    Military courts.....	43
<b>Section III - The police</b> .....	<b>43</b>
Article 201    Role .....	43
<b>PART IV - REGULATORY AGENCIES AND INDEPENDENT BODIES</b> .....	<b>44</b>
<b>CHAPTER I - COMMON PROVISIONS</b> .....	<b>44</b>
Article 202    Independence .....	44
Article 203    Public reports.....	44
Article 204    Heads .....	44
Article 205    Competencies and conditions of employment.....	44
<b>CHAPTER II - REGULATORY AGENCIES</b> .....	<b>45</b>



## PART I - STATE AND SOCIETY

### **Article 1 Nature of the Egyptian state<sup>1</sup>**

The Arab Republic of Egypt is an independent unified and sovereign State that shall not accept division. The Republic enjoys a democratic system of government. The Egyptian people are part of the Arab and Islamic nation and are proud to belong to the Nile Basin and Africa and of its connections to Asia, and contribute positively to human civilization.

### **Article 2 Religion, language and source of legislation**

Islam is the religion of the State and Arabic is its official language. The principles of Islamic Shari'a are the main source of legislation.

### **Article 3 Other religious law**

The principles of Christian and Jewish laws are the main source of legislation for followers of Christianity and Judaism in matters pertaining to personal status, religious affairs and nomination of spiritual leaders.

### **Article 4 Al-Azhar**

Al-Azhar is an independent Islamic authority. It shall have full authority to undertake its internal affairs. Its mandate includes the Islamic nation and the entire world. The state guarantees sufficient funds to achieve these objectives. The law shall specify the method required for nominating Al-Azhar's Grand Imam, who are independent and cannot be removed from office.

The opinion of Al-Azhar's Council of Senior Scholars is sought in matters pertaining to Islamic Shari'a.

### **Article 5 Sovereignty**

Sovereignty belongs to no one other than the people. The people exercise and protect such sovereignty, preserve national unity and are the source of all powers as per the provisions stipulated under the Constitution.

---

<sup>1</sup> Titles for each article have been included by International IDEA along with this translation solely for ease of reference. The article titles are not to be attributed to the authors of the draft constitution or used to inform interpretation. Chapter and section titles were translated from the original draft constitution.

**Article 6 Democratic system of government and principles**

The democratic system of government is based on the principles of consultation and citizenship that establish equality among all citizens in rights and duties, political and partisan plurality, the rule of law, respect for human rights, the guarantee of rights and freedoms, peaceful transfer of power, separation and establishment of balance among powers, all in the manner set out in the constitution.

Political parties may not be established on basis of discriminating between citizens on grounds of sex, origin or religion.

**Article 7 Additional principles**

Egyptian society is based on justice, equality, freedom, mercy, social solidarity and camaraderie with respect to the protection of lives, honor and funds as well as to the guaranteeing of sufficiency to all citizens.

**Article 8 Equality**

The State, without discrimination, ensures that all citizens enjoy security, tranquility and equal opportunities.

**Article 9 Family**

Family is the basis of society. Religion, morals and patriotism are its foundations. The State and society preserve the genuine identity of the family in terms of ethics and values and ensure family cohesion and stability and protection of ethical traditions and values.

**Article 10 Protection of morals, traditions, etc.**

Pursuant to rules defined by law, the State is committed to safeguarding and protecting morals and to taking into account indigenous Egyptian traditions, high levels of education, religious and patriotic values, scientific facts, Arab Culture and historical and the cultural heritage of the people.

**Article 11 Unity and arabization**

The State protects the cultural, civilizational and linguistic unity of Egyptian society, and work towards Arabization of science and knowledge.

**Article 12      Prohibition on civil ranks**

The creation of civil ranks is prohibited.

**Article 13      National economy**

The national economy aims to achieve sustainable and balanced development, protect production and increase income, ensure social justice, solidarity and welfare, safeguard the rights of workers, ensure a fair distribution of wealth, raise the standard of living, eradicate poverty and unemployment, increase employment opportunities, achieve a partnership between capital and labor in bearing the cost of development, ensure equitable sharing of the revenues, link pay to production, lessen the disparities between incomes by introducing a maximum wage and guaranteeing a minimum wage, all to ensure a decent life for every citizen.

**Article 14      Agriculture**

Agriculture is a main component of the national economy. The state is committed to protecting and increasing agricultural plots, crops, developing plant species, animal breeds, and fish stocks, achieving self-sufficiency, meeting the needs of agricultural production, providing sound management and marketing for all of the above, and supporting agricultural industries and crafts.

The law governs matters related to the use of farmland in a manner that achieves social justice and protects farmers and agricultural workers from exploitation.

**Article 15      Natural wealth**

All types of natural wealth belong to the people, and the people are entitled to the returns. The State is committed to maintain and properly use such wealth without prejudice to requirements of the national defense and economy and the rights of future generations. All financial assets without owners is deemed owned by the state.

No concessions or obligations made on the part of the State to allow for the use of state lands, natural resources, or public utilities may be granted to other parties except by law.

**Article 16      Nile River and groundwater**

The Nile River and groundwater resources are national wealth and may not be converted into private property. The State is committed to preserve, protect and develop the same and prevent any attacks on them. The law governs the means of utilizing them.

**Article 17 Other water bodies, monuments and natural reserves**

The State is committed to protecting beaches, seas, and lakes, maintaining monuments and nature reserves, and eliminating any infringements that may take place.

**Article 18 Ownership**

The state guarantees and protects the different forms of legitimate ownership whether public, cooperative, private or religious endowments pursuant to rules defined by law.

**Article 19 Public funds**

Public funds are inviolable, and protecting them is a national duty on the part of both the state and society.

**Article 20 Cooperatives and craft industries**

The State sponsors and supports cooperatives of all forms, guarantees their independence, regulate craft industries and encourage such crafts in a manner that leads to the advancement of production and increase of income.

**Article 21 Workers**

Workers hold a share in the management and profits of projects, and are committed to the development of production, maintain the means of production and implement production plans at units where they work as regulated by the law. Workers make up fifty percent of the membership of elected boards of directors in the public sector, and eighty percent of the membership of boards of directors in cooperatives, agricultural and industrial societies.

**Article 22 Beneficiaries of public service projects**

Beneficiaries of service projects of public benefit participate in the management and monitoring of such projects as regulated by the law.

**Article 23 Private property**

Private property is inviolable. It performs a social duty in serving the national economy without any kind of deviation, exploitation or monopoly. Private property may not be sequestered except in cases defined by law and through a court order. Such properties may not be confiscated except for the public good and against a fair compensation to be paid in advance. The right to inheritance is guaranteed, all as regulated by the law.

**Article 24 Religious endowments**

The State is committed to revive and encourage the religious endowment system.

The law defines the rules governing the religious endowments, determine the method for establishing endowments and managing existing ones, investing the same, and distributing returns therefrom among beneficiaries as per the terms of the endowers.

**Article 25 Taxation and public expenditures**

The system of taxes and public expenditures is established on the principle of social justice and paying the same is a duty. Levying, cancelling, exempting or imposing on anyone the obligation to pay additional taxes is regulated by the law.

**Article 26 Nationalization**

There can be no nationalization other than in consideration for the public good, pursuant to a law, and in exchange for fair compensation.

**Article 27 Confiscation of funds**

General confiscation of funds is prohibited, and specific confiscation may not be carried out except by a judicial order.

## PART II - PUBLIC RIGHTS, FREEDOMS AND DUTIES

### **Article 28      Dignity**

Human dignity is a right that all persons are entitled to. Society and the state guarantee that human dignity receives respect and protection. No citizen may be subjected to contempt or humiliation.

### **Article 29      Nationality**

Egyptian nationality is determined by law. No Egyptian citizen may be deprived of his or her nationality. No authority may change [sic] an acquired Egyptian nationality, other than within the limits of the law.

### **Article 30      Non-discrimination**

All citizens are equal before the law. All citizens share equal public rights and duties without any discrimination on the basis of gender, origin, or ethnicity, language, religion, belief, opinion, social status and/or disability.

### **Article 31      Personal freedom**

Personal freedom is a natural right that is guaranteed and inviolable.

### **Article 32      Prohibition on arbitrary arrest and detention rights**

With the exception of cases of *flagrante delicto*, no person may be arrested, searched, incarcerated, deprived of freedom in any way and/or confined unless by virtue of an order issued by a competent judge.

Any person whose freedom is restricted is provided with reasons in writing within twelve hours, and shall be referred to the investigating authority within twenty-four hours as of the time such person's freedom is restricted, and shall not be interrogated except in the presence of the person's attorney. Otherwise an attorney is to be named.

Any person who is detained or whose freedom is restricted may appeal before the courts against said measures. The matter must be decided within one week. Failure to do so will result in an immediate release of the detainee.

The law governs the duration and reasons of the pretrial detention, cases of pretrial that require compensation, and cases in which compensation is due for the execution of a penalty in a case where a second judgment is made to cancel the first.

### **Article 33      Protection of dignity in detention**

Any person placed under arrest or detained or whose freedom is restricted in any way shall receive treatment that respects human dignity. Such person may not be subjected to intimidation, coercion and/or physical or mental abuse. No person may be detained or arrested unless placed in a humanly decent and healthy place that is subject to judicial supervision.

Any person responsible for the occurrence of any of the aforementioned shall be punished in accordance with the law.

Any confession proved to have been made under any of the aforementioned circumstances or under threat are deemed null and void.

### **Article 34      Dignity, health and rehabilitation of those detained**

The purpose of prison is to discipline, correct and reform. All acts in contradiction with human dignity and those that subject human health to danger are prohibited. The State is responsible for the rehabilitation of convicts and the facilitation of means to a good life upon release.

### **Article 35      Right to privacy in communication**

The private lives of citizens are sacred and are protected by law. Further, written correspondence, wire communications, electronic correspondences, phone conversations and other means of communication are inviolable. Their confidentiality is guaranteed. They may not be confiscated, inspected and/or monitored unless by virtue of a justified warrant issued by the competent judge and for a specific period in cases to be specified by law.

### **Article 36      Right to privacy in home**

The home is inviolable. No home may, except at times of danger and/or distress, be entered or searched unless under cases stipulated by law, after notifying persons present at such homes prior to the beginning of the search and by virtue of a justified warrant issued by the competent judge. The warrant must define the place to be searched, the reason for searching and the time to do so.

### **Article 37      Freedom of belief and religion**

Freedom of belief is guaranteed. The State guarantees the freedom to establish houses of worship for divine religions in a manner to be governed by law.<sup>2</sup>

---

<sup>2</sup> Translator's note: This is a reference to Islam, Christianity and Judaism.

**Article 38 Religious restriction on freedom of expression**

Defaming the messengers and prophets is prohibited.

**Article 39 Freedom of thought and opinion**

Freedom of thought and opinion are guaranteed. Each individual has the right to express thoughts and opinions verbally, in writing, by illustration or through any other means of publication and expression.

**Article 40 Freedom of creativity and protection of diversity**

Freedom of all forms of creativity is a right to which all citizens are entitled. The State shall advance the fields of science, arts and literature, sponsor innovators and inventors, protect their innovations and inventions and apply such to the welfare of the society. The State shall take the measures necessary for the maintenance of national cultural diversity and heritage and shall seek to promote cultural and social services.

**Article 41 Freedom of information**

All citizens are free to access and spread information, data, statistics and documents, regardless of source and location. The State shall commit to enabling citizens to exercise such right, unhindered, and without being in contradiction with national security or violation of the sanctity of private life. The law shall define the rules governing the process of accessing such information, the means of filing grievances against persons who refuse to provide such information and the relevant punishment applicable on violators.

**Article 42 Freedom of the press**

The freedom of the press, printing, publication and all other media channels is guaranteed and the censorship of publications is prohibited. Exceptions may be made at times during which a state of war is declared where newspapers, publications and media channels will be subjected to limited censorship.

**Article 43 Freedom to issue and own media outlets**

The freedom of issuing and owning all kinds of newspapers by natural and legal persons is guaranteed on the condition that notification is provided. The establishment of radio and television broadcasting stations as well as digital media channels is governed by law.

**Article 44 Freedom of movement, residence and immigration**

Freedom of movement, residence and immigration is guaranteed. No citizen may be deported from or prevented from leaving or returning to the territory of the State. No citizen shall be put under house arrest, except by a reasoned judicial order and for a defined period of time.

**Article 45 Freedom of assembly**

Citizens shall have the right to arrange public meetings, processions and peaceful and unarmed demonstrations. The manner in which notification must be made is governed by law.

The right to hold private meetings is guaranteed without prior notice. Security personnel may not attend such meetings.

**Article 46 Freedom of association**

Citizens have the right to form associations and parties upon notification. Associations and parties enjoy a legal personality. Their boards of directors or their administrations cannot be dissolved except by virtue of a court ruling.

**Article 47 Freedom to establish syndicates, cooperatives and unions**

The freedom to establish syndicates, cooperatives and unions is guaranteed. Syndicates, cooperatives and unions enjoy a legal personality. The law governs their establishment on a democratic basis, their role in serving society and in raising their members' level of sufficiency and their rights. Syndicates, cooperatives and unions as well as their boards of directors may not be dissolved except by virtue of a court ruling.

Professional syndicates shall hold the members accountable for their conduct in practicing the relevant activities in accordance with the moral and professional codes and controls.

**Article 48 Right to address public authorities**

All individuals have the right to address public authorities in writing and signed. Addressing authorities shall not be under the name of groups except for legal persons. Such addresses shall be responded to in writing within a defined period of time.

**Article 49 Right to free and fair elections**

The participation of citizens in public life is a national duty. All citizens have the right to elect, run for elections and state opinion in referenda.

The State guarantees the soundness and impartiality of the election process. The State shall, in the database of electors, include the names of citizens satisfying the conditions required for electing, without a need for a relevant request to be submitted.

The practice of such rights shall be governed by law.

#### **Article 50      Education**

Each citizen is entitled to receive education that satisfies the standards of quality. Education is free of charge during all phases and is compulsory at the primary level. The State shall also undertake all necessary measures to include the other phases of education within the compulsory period, and shall seek to expand and promote technical education. The State oversees the entire educational process. All educational institutions shall commit to the State plan for education and objectives in order to establish a link between education and society's requirements and production.

#### **Article 51      Freedom of scientific research**

Freedom of scientific research is guaranteed. A sufficient percentage of the gross national product shall be allocated to research in accordance with international standards. Independence and development of universities and scientific research centers are guaranteed.

#### **Article 52      Arabic language, religious education and national history**

Arabic language shall be an essential course in the curricula of all phases of education. Religious education and national history shall be two essential courses in the pre-university education with all its forms. Universities shall commit to teach values and ethics required for the different specializations.

#### **Article 53      Plan for the eradication of illiteracy**

The State shall commit to developing a comprehensive plan for the eradication of illiteracy and the elimination of its consequences with regard to males and females of all ages. All society's resources shall be geared towards the implementation of this plan within a ten-year period as of the date of entering into force of this Constitution.

#### **Article 54      Right to health**

Health is a right guaranteed for all citizens. The State provides health care and health insurance to all citizens according to a unified high standard health system. No person may, in cases of emergency or life-threatening situations, be deprived of medical treatment.

The State shall oversee all health institutions, seek improvement of the services that they provide and monitor all material, products, promotions and other related matters.

**Article 55      Right to work**

Work is a right, a duty and an honor for all citizens. The State guarantees that all fair conditions of work are met on the basis of the principles of equality, justice and equal opportunity.

Civil servants are at the service of the people. The State ensures that public jobs are allocated on the basis of competence without prejudice or nepotism. Any violation in such regard is a crime punishable by law.

The State guarantees to all employees fair wages, vacations, retirement, social insurance and health services against the hazards of work and to the satisfaction of occupational safety conditions in the relevant places of work.

No employee may be discharged from work unless under the circumstances provided for by law. Peaceful strikes shall be a right that is governed by law.

**Article 56      Due care obligation after war and revolution**

The State guarantees the extension of due care to veterans, persons injured during or as a result of war, and families of martyrs of and persons injured during the 25 January Revolution and in the course of performing national duty. Such persons, as well as their children and spouses, take priority over others with respect to employment opportunities as regulated by law.

**Article 57      Right to social insurance**

The State guarantees the provision of social insurance services. Any citizen unable to support himself or his family as a result of an inability to work, unemployment or seniority is guaranteed basic social security.

**Article 58      Right to safety**

All individuals have the right to safety. The State shall provide legal tools required for the protection of all residents from criminal acts that may threaten their safety. Eligible persons are guaranteed by the State the receipt of fair compensation in the event of death or disability, in accordance with the rules defined by law.

**Article 59 Organ trafficking and scientific experiments on humans**

The human body is inviolable. The trafficking of human organs is prohibited. No medical or scientific experiments may be conducted on a human body without free certified consent, according to the scientific principles established in medical science and as regulated by law.

**Article 60 Right to housing and other socio-economic rights**

The rights to appropriate domiciles, clean water, healthy food and clothing are guaranteed. The State shall adopt a national plan for housing based on social justice, promotion of individual initiatives and housing cooperatives, and the usage and organization of State land for construction purposes; in such a way that realizes the public good and protects rights of future generations.

**Article 61 Right to sport**

Exercising sports is a right that all individuals are entitled to. Institutions of the State and society shall discover and sponsor talented athletes. The State shall take all required measures to encourage the exercise of sports.

**Article 62 Right to litigation**

Litigation is a right ensured and guaranteed to all individuals. The State guarantees bringing litigation authorities nearer and making procedures for the settlement of cases faster. The state facilitates such procedures for financially unable persons.

All administrative actions and decisions are subject to judicial supervision.

No person may be tried except before his natural judge.<sup>3</sup> The establishment of exceptional courts is prohibited and no civilian may be tried before a military court.

**Article 63 Regulation of crimes and penalties**

Punishments are personal. There is no crime or punishment unless by virtue of a law. Punishments cannot be inflicted unless by virtue of a judicial ruling and punishments can only be inflicted on acts committed subsequent to the date of coming into force of the law.

---

<sup>3</sup> Translator's note: The reference to a "natural judge" is an Egyptian legal expression, which is designed to mean that civilians should be tried before civilian courts, whereas military officers should be tried before military courts.

**Article 64 Rights of the accused, criminal appeals and individual protection**

A criminal prosecution can only be based on an order from a competent court, with the exception of those situations that are set out by law.

Any person accused of a crime shall be innocent until proven guilty in a just trial that abides by all the applicable laws in which the accused is guaranteed the right to defense. Any person accused of a crime shall have a defense lawyer present. The law shall specify the misdemeanors for which the accused shall have a lawyer present. The State guarantees the protection of defendants, witnesses and the accused. In the event of failure to have representation, a lawyer shall be appointed.

Law shall regulate appeals with regard to judgments pronounced in cases of misdemeanors or felonies. The State shall provide protection for victims, witnesses, accused and whistleblowers.

**Article 65 Right to defense**

The right to defense in person or by proxy is guaranteed.

The law guarantees financially challenged persons access to a defense lawyer.

**Article 66 Fair sentencing**

Sentences shall be issued and executed in the name of the people. Abstention or obstruction of the execution of a sentence by a civil servant is a crime punishable by law. In such case, the person for whom the sentence is issued in favour shall have the right to file a criminal lawsuit directly before the competent court.

**Article 67 Children's rights**

Each child shall, upon birth, have the right to an appropriate name, family care, basic nutrition, shelter, health services and emotional, cognitive and religious development.

The State shall provide care and protection for children deprived of family life. The State guarantees the rights and rehabilitation of children of special needs and shall ensure their integration into society.

The employment of a child not having exceeded the age of compulsory education in a job not adequate for his age is prohibited. No child may be detained unless all other measures have been exhausted. Detention shall be for a limited period of time and in a place separate from the place of detention of adults. The age and gender of the child and separation from detention locations of adults shall be taken into consideration when being detained and legal aid shall be provided thereto.

**Article 68      Gender equality**

The State shall commit to taking all measures to instill the principle of equality between men and women in the various fields of political, cultural, economic and social life as well as in all other fields, without prejudice to the provisions of Islamic Law.

The State shall provide motherhood and childhood services free of charge and shall guarantee the provision of health and economic care and guarantee the right to inheritance. The State shall guarantee coordination between the duties of women towards their families and their work within society.

The State shall pay special protection and care to female breadwinners, divorcees, widows and other women most in need.

**Article 69      Youth rights**

The State cares for and provides training for youth and guarantees their full spiritual, cultural, academic, physical, psychological, social and economic development. The State shall also empower such youth to participate effectively in political life.

**Article 70      Rights of persons with disabilities**

The State provides care to persons with special health, economic, social and psychological needs and provides them with relevant employment opportunities. The State promotes social culture and develops public utilities to fit their needs.

**Article 71      Criminally prohibited activities**

Slavery, forced labour, the violation of the rights of women and children, as well as the sex trade shall be prohibited and punishable by law.

**Article 72      Egyptian diaspora**

The State shall give due care to the interests of and protect Egyptians who are residents abroad. The State shall guarantee their rights and freedoms and assist them to undertake public duties towards the State and Egyptian society. The State shall promote their participation in the development of the nation. The law shall regulate matters related to voting and representation in elections and referenda.

**Article 73      Right to asylum**

The State grants political asylum to foreign individuals who are deprived of the rights and freedoms as guaranteed under the Constitution. Extradition of political refugees shall be prohibited. This shall be organized by law.

**Article 74      Compensation for rights violations**

Any violation of any of the rights and freedoms guaranteed under the present Constitution shall be deemed a crime for which civil and criminal lawsuits shall not be subject to the statute of limitations. The State shall guarantee fair compensation for victims of such violation.

**Article 75      Independence of the judiciary and judicial immunity**

The State shall be governed by law and the independence of the judiciary and immunity of judges shall be two basic guarantees for the protection of rights and freedoms.

**Article 76      Military recruitment**

Defending the nation and its lands shall be an honor and a sacred duty. Military service is, in accordance with the law, obligatory.

**Article 77      National solidarity and security**

The State and society have a duty to maintain national solidarity and to protect the national security of the State.

**Article 78      Saving**

Saving is a national duty that shall be protected, encouraged and regulated by the State.

**Article 79      Right to environment**

Protection of the environment is a national duty. Each individual is entitled to live in a healthy and sound environment. The State shall undertake necessary measures to maintain and protect the environment from pollution, to rationalize the use of natural resources and to protect the rights of future generations.

**PART III - PUBLIC AUTHORITIES**  
**CHAPTER I – THE LEGISLATIVE POWER**  
**Section I - Common Provisions**

**Article 80      Legislative authorities**

The Parliament is comprised of the Council of Representatives and the Senate and shall exercise legislative authority as prescribed in this Constitution.

**Article 81      Prohibition on double membership**

An individual may not be a member of both the Council of Representatives and the Senate at the same time.

**Article 82      Civil servants and membership in parliament**

A civil servant in the public sector may run for membership in the Parliament. Except in special cases specified by law, the member of Parliament shall be devoted on a full time basis to the membership duties of the Assembly.

The post or position of any member shall be held until the member returns to such post in accordance with the provisions of the law.

**Article 83      Member Oath**

Any member of Parliament shall take the following oath before the Assembly to which the same belongs, before entering upon his duties:

"I swear by Allah Almighty, to sincerely preserve the Republican system of government, to respect the Constitution and the Law, to fully attend to the interests of the people and to maintain the independence of the Nation and the safety of its lands."

**Article 84      Member remuneration**

Members of Parliament shall be remunerated in accordance with the law.

**Article 85      Challenges to the validity of membership**

The Court of Cassation shall be competent to decide upon the validity of membership of Parliament members provided that challenges are to be referred to the court within a period

that does not exceed thirty days from the date of announcing the final results of the elections. The court must decide the matter within sixty days from the date on which it receives the appeal.

Membership shall be deemed invalid from the date on which the Parliament is informed of the court's decision.

#### **Article 86      Member vacancies**

If a member's seat becomes vacant before the end of the term, the vacant position shall be filled in accordance with the law within sixty days from the date that the chamber declares the vacancy. The new member's term will end on the date on which the original member's term was due to end. .

#### **Article 87      Membership revocation**

Membership of Parliament may not be revoked except in case the member loses confidence and consideration, or if any of the membership requirements upon which such member was elected are no longer satisfied or in case such member violates the duties of membership.

A decision on revoking membership shall be issued by a majority vote of two-thirds of the chamber to which the member belongs.

#### **Article 88      Property and financial regulation**

No member of Parliament or any their family members may, during their tenure, purchase or rent any State property; lease or sell any of state property, in person or by proxy, or lease or sell any personal property to the State or barter with the State any part of his property.

Any member of Parliament and their family members shall submit to the relevant chamber financial disclosures every year and when commencing or leaving the job. If any members receive financial or in-kind gifts, the ownership of such gifts shall be transferred to the public treasury of the State.

#### **Article 89      Member opinions**

Members of Parliament shall not be held to account for any public opinions or thoughts pertaining to his position in the chamber to which said member belongs.

**Article 90 Member immunity**

Excluding a case of *flagrante delicto*, no member of Parliament may be subject to criminal procedures except with a prior permission by the chamber to which such member belongs. If the Parliament is not in session, permission shall be taken from the chamber's secretariat and the chamber shall be notified of the decision as soon as the chamber is in session.

In all cases, a decision with regard to the request on taking criminal measures against a member of Parliament shall be made within a maximum of thirty days or else the request shall be deemed approved.

**Article 91 Seat of parliament**

Both of the Parliament's chambers shall be seated in the State's capital. However, in exceptional circumstances, any of the two chambers may, at the request of the President of the Republic or the vote of one third of the members of Parliament, assign another seat in another city.

Any meeting of the chamber in a manner contrary to what is stated here shall be deemed illegitimate and the resolutions passed shall be deemed invalid.

**Article 92 Rules of procedure**

Each chamber shall establish rules of procedure to govern the manner of accomplishing the work and methods through which its competences are exercised.

**Article 93 Maintenance of internal order**

Each chamber shall be responsible for maintaining internal order, and the Speaker shall be entrusted with such task.

**Article 94 Public and in camera meetings**

Parliamentary sessions shall be public. However, a meeting *in camera* may be held at the request of the President of the Republic, or the Prime Minister, or at least twenty members. The Parliament, shall then decide whether the debate on the question submitted thereto shall take place in a public meeting or in a meeting *in camera*.

**Article 95 Inauguration and adjournment or ordinary sessions**

The President of the Republic shall inaugurate the Parliament for the ordinary annual session before the First Thursday of October. If not inaugurated, the Parliament shall meet, by virtue of the Constitution, on the said day.

The term shall continue for at least nine months. The President of the Republic shall adjourn the term. Adjournment may not take place before the government budget is approved.

**Article 96      Extraordinary sessions**

Any of the two chambers of Parliament may meet in an extraordinary session, to discuss an urgent matter, upon a call from the President of the Republic or the Government or upon a request signed by at least a tenth of the chamber's members. Such meeting may not be dismissed except upon the completion of the discussions of the urgent matter for which the chamber is first called.

**Article 97      Selection of speaker and deputy speakers**

Each chamber shall elect, in the first meeting of the annual session, a speaker and two deputy speakers for the term of the session of the Council of Representatives and half the term of the session for the Senate.

If the seat of either becomes vacant, the chamber shall elect a replacement, whose term will last until the end of the predecessor's. In all cases, one third of the members of any of the two chambers may, at the first meeting of the ordinary annual session, request the election of a new speaker and/or the deputy speaker(s).

**Article 98      Required majority**

Sessions of either of the two chambers of parliament are invalid, and resolutions will not be considered to have been passed unless attended by the majority of its members. Resolutions shall be adopted by an absolute majority vote in all cases; except in such cases requiring a special majority. In case of a tie vote, the question on which the debate has taken place shall be rejected.

**Article 99      Legislative initiative**

The President of the Republic, the Government and every member of Parliament shall have the right to propose draft laws. However in all cases the members of the Senate may not propose taxes or an increase to the same.

**Article 100      Consideration of draft laws**

Every draft law shall be referred to the relevant parliamentary committee. Such draft law shall be studied and a report on its merits shall be submitted.

Draft laws presented by members of Parliament shall not be referred to such committee unless first referred to a special committee, which is to study and provide its opinion on whether the draft law should be considered by the chamber. The chamber must also approve such opinion.

**Article 101 Reconsideration of draft laws**

A draft law proposed by a member but rejected by the chamber may not be presented again in the course of the same term.

**Article 102 Promulgation of laws**

The Parliament shall notify the president of the Republic of every draft law adopted. If the President of the Republic rejects such draft law, the same shall refer the law back to the Parliament within thirty days from the date of notification by Parliament.

If the draft law is not referred back within such period, or referred back and approved for a second time by a majority vote of the members in each chamber, such draft shall be deemed a law and promulgated. If such draft law is not adopted by the Parliament, such may not be presented again in the course of the same term before the lapse of four months from the date of making the rejection decision.

**Article 103 Government attendance, discussion and voting**

The Prime Minister, his deputies, ministers and their deputies may attend parliamentary sessions or any committee sessions. They will be compelled to attend sessions if requested to do so by either of the two chambers.

The Prime Minister, his deputies, ministers and their deputies shall be heard whenever they request to speak to explain the State's general policy and answer questions on the subject matters without having a counted vote when opinion is taken. The Prime Minister, his deputies, ministers and their deputies may also obtain the assistance of senior officials as may be deemed necessary.

**Article 104 Member right to question government**

Every member of Parliament shall be entitled to address questions to the Prime Minister, any of his deputies, ministers or their deputies concerning matters within their respective jurisdiction, and the Prime Minister, any of his deputies, ministers or their deputies shall be required to answer such questions.

The member may withdraw the question at any time and such question may not be transformed into an interpellation at the same session.

**Article 105 Chamber right to question government**

Twenty members of the Council of Representatives or ten members of the Senate, at least, may ask for the discussion of a public question to obtain clarification on the government's policy regarding such question.

**Article 106 Member right to express interest**

Members of Parliament may express interest in questions of public concern before the Prime Minister, his deputies, ministers or their deputies.

**Article 107 Adoption of draft laws**

Adopting a draft law by any of the two chambers may not be undertaken except after discussing opinions on an article-by-article basis. Each chamber shall have the right to introduce amendments to articles and divide articles and do the same for any proposed amendments.

Any draft law adopted by any of the two chambers shall be referred to the second chamber, and shall not be a law except upon the approval of both chambers.

**Article 108 Legislative disputes between chambers**

In case a legislative dispute arises between the two chambers of Parliament, a joint committee comprising twenty members shall be formed. Each chamber is to nominate ten members upon a nomination undertaken by each chamber's general committee. Such committee shall be competent to propose texts for the articles in dispute.

Such proposals shall be submitted to both chambers, and if any of the chambers does not approve such proposals, both chambers under the presidency of the Speaker of the Senate shall meet in a public conference and an absolute majority of the representatives of both chambers shall attend. A decision shall be taken by a majority vote and the vote shall be taken without debate.

**Article 109 Temporary vacancy of Speaker position**

When the Speaker of the Council of Representatives or the Senate undertakes provisionally the post of the President of the Republic, the chamber's oldest deputy shall be appointed to preside over the chamber during such term.

**Article 110 Member mandate**

A member of Parliament shall represent the entire Nation, without any restrictions or conditions. No member of Parliament may directly interfere in acts within the jurisdiction of the executive or the judiciary.

**Article 111 Citizen right to submit petition, grievance or proposal**

Any citizen is entitled to submit written petitions or grievances or proposals to any of the two chambers of Parliament concerning public accountability. The Parliament shall scrutinize such petitions or grievances or proposals, present an answer with regard to the same after making the required investigation, and declare results of such investigation during a defined period.

**Article 112 Member resignation**

The Parliament shall accept resignation of members, provided that procedures to revoke membership against the resigning member have not already been started.

**Section II – The Council of Representatives**

**Article 113 Composition**

The Council of Representatives shall be comprised of at least 350 members to be elected by direct secret public balloting.

A candidate running for election to the Council shall be Egyptian, enjoying civil and political rights, holding at least a certificate stating that such candidate has completed the primary stage of education, and shall not be less than twenty-five calendar years on the first day of candidature.

The law shall prescribe other requirements for candidature, election rules and the constituencies into which the State is to be divided.

**Article 114 Term**

The term of the Council of Representatives shall be five Gregorian years from the date of the first meeting.

Elections for the Council's renewal shall take place within the sixty days preceding the termination of such term.

**Article 115      Function**

The Council of Representatives shall approve the State's general policy, the public plan for economic and social development and the State's general budget. The Council oversees the work of the executive authority, which shall all be done in the manner prescribed by the Constitution.

**Article 116      Economic and social development plan**

The Parliament shall approve the public economic and social development plan. The law shall define the manner in which such plan is developed and submitted to the Parliament.

**Article 117      Budget**

The draft public budget shall be submitted to the Council of Representatives at least ninety days before the beginning of the fiscal year. It shall not be in effect unless it has been approved.

The draft budget shall be put to a vote on a chapter-by-chapter basis.

The Council of Representatives may modify the expenditures contained in the draft budget, excluding those proposed to honor a specific liability of the State. Should the modification result in an increase in total expenditure, the Council of Representatives shall agree with the government on means to secure resources of revenues so as to re-establish balance between revenues and expenditures. The budget shall be issued by a law, which may include an amendment in any existing law to the extent necessary to realize such balance.

If the new budget is not approved before the beginning of the new fiscal year, the preceding budget shall remain in effect until the new budget is approved.

The law shall define the method of budget preparation as well as the fiscal year.

**Article 118      Transfer of funds**

The Council of Representatives' approval is necessary for the transfer of any funds from one chapter of the budget to another, as well as for any expenditure not included therein or in excess of estimates. Such budget shall be issued according to a law.

**Article 119      Public enterprises**

The law shall define the provisions governing the budgets and accounts of public enterprises and authorities.

**Article 120      Collection and disbursement of public funds**

The law shall define the basic rules for collection of public funds and the procedure required for disbursement.

**Article 121      Payments from the State Treasury**

The law shall determine rules governing the cashing of salaries, pensions, indemnities, subventions and remunerations from the State Treasury. The law shall also regulate cases for exception from such rules, and the authorities in charge of application.

**Article 122      Approval for public loan or project**

The Executive Power shall not contract a loan or commit to a project entailing the process of spending funds from the State Treasury in the course of a future period, unless approved by the Council of Representatives.

**Article 123      Final account and annual report**

The final account of the State budget shall be submitted to the Council of Representatives within a period not exceeding one hundred and eighty days from the end of the fiscal year.

The final account shall be accompanied by the annual report of the Central Auditing Organization and observations on the final account shall be submitted to the Council of Representatives.

The final account shall be put to vote on a chapter-by-chapter basis and shall be issued by a law.

The Council has the right to request the Central Auditing Organization to provide any data or other pertinent reports.

**Article 124      Committee review of financial, administrative and economic affairs**

The Council of Representatives may form a special committee or entrust any of its committees to scrutinize the activities of any of the administrative departments or the public enterprises or any administrative or executive organ or any public project, for the purpose of finding facts concerning a specific subject and informing the Council of Representatives as to the actual financial or administrative or economic position or for conducting investigations into a subject related to one of the said activities. The Council shall take the measures that are deemed necessary in this respect.

While executing its mission, such committee shall be entitled to collect whatever evidence necessary and to summon whoever for whatever hearings it deems necessary. All bodies shall

respond to such demands by the committee and put under the committee's disposal all the documents and evidence required for this purpose.

#### **Article 125 Urgent public matters**

Every member of the Council of Representatives may submit an urgent statement to any of the government's members in relation to urgent and dangerous public matters that are of high importance.

#### **Article 126 Questions**

Every member of the Council of Representatives shall be entitled to address questions to the Prime Minister, his deputies, ministers or their deputies to hold them accountable for matters within their respective jurisdiction.

Debate on a question shall take place at least seven days after submission, except in the cases of urgency as decided by the Council and upon the government's consent.

#### **Article 127 Motion of no confidence**

The Council of Representatives may make a motion of no confidence in the Prime Minister or any of the Prime Minister's deputies or any of the Ministers. A motion of no confidence shall not be made except after a question is addressed, and upon the proposal of one-tenth of the Council's members.

The Council of Representatives shall not decide on such motion until after at least seven days from the date of debating the interpellation. A motion of no confidence shall be made by a majority vote of members of the Council of Representatives.

In all cases, a motion of no confidence shall not be requested with regard to a subject that is previously debated and finalized at the same parliamentary session.

#### **Article 128 Resignation following a vote of no confidence in the Government**

If the Council of Representatives censures a motion of no confidence in the Prime Minister, the Government should resign. If such decision is connected with other members of the Government, such members should resign too.

#### **Article 129 Dissolution of the Council of Representatives**

The President of the Republic may not dissolve the Council of Representatives unless such action is deemed necessary, provided that the President of the Republic provides a reasoned decree,

the government requests such action and the two speakers of the Parliament's chambers are consulted and after calling a public referendum.

The President of the Republic shall issue a decree to halt sessions and offer a referendum within twenty days. Should the majority of participants in such referendum approve such solution, the President of the Republic shall call voters for a new elections within thirty days from the date of issuing the decision of dissolution and the new Council of Representatives shall convene within ten days following the completion of elections.

Should the decision of dissolution not include such action, or no action is taken with regard to calling a referendum or holding elections on the date set for either, the Council of Representatives shall re-convene without being requested by the force of law on the day following the expiry of the period.

In all cases, the Council of Representatives shall not be dissolved during the session of the first year or on the same matter.

### **Section III: The Senate**

#### **Article 130      Composition of the Senate**

The Senate shall be composed of at least one hundred and fifty members, three quarters of which are to be elected by direct secret public balloting, and the remaining quarter is to be appointed by the President of the Republic from amongst technically and scientifically highly qualified personalities to be selected from the following groups:

- 1- Former Prime Ministers, their deputies and former Ministers.
- 2- Former Speakers of the parliaments who have been elected for at least two full legislative terms.
- 3- Senior Egyptian scientists residing in Egypt or abroad.
- 4- Spiritual leaders and religious scholars.
- 5- Former judges and such personalities of similar judicial rank.
- 6- Former ambassadors.
- 7- Retired military and police officers of the rank of Lt. General and above.
- 8- Employees with grade level of a general manager and above who work at the State Administrative Body.

Former Presidents of the Republic who undertake such post after the 25<sup>th</sup> of January revolution shall be members of the Senate for life.

#### **Article 131      Eligibility**

A candidate running for Senate elections shall be Egyptian, must enjoy civil and political rights, hold at least a certificate stating that such candidate has completed at least the higher education stage, and shall not be less than forty calendar years on the first day of candidature.

The law shall prescribe other requirements for candidature, election rules and the constituencies into which the State is to be divided.

**Article 132 Term**

The term of membership of the Senate shall be six Gregorian years from the date of the first meeting. Half the members shall be renew their terms every three years, in accordance with what will be organized by law.

**Article 133 Functioning as the Council of Representatives**

Should the Council of Representatives be dissolved, the Senate shall be assigned the legislative competences of both chambers of parliament. Laws adopted during the dissolution period shall be submitted to the Council of Representatives once convened to decide what is deemed necessary.

**CHAPTER II- THE EXECUTIVE POWER**

**Section I - The President of the Republic**

**Article 134 Function**

The president of the Republic shall be the head of State, shall assume executive power, shall look after the interests of the people, safeguard the independence and territorial integrity, and maintain boundaries between powers.

The President of the Republic shall exercise his functions in the manner prescribed by the Constitution.

**Article 135 Term**

The President of the Republic shall be elected for a four-Gregorian year term, and shall not be re-elected except for one additional term. Measures taken for the new presidential elections shall start at least ninety days before the expiration of the current presidential term. Election results shall be announced at least ten days before the expiration of such term.

Any president of the Republic may not hold any post at any party during the presidential term.

**Article 136 Eligibility**

The person to be elected President of the Republic shall be an Egyptian citizen born to Egyptian parents and enjoy civil and political rights. Such person may not be married to a non-Egyptian.

His age shall not be less than 40 Gregorian years on the date of announcing the beginning of candidature.

#### **Article 137      Nomination**

For an applicant to be accepted as a candidate to presidency, such applicant shall be supported by at least 20 elected members from the two chambers of the Parliament, or supported by at least twenty thousand civilians from among such civilians who hold the right to vote and from at least ten governorates, with a minimum of one thousand endorsements from civilians from each governorate.

In all cases no one may support more than one candidate. The law shall define matters related to such procedures.

#### **Article 138      Election**

The President shall be elected by direct, public, secret ballot, and by an absolute majority of the number of valid votes. Should no candidate achieve the absolute majority of votes, a reelection shall be conducted between the two candidates receiving the most votes.

If two candidates receive the equal highest number of votes, then a reelection shall be conducted between those two candidates. If such equality occurs with regard to the second position in the number of votes then a reelection shall be conducted between the first and the second two candidates.

In all cases, the candidate receiving the most votes in the reelection shall be announced. Should two or more candidates receive an equal number of votes in such elections, the two chambers of Parliament shall convene in a joint session to nominate one for the post by an absolute majority of the elected members.

A law shall regulate election procedures for the Presidency of the Republic.

#### **Article 139      Non-availability for election**

Should there be two candidates in the first round of the presidency elections, and one of such candidates dies or becomes disqualified for any reason from standing for election to the office of President before the taking of the ballot, the door shall be reopened for admitting new candidates. However if one of the two candidates waived his right, the remaining candidate shall receive the absolute majority of valid votes, or else the door shall be reopened for admitting new candidates.

Should there be two candidates in the second round of the presidency elections, and one of the candidates dies or becomes disqualified for any reason, the next candidate receiving the highest number of valid votes shall replace the first.

#### **Article 140 Oath of Office**

Before exercising functions, the President shall take the following oath before the two chambers of Parliament:

"I swear by Almighty Allah to uphold the Republican system with loyalty, to respect the Constitution and the law, to look after the interests of the people fully and to safeguard the independence and territorial integrity of the motherland".

In cases where the Council of Representatives is dissolved, such oath shall be taken before the Senate.

#### **Article 141 Vacancy**

If on account of any temporary obstacle the President is rendered unable to carry out functions, the President shall delegate powers to the Prime Minister.

In the event the position of president is vacant for the reasons of resignation, death, the permanent disability of the President of the Republic, or any other reason, the Council of Representatives shall then proclaim the vacancy of the office of President, the National Committee for Elections shall be notified and the Speaker of the Council of Representatives shall temporarily assume powers of the President of the Republic.

Should the Council of Representatives be dissolved, the Speaker of the Senate and the Senate shall replace the Council of Representatives in all the above.

In all cases a new president of the Republic shall be elected within a period that does not exceed ninety days from the date the Presidential office becomes vacant. However, the person who shall act on behalf of the President may not request any amendment to the Constitution or dissolution of the Council of Representatives or resignation of the council of ministers.

#### **Article 142 Vacancy in the President and election of Parliament**

In the event the position of president is vacant at a time when the elections are being held for any of the two chambers of Parliament, priority shall be given to the elections of the President of the Republic. The term of such Parliament shall be extended according to the law, until a President is elected.

#### **Article 143 Remuneration**

The law shall define the President of the Republic's financial allowance. The President of the Republic may not receive any other salary or remuneration. During his term, the President of the Republic may not exercise, in person or by proxy, any self-employed profession or undertake any commercial, financial or industrial business. Nor may the President acquire or rent any State property, sell to or lease to or exchange with the State any personal property whatsoever.

The President of the Republic and members of his family shall submit financial disclosures to be presented to the Council of Representatives every year and when either undertaking or leaving a job. If any of the stated persons receives financial or in kind gifts, the ownership of the same shall be transferred to the public treasury of the State. The law shall regulate such matters.

#### **Article 144      Resignation**

In case of resignation, the President shall address the letter of resignation to the Council of Representatives.

#### **Article 145      Appointment of the Prime Minister**

The President of the Republic shall appoint the Prime Minister, and shall assign the task of forming the government within thirty days. The Government shall submit to the Council of Representatives its program within thirty days of the date of its formation. If the Council rejects such program by the majority votes of members, the President shall appoint a new Prime Minister and shall assign to the same the task of forming a new government. Such new government shall submit program to the Council of Representatives. Should the Council reject the latter, the President of the Republic shall form the government upon the recommendation of the Council of Representatives. Should such step not be accomplished, the President of the Republic shall dissolve the Council of Representatives within thirty days.

In all cases the total number of terms stipulated in this article shall not exceed one hundred and twenty days.

#### **Article 146      Statement of general policy**

At the inaugural joint meeting of the ordinary session of the two chambers of Parliament, the President of the Republic shall deliver a statement of the State's general policy. The President may also give other statements or convey other messages before the two chambers.

#### **Article 147      Promulgation of laws**

The President of the Republic shall have the right to promulgate laws within fifteen days from the date of referring such laws to the President after adoption by the two chambers of Parliament.

#### **Article 148      Referendums**

The President to the Republic has the right to call voters for a referendum on important matters affecting the supreme interests of the country.

**Article 149 Appointment of civil, military, and diplomatic officials**

The President of the Republic shall appoint and dismiss civil and military officials, shall appoint State diplomatic representatives, and shall also accredit the diplomatic representatives of foreign states and organizations, in the manner prescribed by the law.

**Article 150 State of emergency**

The President of the Republic proclaim a state of emergency, after having obtained the approval of the government council, in the manner prescribed by the law.

Such proclamation must be submitted to the Council of Representatives within seven days so that the Council may take a decision. In case of prorogation, the Council of Representatives shall be called to convene immediately to review such proclamation without prejudice to the date set in the previous paragraph. In case of dissolution of the Council of Representatives, the proclamation of the state of emergency decision shall be submitted to the Senate, and shall be approved by the majority of its members.

In all cases, the proclamation of the state of emergency shall be for a limited period, which may not be extended except for another six months upon the approval of the People through a public referendum.

**Article 151 Amnesty and commuting of sentences**

The President of the Republic shall have the right of to grant amnesty or commute a sentence. Full amnesty, however, shall not be granted except by virtue of a law.

**Article 152 Supreme Commander of the Armed Forces and the declaration of war**

The President of the Republic shall be the Supreme Commander of the Armed Forces, shall declare war, after consulting the National Defense Council and upon the approval of the Council of Representatives.

The President of the Republic shall not send armed forces outside the State except upon the approval of the majority of the members of the Council of Representatives.

*Alternative text:*

The President of the Republic shall be the Supreme Commander of the Armed Forces, shall not declare war, or send armed forces outside the State except after consulting the National Defense Council and upon the approval of the Council of Representatives by the majority of votes.

**Article 153 International relations and international treaties**

The President of the Republic shall represent the State in international relations. The President of the Republic shall conclude and ratify treaties upon the approval of the Government. Such treaties shall not have the force of law except upon the approval of the two chambers of Parliament.

Peace treaties, alliance pacts, commercial and maritime conventions and all treaties related to sovereignty rights or resulting in modifications in the State territory, or charging State Treasury with certain expenditures in the future or not provided for in the budget, shall require approval of both chambers of Parliament by majority votes.

**Article 154 Expenditure of the Presidency**

All expenditures of the Presidency of the Republic and the affiliated bodies shall be included in the state's general budget and shall be monitored by the Central Auditing Authority.

**Article 155 Exercise of powers**

The President of the Republic shall exercise the powers vested in him through the Prime Minister, his deputies and ministers except powers stipulated in Articles 10, 12, 14, 17, and 18 of this Constitution.

Verbal or written orders of the President of the Republic (or the Prime Minister) shall not release ministers from their responsibilities.

**Article 156 General Policy and supervision**

The President of the Republic shall develop the state's general policy and will supervise its implementation in conjunction with the government.

**Article 157 Delegation of power**

The President of the Republic shall have the right to vest the Prime Minister or any of his deputies or any of the ministers or any of the governors with any of the powers vested in the President in the manner prescribed by law.

**Article 158 Meetings with the Council of Ministers**

The President of the Republic shall have the right to call the Council of Ministers for a meeting under important circumstances. The President may preside over the meetings of the Council of

Ministers that the President attends. The President shall demand reports with respect to public affairs from the Prime Minister.

#### **Article 159 Impeachment**

Impeachment of the President of the Republic for high treason, committing a criminal act, abuse of power or breach the constitution shall be upon a request signed by at least one third of the members of the Council of Representatives. An impeachment decree shall not be issued except by a two third majority of votes.

Once such decree is issued, the President shall cease to exercise his functions. An impeachment decree shall constitute a temporary prevention order that is to prevent the President from exercising his functions pursuant to the provisions of Article 7 of this Constitution.

The President of the Republic shall be tried before a special court presided by the Head of the Supreme Constitutional Court and the membership of heads of the court of cassation, State Council and the Cairo and Alexandria Courts of Appeal and the Attorney General shall undertake litigation procedures before such Court.

The law shall regulate prosecution procedures and framing of charge. Should the president be convicted, the same shall be relieved of his post, without prejudice to other penalties stipulated by law.

### **Section II - The Government**

#### **Article 160 Composition**

The government shall be comprised of a Prime Minister, his deputies, ministers and their deputies.

The Prime minister shall supervise government actions and direct the government in performing its duties. The Prime Minister shall be responsible for the internal security.

#### **Article 161 Responsibility for the implementation of state policy**

The government shall be severally and jointly responsible for the implementation of State Policy before the Council of Representatives pursuant to the procedures defined by this Constitution.

#### **Article 162 Statements to Parliament**

Any of Government members may make statements before the two Parliamentary chambers or before one of their committees, on a subject that falls within the competences of any of the two chambers.

The chamber or the committee shall debate such statement and make observations.

**Article 163 Eligibility**

An appointed Prime Minister or a Government member shall be an Egyptian, not holding the nationality of any other State, not less than 30 years of age, and enjoy civil and political rights.

Such Government member may not hold the membership of the Council of Representatives or the Senate. In case a member of parliament is appointed to a position in government, his place in Parliament shall become vacant as of the date of the appointment and the provisions of Article 85 of this Constitution shall apply.

**Article 164 Appointment and dismissal of civil servants**

The Prime Minister shall appoint and dismiss civil servants as prescribed by law.

**Article 165 Regulations for implementing laws**

The Prime Minister shall issue regulations required for implementing laws, in a manner that does not allow any delay, amendment or exemption from the implementation of laws. The Prime Minister may authorize another to issue such regulations. The law may define who is authorized to issue regulations required for implementing laws.

**Article 166 Regulations for public utilities and departments**

The Prime Minister shall issue regulations required for constructing and organizing public utilities and departments, and if such action entails new charges to be introduced to the public budget, approval of the Council of Representatives shall be indispensable.

**Article 167 Control regulations**

The Prime Minister shall issue regulations on penalties.

**Article 168 Remuneration of Government**

The law shall determine the Prime Minister and government members' financial allowance. The Prime Minister and government members may not receive any other salary or remuneration. During their term, the Prime Minister and government members may not exercise, in person or by proxy, any self-employed profession or undertake any commercial, financial or industrial business. Nor may the same acquire or rent any State property, sell to or lease to or exchange with the State any personal property whatsoever.

Any government member and members of their families shall submit financial disclosures to be presented to the Council of Representatives every year and when undertaking or leaving a job. If any of the persons stated receives financial or in kind gifts, the ownership of the same shall be transferred to the public treasury of the State. The law shall regulate such matters.

#### **Article 169 Economic work groups**

When necessary, economic working groups shall be formed with the knowledge of the Council of Representatives and the Central Auditing Organization to independently manage investments belonging to the President of the Republic, the Speaker of the Council of Representatives, the Speaker of the Senate, their deputies, heads of their respective specialized committees, the Prime Minister and his deputies, Ministers and any person reporting to all the above.

In all cases such investment shall be out of such persons' control and knowledge during their terms of office.

#### **Article 170 Oath of office**

Before exercising their functions, the Prime Minister and the government members shall take the following oath before the President of the Republic:

"I swear by Almighty Allah to uphold the Republican system with loyalty, to respect the Constitution and the law, to look after the interests of the people fully, and to safeguard the independence and territorial integrity of the motherland".

#### **Article 171 Functions**

The Government shall exercise the following functions:

- 1- Establish the State's public policy and oversee its implementation in accordance with laws and Republican decrees.
- 2- Direct, coordinate and follow up the works of the ministries, affiliated organs, and the public organizations and enterprises.
- 3- Issue administrative and executive decrees in accordance with the laws and decrees, and oversee their implementation.
- 4- Develop draft laws and decrees.
- 5- Develop the draft general budget of the State.
- 6- Develop public economic and social State plans.
- 7- Contract and grant loans.
- 8- Oversee the implementation of laws, maintain State security and protect the rights of citizens and the interests of the State.

**Article 172      General Policy**

A minister shall draw up his ministry's general policy and shall supervise its implementation. A minister shall direct and oversee such policy within the framework of the State's general policy.

**Article 173      Civil Employees**

The law shall define terms of reference for major posts, employees' functions and guarantees that maintain their rights and ensure freedom at work.

**Article 174      Accountability of the Prime Minister**

The President of the Republic and the Council of Representatives and the Attorney General shall have the right to bring the Prime Minister or any government member to account for crimes committed thereby during the performance of, or because of, the duties of their post.

The decision to charge any of such members shall be adopted upon a proposal submitted by the Council of Representatives and signed by at least one-third of its members. Accusation decree shall not be issued except by majority votes of members.

Any person charged with any crime, shall cease to exercise his functions until a judgment is pronounced. Terminating the service of such members shall not stop the process of filing a claim or prosecution.

Should any of such members be convicted, the same shall be relieved of his post, without prejudice to other penalties stipulated by law.

**CHAPTER III - THE JUDICIAL POWER**

**Section I - Judicial Rules**

**Article 175      Judicial independence**

The judiciary shall be independent, and shall be exercised by courts of justice of different kinds and classes. The judiciary issues its judgments in accordance with what the law provides.

Intervening in judicial affairs shall be deemed a crime punishable by law and shall not be subject to the statute of limitations.

**Article 176      Independence of Judges**

Judges shall be independent and their judgments shall be subject to no authority other than the law. Judges may not be assigned to any other posts except such posts defined by law.

**Article 177      Judicial structures and functions, and the appointment of judges**

The law organizes judicial bodies and functions, organizes the way they are formed, and defines requirements and procedures for the appointment and transfer of members of the judiciary.

**Article 178      Public hearings and judgments**

Court sessions shall be public, unless a court decides to hold sessions in camera, for considerations of public order or morality.

In all cases, judgments shall be pronounced in public sessions.

## **Section II - Litigation**

### **Article 179 Public Prosecution**

(The Public Prosecution shall be responsible for litigation. The law shall define its other competences).

### **Article 180 Civil Prosecution**

(Civil Prosecution shall undertake the development of civil and commercial claims. The law shall define other its competences).

### **Article 181 Administrative prosecution**

(Administrative Prosecution shall undertake investigations in financial and administrative crimes and all cases received from the Supreme Anti-Corruption Commission, provided that criminal crimes shall be referred to Public Prosecution to decide what is deemed necessary. Administrative prosecution shall undertake and direct the procedures of disciplinary claims, and shall take legal measures to address weak aspects in the performance of the public utilities. The law shall define their other competences.)

## **Section III - State Council**

### **Article 181 Function<sup>4</sup>**

The State Council shall be an independent judicial body and shall be solely competent to decide all administrative disputes, and disciplinary actions and challenges and their implementation. The State Council shall give its opinion on legal issues to the authorities that will be determined by law.

The law shall determine its other competencies.

---

<sup>4</sup> Translator's note: The Arabic original contains two articles that are both numbered Article 181. This apparent clerical error has been reproduced here.

## **Section IV - Supreme Constitutional Court**

### **Article 182      Role**

The Supreme Constitutional Court shall be an independent, self-standing judicial body, seated in Cairo. The Court is exclusively competent to decide on the constitutionality of laws and regulations, but not on the merits of the claim.

The Court interprets the law, adjudicates conflicts of jurisdiction between various jurisdictions, in accordance with the law that will set out its procedures.

### **Article 183      Composition**

Members of the Supreme Constitutional Court shall not be removed from office. The law shall define how many members it shall have, requirements to be satisfied, rights and immunities, and manner of calling members to account before the Court for disciplinary purposes.

Members shall be nominated upon the recommendation of the general assemblies of the Supreme Constitutional Court, the Court of Cassation, the State Council, and the Courts of Appeal pursuant to the provisions of law. The President of the Republic shall issue a decree on the appointment of Court members.

### **Article 184      Compliance procedures**

The President of the Republic or the Council of Representatives shall submit draft laws regulating the presidential, legislative and local elections to the Supreme Constitutional Court before promulgation, to determine compliance with the Constitution. The Court shall issue a ruling in relation to those drafts within fifteen days from the date on which they have been submitted. Should the Court decide that one or more provisions of the draft law is unconstitutional, such ruling shall be in effect and applied before enacting the law. In all cases, such laws shall not be subject to subsequent appeal as stipulated in Article 182 of this Constitution.

### **Article 185      Publication of judgments**

Judgments issued by the Supreme Constitutional Court in constitutional cases and/or decisions on the interpretation of legislative texts or stating the unconstitutionality of a provision or more in any of the draft laws regulating the presidential, legislative and local elections shall be published in the Official Gazette.

The law shall regulate the effects resulting from a decision on the unconstitutionality of a legislative text.

## CHAPTER IV - LOCAL ADMINISTRATION SYSTEM

### **Article 186      Local Administrative Units**

The State shall be divided into Local Administrative Units. These Units have legal personality and include all Governorates, centers, districts and villages. A Local Unit may include more than one village or district, and establish more administrative units with legal personality. Such actions shall be undertaken as regulated by law.

### **Article 187      Election of councils**

Every Local Unit shall be represented by an elected council to be elected by direct secret public balloting for a four-year term. A candidate shall be Egyptian, enjoying civil and political rights, and shall not be less than twenty-one calendar years on the first day of candidature.

The council shall include representatives from the bodies of the executive branch of government in the Local Unit, who shall not have voting rights in the council.

Each council shall elect a Chairman from amongst its elected members.

### **Article 188      Function**

Local councils shall be competent to deal with issues of interest to the Units represented. Such councils shall establish and maintain economic, social and health utilities etc. in the manner regulated by law.

### **Article 189      Decisions and conflict of jurisdiction**

Decisions issued by local councils within the framework of their competences shall be final, and the executive may not intervene except to prevent such councils from exceeding the limits of their competences, or to prevent them from harming the public interest or each other's interests.

Should a conflict of jurisdiction arise between such councils, the State Council courts shall urgently decide on such issue in the manner to be regulated by law.

### **Article 190      Resources**

The resources of Local Units shall include taxes and fees that are originally local in nature or that have been added. Such taxes and fees shall not be imposed on the movement of persons or funds between administrative units and shall not restrict the right of civilians to exercise their duties in any part of the State territory. Rules and procedures applied on collecting State funds shall be applied on collecting taxes and fees due for the local units, as regulated by law.

**Article 191 Assistance to Local Units**

The State shall guarantee provision of technical, administrative and financial assistance to the Local Units. The State shall ensure a fair distribution of utilities, services and resources and reducing gaps between development levels and living standards between such Units, as regulated by the law.

**Article 192 Budget and financial accounts**

Each local council shall prepare its budget and closing accounts. The law shall define the rules governing this process, the period during which the executive is entitled to object to the budget and the final account and the manner in which such objection is to be resolved, and the period during which such budget is to be published. All the above shall be regulated by law.

In all cases, the executive branch of government may request that the necessary funds be included for the performance of public services and for the obligations that are imposed by law on the local councils.

**Article 193 Dissolution of local council**

A local council may not be dissolved by a general administrative procedure. The law shall define the manner in which councils are dissolved and reelected within sixty days from the date of dissolution. According to the law, a provisional body shall be formed to replace such council and undertake urgent current affairs and actions that cannot be postponed.

**Article 194 Cooperation**

The law shall define methods of cooperation among Local Units with regard to actions of mutual interest, and means of cooperation between local units and government departments located in local units.

**Article 195 Nomination and competence of governors**

The law shall define the manner in which governors are nominated and shall determine their competences.

## CHAPTER V - SECURITY AND DEFENSE

### Section I - National Defense Council

#### **Article 196 Establishment, composition, and role**

A National Defense Council shall be established. The Council shall be presided by the President of the Republic and its membership shall include the Speakers of both the Council of Representatives and the Senate, the Minister of Defense, the Minister of Foreign Affairs, the Minister of Finance, the Minister of the Interior, the head of Public Security Intelligence, the Chief of Staff, leaders of the navy and air forces and air defense, the Chief of the Armed Forces Operations and Chief of Military Intelligence and Reconnaissance.

The Council shall examine matters pertaining to the methods of ensuring the safety and security of the country, and debate the military budget such that the budget is included in the State's budget as a single figure. The Council's opinion shall be taken when drafting laws concerning the Armed Forces.

### Section II – The Armed Forces

#### **Article 197 Regulation of the armed forces**

The Armed Forces shall belong to the people and their duty shall be to protect the country, and its territorial integrity and security. The State alone shall establish the Armed Forces. No organization or group may establish military or para-military formations.

The Armed Forces shall have a supreme council. Its members shall be appointed from among the officer class.

#### **Article 198 Commander in Chief**

The minister of defense shall be the Commander in Chief of the Armed Forces. The minister is appointed from among the Armed Forces' officer class.

#### **Article 199 Public mobilization**

Public mobilization shall be organized in accordance with the law. Service and promotions in the Armed Forces are determined by law.

**Article 200      Military courts**

The law shall regulate the military courts, and define its competences within the framework of the principles in the Constitution. Under any circumstance, only military officers and individuals who report to the military shall be judged before military courts.

Judicial committees that are formed for such purpose shall decide on special administrative disputes concerning decrees issued on matters concerning officers, commissioned officers and armed forces privates.

**Section III - The police**

**Article 201      Role**

The police shall be a statutory civil body and shall perform its duty in service of the people and shall be loyal to the Constitution and the law. The police shall maintain order, public security and morality, shall undertake the implementation of laws and regulations, shall guarantee safety for citizens and shall protect dignity, rights and freedoms of citizens in the manner prescribed by the law.

## **PART IV - REGULATORY AGENCIES AND INDEPENDENT BODIES**

### **CHAPTER I - COMMON PROVISIONS**

#### **Article 202 Independence**

Regulatory agencies and independent bodies stipulated in this Constitution shall enjoy legal personality, neutrality, and technical, administrative and financial independence. In cases where deemed necessary, additional regulatory agencies and independent bodies may be established by virtue of a law.

Such agencies and bodies shall be referred to for opinion on draft laws related to their work.

#### **Article 203 Public reports**

Reports by regulatory agencies and independent bodies shall be made public, and shall be published for the benefit of public opinion. They will also be submitted to the President of the Republic and the Council of Representatives. The Council of Representatives shall study such reports and take the necessary procedures within a period not exceeding ninety days from the date of submission.

Regulatory agencies shall report to the concerned investigation authorities on the results of investigation works showing evidence of offences or crimes as regulated by law.

#### **Article 204 Heads**

The President of the Republic shall appoint heads of the regulatory agencies and independent bodies upon the approval of the members of the Senate by a majority vote, for a four-year term that may not be renewed except once. The heads of these agencies and bodies may not be dismissed and may not undertake actions that the ministers are prohibited from. The act of making an accusation and prosecuting shall be governed by the rules and procedures stated in this Constitution and applied to ministers.

#### **Article 205 Competencies and conditions of employment**

All regulatory agencies or independent bodies shall be formed by virtue of a law. Such law shall define other competencies that are not stated in this Constitution, shall grant members and technical workers guarantees required to accomplish their jobs, state the manner in which such workers are appointed, promoted, held accountable and mentions other job conditions to guarantee their independence.

## **CHAPTER II - REGULATORY AGENCIES**

### **Section I - Central Auditing Organization**

#### **Article 206      Function**

The Central Auditing Organization shall fully monitor and protect State public funds, undertake financial control of other agencies that are assigned to carry out the same task, and oversee the implementation of the public budget and independent budgets, as stipulated by law.

### **Section II - Central Bank**

#### **Article 207      Function**

The Central Bank shall develop and implement monetary, credit and banking policies, shall work on achieving price stability, and the soundness of the monetary and banking system within the framework of the public economic policy.

### **Section III - National Anti-Corruption Commission (Central Agency)**

#### **Article 208      Function**

The National Anti-Corruption Commission (Central Agency) shall work to eliminate corruption, prevent conflicts of interest, promote integrity and transparency and determine criteria against which they should be measured, and develop and follow up implementation of the national strategy on this issue, as regulated by law.

## **CHAPTER III - ECONOMIC AND SOCIAL COUNCIL**

#### **Article 209      Role, composition and regulation**

The Economic and Social Council shall promote the participation of all groups of society in the process of making economic, social and environment policies and promote social dialogue through institutions. Government and Parliament shall take the Council's opinion in matters related to policies and draft laws.

The Council shall comprise no less than two hundred members to be nominated by their elected organizations from syndicates, unions, associations of farmers, workers and professionals and other society groups. No person may be a Council member and a member of parliament or government at the same time.

The law shall define the manner in which the Council is formed, its statute, and methods of submitting recommendations to the State authorities.

#### **CHAPTER IV - NATIONAL ELECTION COMMISSION**

##### **Article 210      Function**

The National Election Commission is solely competent to manage issues related to referenda and presidential, parliamentary and local elections starting with developing a database for voters, giving its opinion with regard to the distribution of constituencies, setting limits to funding and election spending and ensuring that such limits are publicized, and other procedures until election results are announced. The Commission may be assigned the task of overseeing elections of trade union organizations and others as regulated by law.

##### **Article 211      Composition and term**

The National Election Commission shall be managed by a council comprising nine equal members, to be nominated from deputies of the president of the Court of Cassation, presidents of the courts of appeal and deputies of the Head of the State Council that are elected by the their general assemblies excluding members of special councils. Such members shall be fully delegated to work exclusively for the Commission for one five-year session. The Commission's presidency shall be assigned to the oldest member from amongst the deputies of the president of the Court of Cassation.

The Commission may employ experts from the general public and from among professionals with experience in the field of elections.

##### **Article 212      Balloting and counting of referenda and election**

Persons reporting to the Commission shall undertake the process of balloting and counting in the referenda and elections that have been organized by the Commission. Such persons shall be fully guaranteed to ensure their integrity and independence under the Commission's general supervision.

By way of exception from the above, the balloting and counting process shall be undertaken by members of the judiciary for ten years as of the date of coming into force of this Constitution in the manner regulated by law.

**Article 213      Dispute resolution**

The Supreme Administrative Court shall be competent to decide on challenges to the National Election Commission's decrees related to referenda and presidential and parliamentary elections and results. Challenges to the results of local council elections shall be before the administrative courts.

**CHAPTER V - INDEPENDENT BODIES**

**Section I - Supreme Authority for Endowment Affairs**

**Article 214      Function**

The Supreme Authority for Endowment Affairs shall be responsible for the organization of public and private endowment institutions. It shall guarantee that the endowments will be administered in an economically sound manner. It shall oversee and supervise the endowments and shall educate society about the culture of endowments.

**Section II - Supreme Authority for Conserving Heritage**

**Article 215      Function**

The Supreme Authority for Conserving Heritage shall develop methods of conserving Egyptian cultural, architectural heritage as well as methods of maintaining Egyptian civilization, shall supervise the process of collection, maintain existing assets, improve, and revive the contribution of Egyptian heritage to human civilization.

**Section III - Independent bodies for Media and Journalism**

**Article 216      Function**

The National Council for audiovisual media shall control and supervise audiovisual broadcasting. The National Press Council shall control and supervise print and digital media.

Both Councils shall collaborate to guarantee freedom of all forms of media, the development of the media, to maintain plurality, variety, decentralization, non-monopoly on media institution, and protection of audience interests, and to ensure that media and press agencies work in compliance to the profession code of ethics, maintain the Arabic language and respect society's values and principles.

*An alternative text:*

The National Council for Press and audiovisual media shall control and supervise audiovisual broadcasting. The Council shall guarantee freedom of all forms of media, the development of the media, to maintain plurality, variety, decentralization, non-monopoly on media institution, and protection of audience interests, and to ensure that media and press agencies work in compliance to the profession code of ethics, maintain the Arabic language and respect values and principles of the Society.

**Article 217 State owned media**

The National Authority for the Press and Media shall manage, develop, increase assets of, and maximize national investment in, State owned- press and media institutions. The Authority shall ensure that such institutions work in compliance with professional, administrative and economic governance patterns.

## **PART V - FINAL AND TRANSITIONAL PROVISIONS**

### **CHAPTER I - CONSTITUTIONAL AMENDMENT**

#### **Article 218 Preliminary procedures**

The President of the Republic, as well as the Council of Representatives, may request the amendment of one or more of the articles of the Constitution. The articles to be revised and the reasons justifying such amendment shall be specified in the request for amendment. In case the request emanates from the Council of Representatives, it should be signed by at least one fifth of the Council's members.

In all cases, the Parliament shall discuss the amendment request within thirty days from the date of submission, and the decision in this respect shall be taken by the majority vote of members in each assembly. However, such request may be approved fully or partially or rejected. If such request is rejected, the amendment of the same particular articles may not be requested again before the expiration of the current parliamentary session, i.e. the following parliamentary session.

#### **Article 219 Parliamentary approval and referendum**

If the Parliament approves the amendment request, the articles that are to be amended shall be debated after being redrafted by an ad hoc committee within sixty days from the date of said approval. If the amendment is approved by two-thirds of the members of Parliament, such shall be referred to the people for a plebiscite within thirty days from the date of such approval.

If such amendment includes more than one article, then each article shall be referred separately to the people for a plebiscite. If the amendment is approved, it shall be considered in force from the date of the announcement of the result of the plebiscite.

#### **Article 220 Timing and prohibition of constitutional amendments**

The Constitution may not be amended before the lapse of fifteen years from the date of enforcement of the same. Fundamentals and rights and freedoms stated in this Constitution may not be amended except for the purpose of granting more rights and freedoms.

### **CHAPTER II - GENERAL PROVISIONS**

#### **Article 221 Islamic Law**

The principles of Islamic Law shall include full evidences, orthodox and jurisprudent rules, sources approved by schools of the Sunnis and the community.

**Article 222      Capital**

The city of Cairo shall be the capital of the Arab Republic of Egypt and may be moved to another place by virtue of a law.

**Article 223      National flag, emblem, decorations, seal and anthem**

The law shall prescribe the State national flag, emblem, decorations, seal and the national anthem. The State shall be venerated, respected and not offended.

**Article 224      Validity of existing law**

All provisions of the laws and regulations adopted prior to the proclamation of this Constitution shall remain valid and in force, without prejudice to the provisions of this Constitution.

Such laws and regulations shall not be repealed or amended except pursuant to rules and procedures stipulated in this Constitution.

**Article 225      Promulgation of laws**

All laws shall be published in the Official Gazette within fifteen days from the date of enactment, shall enter into force after thirty days following the date of publication unless another date is set.

Provisions of the laws shall apply only from the date of entry into force, and shall have no retroactive effect. However, provisions to the contrary may be made, in other than criminal and taxation matters, with the approval of two third majority votes of the members of the Council of Representatives.

**Article 226      Enactment of Constitution**

This Constitution shall be in force as of the date on which the people's approval is announced in the referendum.

### CHAPTER III - TRANSITIONAL PROVISIONS

#### **Article 227 Term of current President**

The term of the present President of the Republic shall be terminated at the end of four years from the date of electing the same as President of the Arab Republic of Egypt. The current President shall not be elected to occupy this post except for one more term.

#### **Article 228 Merger of the Administrative Control Authority**

The Administrative Control Authority and any other related anti-corruption agencies shall be merged with the National Anti-Corruption Commission (Central Agency).

#### **Article 229 Supreme Committee for Elections**

The Supreme Committee for Elections existing at the time of entering this Constitution into force shall continue overseeing the first following parliamentary elections, then assets of such Committee as well as assets of the Supreme Committee for Presidential Elections shall be transferred to the National Election Commission once formed.

#### **Article 230 Election of the Council of Representatives**

The Council of Representatives elections following the entering into force of this Constitution shall be arranged on the basis of ... for the party list proportional representation and ... for the individual representation.<sup>5</sup>

#### **Article 231 Existing specialized national councils and workers in administrative departments**

Specialized National Councils shall be dissolved, and all their assets shall be transferred to the Economic and Social Council. Workers at the administrative departments of such councils shall also be transferred at the same grade levels.

\* \* \*

---

<sup>5</sup> Translator's note: These fields were left blank in the Arabic original.