



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

# Role of Parliament in Translating Constitutional Rights into Effective Human Rights Legislation

Analytical Study

Prepared by  
Ahmed Salah

Edited and reviewed by  
Islam Fawky

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## Introduction:

For thousands of years, ancient Egypt witnessed the existence of a constitutional system that supported human rights. Egyptians established principles and laws that were unprecedented in human history. This system was documented in a set of basic principles drawn up by goddess of justice, Maat, which serves as historical evidence of ancient Egyptians' interest in human rights. These principles embodied values such as justice, equality, and respect for the rights of others, as reflected in the 42 commandments that urged individuals to uphold these rights and avoid violating them.

This Document prioritized not using violence against anyone, not threatening peace, not taking others' property by force, not practicing terrorism or violating law, not polluting Nile waters, taking a morsel from a child mouth, not destroying religious buildings, among other commandments.

Throughout history, these principles have remained ingrained in the Egyptian mindset. They evolved with the development of the state and adapted to the realities of society, further enhancing citizens' rights. Over time, these principles took various forms, including laws, principles, and customs, leading to the establishment of the modern state's constitution. This constitution defines rights and freedoms, regulates the relationship between the people and state institutions, and holds a significant place in the hearts and minds of Egyptians. It gained prominence during the national liberation movements, culminating in the issuance of the first constitution of the Egyptian state in 1882.

Constitution serves as the social contract between the state and its citizens. It is the only document issued through a popular referendum that accurately reflects the demands of citizens and their vision for the state system, its goals, principles, and commitment to their rights. It is also the highest document within the state's legal system.

Given the legal nature of constitutional documents as a social contract between state authorities and citizens, contemporary Egyptian constitutions, following the human rights movement, have addressed the principles of human rights and basic freedoms enshrined in international human rights conventions. By incorporating these principles into their texts, these constitutions grant them the highest level of protection, surpassing other lower-ranking legislative tools.

Human rights are not only at the core of the constitutional system in defining the relationship between the state and its citizens but also extend to the state's structures,

decision-making processes, and oversight mechanisms. The constitution guarantees and strengthens human rights within the state.

As states progress towards civilization and modernity, there arises a need for occasional amendments to the constitutional system to enhance citizens' rights and reaffirm the state's responsibility towards them. These constitutional amendments aim to promote human rights and ensure the state's commitment to upholding them. This commitment is evident in the Egyptian Constitution of 2014 and its subsequent amendments in 2019.

To emphasize the importance of implementing the Egyptian Constitution and its provisions aimed at promoting human rights, numerous constitutional articles have obliged the enactment of legislation. These articles either specified a timeframe of 10 or 5 years for the legislation to be enacted or mandated the enactment of legislation in general. However, several constitutional entitlements have not been translated into enforceable laws due to the Parliament's failure to approve them over the past decade. This legislative performance deficiency in fulfilling constitutional entitlements includes the absence of laws regarding information exchange, local administration, and the establishment of the Anti-Discrimination Commission.<sup>1</sup>

While there has been a growing interest in constitutional entitlements in recent years, Parliament has not given them priority on its agenda. According to Constitution, Local Administration Law should have been completed in 2019, followed by its implementation on the ground and the holding of local council elections. However, these milestones have not been achieved to date.

Recognizing the delayed implementation of constitutional entitlements, House of Representatives issued amendments to the Code of Criminal Procedure in mid-January 2023, just before the expiration of the ten-year period stipulated by the Constitution for issuing this law. This move serves as a reminder to the House of Representatives to fulfill its other constitutional obligations and approve the legislation specified in the Constitution within a reasonable timeframe. Better late than never.

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<sup>1</sup> الدستور المصري، موقع مجلس النواب، متاح عبر الرابط التالي، <http://www.parliament.gov.eg/Constitution.aspx>

## Methodology:

This study is based on an examination of the articles of Egyptian Constitution amended in 2019 that require the enactment of laws to translate them into practice. These articles may have specified a timeframe of 5 or 10 years for the issuance of laws or may not have been restricted to a specific period. The study also delves into the details of these constitutional articles, highlighting their significance at the political, economic, and social levels, particularly in promoting human rights.

Furthermore, the study explores the connection between the constitutional articles for which no laws have been enacted and international human rights conventions, as well as Egypt's international obligations. It emphasizes the importance of approving these laws to achieve a wide range of targeted outcomes outlined in the National Human Rights Strategy launched in 2021.

The study identifies eight constitutional articles that necessitate legislative intervention to be translated into laws, all of which aim to promote human rights in Egypt. This responsibility lies with the House of Representatives as the legislative body entrusted with enacting laws. The government has previously acknowledged that some of these laws fall under the House of Representatives' jurisdiction, and the legislative responsibility rests with the Legislative Council.

## Constitutional Obligations

### 1. Commission to Combat All Forms of Discrimination

Article No. 53 of Egyptian Constitution emphasizes the equality of all citizens before the law, stating that they possess equal rights, freedoms, and public duties without discrimination based on religion, creed, sex, origin, race, color, language, disability, social, political, or geographical affiliation, or any other reason. Constitution considers discrimination and incitement to hatred as crimes punishable by law. Furthermore, the state is obligated to take necessary measures to eliminate all forms of discrimination, and the establishment of an independent commission is regulated by law for this purpose.<sup>2</sup>

Throughout Egypt's history, there has been a steadfast commitment to equality among citizens, with successive constitutions highlighting the importance of equal rights and duties for all. Discrimination based on any factor is a punishable crime. The Egyptian

<sup>2</sup> راجع دستور مصر الصادر في 2014 والمعدل في 2019- المادة 53

Constitution, particularly in the aftermath of the political upheaval following the January 25 Revolution, which ultimately led to the June 30 Revolution, places significant importance on combating discrimination.

To underscore the elimination of all forms of discrimination among citizens, the Egyptian Constitution mandates the establishment of an Anti-Discrimination Commission. This aligns with the objectives of the National Human Rights Strategy, which emphasizes the continued fight against discrimination in all its forms and manifestations, the investigation of related allegations, and the protection of victims' rights in accordance with Egypt's constitutional and international obligations.

Therefore, it is recommended to prioritize the enactment of the Anti-Discrimination Commission Law to fulfill the constitutional entitlement and meet Egypt's international obligations, particularly under the International Convention on the Elimination of All Forms of Racial Discrimination. This will contribute to promoting equality among citizens and combating all types of discrimination, affirming the constitutional principle that citizens are equal before the law, and possess equal rights, freedoms, and public duties without discrimination based on religion, creed, gender, origin, race, color, language, disability, social, political, or geographical affiliation, or any other reason.

## 2. Information Circulation Law

Article No. 68 of the Egyptian Constitution highlights the people's ownership of information, data, statistics, and official documents. It recognizes the right of every citizen to access this information, which the state is committed to providing in a transparent manner. The law regulates the procedures for obtaining, disclosing, and ensuring the confidentiality of this information, as well as the rules for depositing, preserving, and digitizing official documents. The Constitution also specifies penalties for withholding information or providing false information intentionally. State institutions are obligated to deposit official documents at the National Archives after their working period, ensuring their protection and security against loss or damage, and utilizing modern means and tools for restoration and digitization in accordance with the law.

It is crucial to highlight that the issuance of the Freedom of Information Circulation Law is an essential aspect of Egypt's international obligations, particularly under International Covenant on Civil and Political Rights<sup>3</sup>. Such a law holds great significance

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<sup>3</sup> المادة 19 الفقرة 2: 2. لكل إنسان حق في حرية التعبير. ويشمل هذا الحق حريته في التماس مختلف ضروب المعلومات والأفكار وتلقيها ونقلها إلى آخرين دونما اعتبار للحدود، سواء على شكل مكتوب أو مطبوع أو في قالب فني أو بأية وسيلة أخرى يختارها.

in a democratic society as it enables citizens to access information about state decisions, participate in decision-making processes, and ensure transparency, accountability, and the protection of rights and freedoms.

Information Circulation Law aligns with the objectives of National Human Rights Strategy issued in September 2021. The Strategy recognizes the lack of a legal framework governing access to information, official data, and statistics as a challenge to freedom of expression. As part of strategy's focus on promoting freedom of expression and civil and political rights, one of the targeted outcomes is the enactment of a law that regulates the right to obtain and circulate official information, data, and statistics.<sup>4</sup>

The issuance of a Freedom of Information Law was a priority highlighted during the National Dialogue sessions called for by the President of the Republic. These sessions witnessed extensive demands from various parties and civil society organizations, emphasizing the need to combat rumors by enacting such a law. Furthermore, a discussion session<sup>5</sup> on Freedom of Information Law took place during the National Dialogue sessions on June 11, 2023, further emphasizing the importance of working towards its enactment to fulfill constitutional entitlements and Egypt's commitment to international conventions.

Freedom of Information Law would serve as a tool to support freedom of opinion and expression, enhance transparency and accountability, and uphold the rights and freedoms guaranteed by Constitution. Additionally, the law would contribute to fostering an investment-friendly environment by ensuring universal access to information, promoting the right to knowledge, and enabling citizens to obtain information that impacts their lives. It would also strengthen trust between the government and citizens and facilitate informed decision-making in economic, political, and human rights matters by providing accurate and transparent information.

### 3. New Code of Criminal Procedure

Constitution Article No. 96 establishes the principle of the presumption of innocence until proven guilty in a fair legal trial, ensuring the accused's right to self-defense. The law governs the appeals process for felony judgments, and the state is responsible for safeguarding the well-being of victims, witnesses, defendants, and informants, when

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<sup>4</sup> الاستراتيجية الوطنية لحقوق الإنسان، <https://2u.pw/h7WFwJ8>

<sup>5</sup> "لجنة حقوق الإنسان": قانون حرية تداول المعلومات ضرورة للقضاء على الشائعات، <https://2u.pw/sZZT8rq>

necessary, in accordance with the law. Additionally, Constitution Article 240 guarantees the allocation of financial resources for appealing felony judgments within ten years from the implementation of the Constitution, with the specific regulations outlined in the law.

**To effectively implement constitutional provisions, it is essential to have legal frameworks that guarantee the right to appeal sentences in criminal cases and provide protection for victims, witnesses, defendants, and informants. This necessitates a thorough review of the outdated criminal procedure law and the drafting of a new code that aligns with legislative developments and Egypt's human rights obligations. Such steps will reinforce the protection of human rights and ensure the provision of fair trial guarantees.**

Constitution mandates the enactment of legislation concerning the appeal of criminal court rulings within a ten-year timeframe. However, amendments to Criminal Procedure Code were approved on January 16, 2024, just one day before expiration of constitutional period, which ended on January 17, 2024. The delay in approving this law highlights a significant issue: the House of Representatives has experienced a significant slowdown in discussing and approving legislation related to human rights. Nonetheless, we commend the passage of this crucial law, which ensures a fair trial.

On another note, the proposed law for the protection of victims, witnesses, the accused, and whistleblowers has not been put forward, thereby failing to provide comprehensive protection within the framework of achieving justice and implementing the second part of the Constitution's articles. Despite various proposals over the years regarding the protection of witnesses and whistleblowers, the absence of this law is concerning. Its importance lies in creating a secure environment and offering full protection to witnesses, who play a pivotal role in uncovering the truth in various cases. When witnesses are certain of receiving this protection, they feel safe and reassured, eliminating their fear of testifying due to potential retribution. Furthermore, the passage of this law would demonstrate Egypt's commitment to fulfilling its international obligations, particularly the United Nations Convention against Corruption, which emphasizes the protection of witnesses and whistleblowers as a fundamental provision within any anti-corruption mechanism.<sup>6</sup>

In addition to constitutional provisions guaranteeing a fair trial and the protection of witnesses and whistleblowers, there are numerous proposed amendments to the

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<sup>6</sup> اقتراح برغبة أمام «الشيوخ» لإصدار قانون حماية الشهود والمبلغين، متاح عبر هذا الرابط، <https://2u.pw/33dAQtn>



Criminal Procedure Code. This prompts us to consider the issuance of a new Code of Criminal Procedure that translates the constitutional provisions into enforceable laws and incorporates the human rights reforms outlined in the National Human Rights Strategy. By doing so, we can enhance human rights across all levels.

**Regarding National Human Rights Strategy, drafting a new criminal procedure law would achieve at least 11 of Strategy's targeted outcomes if the following aspects are taken into account:**

- ◆ Reducing duration of pretrial detention and setting a maximum limit for such detention, while exploring alternative measures and establishing a system for compensating detainees. It is crucial to emphasize that pretrial detention should serve as a precautionary measure rather than a form of punishment. Additionally, a distinct legal framework should be established to address cases involving individuals aged fifteen and above who are considered minors.
- ◆ Providing comprehensive and effective protection for defendants, informants, witnesses, and victims. This ensures that state agencies are empowered to combat crime and considers the establishment of a specialized system for child witnesses.
- ◆ Activating accused's right to remain silent, as stipulated in Article 55 of the Egyptian Constitution. Moreover, introducing the principle of "no trial without a lawyer," granting every accused individual the right to have legal representation during investigations or trials. Legislation should also incorporate mechanisms to promptly inform citizens of their rights upon apprehension, utilizing a written procedure that effectively communicates these rights to individuals.
- ◆ Considering a legislative amendment to provide an alternative penalty for individuals unable to pay debts arising from contractual relations, rather than imprisonment. Introducing a legislative amendment that allows financially disadvantaged individuals to appeal death sentences issued against them before the Court of Cassation.

#### **4. Transparency of Parliament Sessions**

Constitution Article No. (120) stipulates those sessions of House of Representatives care public. However, the House may hold sessions in secret upon the request of the President of the Republic, the Prime Minister, the Speaker of the Council, or at least twenty of its members. The Council then decides by a majority vote." This applies whether the subject under discussion is in a public or secret session.

Constitutional article establishes the principle of public sessions for the House of Representatives, and the same principle applies to the Senate, as stated in Constitution Article (254), which was added during the constitutional amendments in 2019. Constitution upholds the principle of transparent parliamentary sessions to enable the people to monitor the performance of their elected representatives, their legislative activities, oversight responsibilities, and their ability to express the aspirations of citizens. Voters can hold their representatives accountable by directly observing their performance within Council. However, in 2016, only two sessions after the start of legislative term, the House of Representatives decided to discontinue live broadcasting of sessions, and this practice has continued since then. Currently, only what Parliament permits is broadcast, and clips of speeches by some representatives during plenary sessions are published.

Since the House of Representatives' decision to halt live broadcasts of sessions, there have been differing opinions regarding whether this decision violates the Constitution, particularly Article 120, as well as Article 68, which guarantees the right to freedom of access to information and obtaining it from its sources. The Council justified its decision by stating that it does not violate Constitution, as the Constitution does not specifically prescribe the form of public sessions. The assessment of session transparency has become subject to Parliament's discretion, aiming to prevent representatives from behaving inappropriately, which could result in harsh criticism of the legislature's performance.

Throughout the current legislative term of the House of Representatives and the Senate, the prohibition on live broadcasts of sessions remains in effect. Citizens are only provided access to the results of the House of Representatives' work or the agenda of sessions, without insight into the behind-the-scenes proceedings within the House. Only a few publications by representatives shed light on this matter, contributing to a disconnect between the legislative authority and its legislative and oversight roles, and the citizens who lack comprehensive knowledge of Parliament, its two chambers, and their functions in legislation and oversight.<sup>7</sup>

Even though Parliament argues that not broadcasting sessions on air does not violate the principle of session transparency or the Constitution, it has made decisions since 2016 that contradict the principles of transparency, information exchange, and citizens' right to know. In 2016, the House of Representatives decided to halt the printing

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<sup>7</sup> خلاف حول دستورية منع بث جلسات البرلمان.. هل الإداعة شرط للعانية؟، متاح عبر هذا الرابط، <https://2u.pw/hQlf37o>

of session records on paper, a method that had been in place for over a century. Consequently, council minutes are not archived or published on the official website of the House of Representatives or in the Official Gazette, preventing citizens from monitoring their representatives in Parliament.<sup>8</sup>

Furthermore, there are restrictions on attendance at council sessions, even for journalists, which provides further evidence of the lack of transparency, limitations on information circulation, and failure to archive and make council sessions fully accessible through official website of the House of Representatives.

## 5. Development of Border Areas and the Nubian People

Article No. (236) of Constitution guarantees state's commitment to implementing a comprehensive economic and urban development plan for border areas and deprived regions, including Upper Egypt, Sinai, Matrouh, and Nubia regions. Participation of local population in development projects and prioritizing their benefits while considering cultural and environmental factors are emphasized. Local legislation should regulate this within ten years of implementation of Constitution.

This Law represents constitutional obligations that should have been achieved within ten years of Constitution adoption, which expired on January 17, 2023. Despite enactment of the Upper Egypt Development Authority Law No. 157 of 2018, aimed at accelerating development in Upper Egypt,<sup>9</sup> and the issuance of Decree-Law No. 14 of 2012 concerning integrated development in Sinai Peninsula and establishment of National Authority for Development of Sinai Peninsula<sup>10</sup>, there is no legal framework in place to implement Article 236 of Constitution and foster development in all border areas, with particular attention to the needs of the Nubian people.<sup>11</sup>

Efforts have been made to fulfill this constitutional commitment since 2014 when Minister of Transitional Justice at the time formed a committee to draft "Supreme Authority for Settlement of Nubians and the Reconstruction and Development of the Original Nubian Territories" law. Committee included representatives from the Nubian community, relevant ministries, bodies, and agencies, and its work commenced.

<sup>8</sup> إذاعة جلسات البرلمان، متاح عبر هذا الرابط، <https://2u.pw/nCn1mQI>

<sup>9</sup> إنشاء هيئة تنمية الصعيد، متاح عبر هذا الرابط، <https://2u.pw/H6ZKz5V>

<sup>10</sup> تشكيل مجلس إدارة الجهاز الوطني لتنمية شبه جزيرة سيناء، متاح عبر هذا الرابط، <https://www.almasdar.com/134618>

<sup>11</sup> مصطفى بكرى للحكومة: ماذا عن تفعيل المادة 236 من الدستور لأهالي النوبة، متاح عبر هذا الرابط، <https://2u.pw/zpi9yTs>

In October 2014, a drafting process began, lasting until January 2015, resulting in a draft law on the Supreme Authority for Settlement of Nubians and Reconstruction and Development of Original Nubian Country. Minister submitted draft law to Prime Minister in February 2015. However, since then, law has been shelved and has not progressed through the Council of Ministers due to a legal procedure.<sup>12</sup>

## 6. Law on Assigning Judges

Constitution Article No. (239) mandates the House of Representatives to issue a law that regulates the assignment of judges and members of judicial bodies, intending to eliminate total and partial assignments to non-judicial bodies or committees with judicial jurisdiction or involved in administering justice affairs or supervising elections within a specified timeframe. This timeframe should not exceed five years from the date of Constitution's entry into force.

Despite the constitutional obligation to enact this law and meet the deadline, which ended in January 2019, there has been no commitment to its implementation. Discussions within the government have continued, and the Ministry of Justice prepared an initial draft law to regulate the assignment of members of judicial bodies. However, this draft law aims to continue delegating judges to government agencies and departments for certain legal work under the name "Administration of Justice Affairs." The draft vaguely defines this term as "finalizing legal matters" and "seeking their assistance in the implementation of legal provisions," without providing comprehensive explanations.<sup>13</sup>

In late 2018, several representatives had previously submitted a draft law to regulate the assignment of judges, but it was not discussed at the time, and no measures were taken regarding it in subsequent years. Thus, there is a responsibility on Parliament to activate the constitutional article in this regard. Additionally, it is crucial for the government to submit an actual draft law prepared by the Ministry of Justice to the House of Representatives, especially considering government decisions aimed at reducing the assignment of judges to legal advisory work as part of cost-cutting measures. Issuing this law is essential to align with the government's objectives and fulfill constitutional obligations.<sup>14</sup>

<sup>12</sup> المحامون التوبيون يرفضون قانون تنمية المناطق الحدودية، متاح عبر هذا الرابط، <https://2u.pw/1hWMh3S>

<sup>13</sup> ننشر تفاصيل مشروع قانون تنظيم ندب القضاة في الجهات الحكومية، متاح عبر هذا الرابط، <https://2u.pw/Gtqq1Zb>

<sup>14</sup> لترشيد الإنفاق الحكومي.. توجيهات حكومية تستهدف تقليص ندب القضاة، متاح عبر هذا الرابط، <https://2u.pw/vq99Cjg>

## 7. Transitional Justice

Article No. (241) of the Constitution stipulates that the House of Representatives, in its first session after the Constitution enters into force, must enact a law on transitional justice. This law should guarantee truth-seeking, and accountability, propose frameworks for national reconciliation, and provide compensation for victims under international standards. Transitional justice refers to the necessary actions taken by a society to address the consequences of political changes and develop mechanisms that promote trust, justice, societal restoration, sustainable peace, and the protection of human rights and the rule of law.

The focus of the Egyptian Constitution was on transitional justice, which required the Egyptian legislator to formulate Transitional Justice Law during the first session following the Constitution's adoption. This timeframe ended in 2020, and the article on transitional justice in the Egyptian Constitution remains unchanged in 2019 amendments, underscoring its ongoing importance and state commitment thereto.

High Commissioner for Human Rights Office emphasizes that transitional justice is rooted in international human rights law. Its purpose is to effectively contribute to sustainable peace, reconciliation, and progress in all dimensions of transitional justice in an integrated manner.<sup>15</sup>

Achieving lasting peace is closely linked to justice, development, and respect for human rights. Transitional justice plays a crucial role in addressing the negative consequences that arise from political changes. It operates within the national framework and contexts, fostering connections between societies to contribute to the attainment of lasting peace. In this context, two resolutions issued in 2016 on peacekeeping, namely General Assembly Resolution 70/262 and Security Council Resolution 2282, recognized importance of national control and inclusiveness for the success of peacebuilding efforts.

Regarding Constitutional obligation to enact Transitional Justice Law, the government has maintained since 2016, through Counselor Magdy Al-Agati, Minister of Legal Affairs and the House of Representatives at that time, that responsibility for preparing the law lies with the House of Representatives rather than the government. The constitution mandates the House of Representatives to pass the law during its first session. There have been calls from political parties for the government to promptly

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<sup>15</sup> لمحة عن العدالة الانتقالية وحقوق الإنسان، متاح عبر الرابط التالي، <https://2u.pw/ozCsR>

issue the transitional justice law. Approximately 100 representatives and members of the Council's Human Rights Committee have already submitted a draft of the transitional justice law. However, due to the government's delay in submitting the draft law to Parliament, as required by the constitution, legislative process has been hindered.

On August 24, 2016, House of Representatives Legislative and Constitutional Committee initially approved the draft transitional justice law. However, since then, it has not been further discussed, and certain opinions from representatives suggest a reluctance to enact this law, despite its constitutional mandate. These opinions stem from the belief that Egyptian society is not yet prepared for such legislation.<sup>16</sup>

Additionally, a lawsuit was filed before the Administrative Judicial Court of the State Council, demanding that the House of Representatives fulfill its constitutional obligation to submit the Transitional Justice Law under Article 241 of the Constitution. This lawsuit highlights the constitutional responsibility of the House of Representatives to implement the law and underscores the state's interest in promoting human rights.<sup>17</sup>

## 8. Local Administration Law

Constitution Article No. (242) stipulates that "the existing local administration system will continue until the system stipulated in the Constitution is gradually implemented within five years from the date of its entry into force, without prejudice to the provisions of Constitution Article (180)."

According to Constitution, Parliament was mandated to enact the Local Administration Law during its final session, as the Constitution set a five-year period for the transition to the new local administration system. This period concluded in January 2019. However, the Local Administration Law has been subject to prolonged discussions in Parliament, spanning over nine years. Continuous discussions have taken place within the House of Representatives, and it has also been extensively debated during the National Dialogue sessions throughout 2023. Despite these discussions, the law remains incomplete, failing to adhere to the constitutional timeframe.<sup>18</sup>

The local administration issue has been a significant topic during the National Dialogue sessions in 2023, with a consensus emerging on the importance of enacting this law, given its enforceable constitutional mandate. Members of the House of

<sup>16</sup> «تشريعية النواب» توافق من حيث المبدأ على «العدالة الانتقالية»، متاح عبر هذا الرابط، <https://2u.pw/6uEHWtk> البرلمان سيد قراره.. دعوى قضائية لإلزام المجلس بإصدار قانون العدالة الانتقالية.. اللجنة التشريعية ترد: ننتظر رد "العدل".." "أبوشقة": الدستور وضع

مواعيد تنظيمية وليست إلزامية.. وفقهه دستوري: القضاء غير مختص: <https://qrcd.org/4dus> <sup>17</sup> 2019".." أخر مهلة لمجلس النواب لإصدار القوانين المكتملة للدستور، متاح على الرابط التالي، <https://2u.pw/QFiGh7T>

Representatives have also emphasized the significance of passing the law. Consequently, the law is under constant discussion within the Local Administration Committee of the House of Representatives. Various points necessitate extensive deliberations, and even the national dialogue has not reached a final resolution on them.

Among the most contentious issues in the local administration law are local financing and financial decentralization, the composition of local councils, and the relationship between the number of council members and the population to ensure equitable representation of citizens in governorates and local units. Additionally, the conditions for appointing local leaders and the procedures for questioning heads of local units before the local councils are subjects requiring thorough examination.

The delay in enacting the local administration law arises from Egypt's prevailing centralized administrative system. Currently, local units adhere to central government directives in managing local affairs in urban centers and villages. Implementing the new local administration system entails granting greater authority to local officials and elected local councils, enabling accountability and removal of officials. This necessitates extensive changes in Egypt's administrative structure and a substantial shift from the status quo at all levels. These factors have contributed to the delay in passing the law over the past decade. The aim is to develop a comprehensive local administration law that aligns with the constitutional provisions, enjoys consensus between the government and the House of Representatives, and incorporates proposals from the national dialogue, facilitating its effective implementation.<sup>19</sup>

It is important to highlight that the delay in enacting the local administration law not only violates Article 242 of the Constitution, which mandates the implementation of the new local administration system within five years, but also disrupts the articles of the Constitution related to local administration. These articles, are part of the third section on local administration within the second chapter on executive authority. As of now, no law has been issued to regulate the new system outlined in these constitutional provisions.

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<sup>19</sup> قرر لجنة المحليات: لابد من وضع مشروع قانون يلبي مخرجات الحوار الوطني، متاح عبر هذا الرابط، <https://2u.pw/ZEdzdwU>

## Priorities for Improving Human Rights in Egyptian Constitution

Egyptian Constitution reflects the Egyptians' commitment to developing mechanisms for promoting human rights and establishing stronger safeguards to protect the rights of Egyptian citizens and regulate the relationship between different state entities. With its principles and rights, the current Egyptian Constitution stands as the most progressive document among all previous Egyptian constitutions. It guarantees mechanisms that safeguard the rights and freedoms of citizens and affirms Egypt's commitment to international human rights conventions.

Egyptian Constitution preamble declares the belief of Egyptians in democracy as a path, a future, and a way of life. It upholds political pluralism, the peaceful transfer of power, and the people's right to shape their own future, as they are the sole source of authority. Furthermore, it recognizes the rights of every citizen to freedom, human dignity, and social justice.

The Egyptian Constitution embodies the generational aspiration for a prosperous and cohesive society, along with a just state that fulfills the individual and societal aspirations of the present and the future. It aims to build a modern democratic state with a civil government, eradicate corruption, pave the way for the future, and align with the Universal Declaration of Human Rights, in which Egypt participated in drafting and endorsing.

However, for the Constitution to be translated into reality and move from a document of principles to laws that regulate societal relationships, rights, and obligations, it requires the enactment of specific laws. This responsibility falls on the legislative authority, represented by the House of Representatives, which is tasked with legislating, approving laws, and fulfilling constitutional obligations within specified timelines. Neglecting these constitutional deadlines for enacting laws would be a dereliction of duty. Therefore, it is imperative for the House of Representatives to promptly approve the laws mandated by the Constitution, given their crucial role in promoting human rights and supporting the state's development process and societal progress.

To underscore the constitutional commitment to promoting human rights, Chapter Three of the Constitution, which addresses public rights, freedoms, and duties, establishes an Anti-Discrimination Commission in Article 53. This commission is designed to combat all forms of discrimination among citizens and aligns with the objectives of the National Strategy for Human Rights. The commission emphasizes the need to



continue combating discrimination, investigating allegations, and protecting the rights of victims in accordance with the Constitution and Egypt's international obligations.

Also, within the framework of promoting human rights, Constitution Article 68 stipulates the citizen's right to freedom of information. This necessitates enactment of the Freedom of Information Law, in line with Egypt's international obligations under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Such legislation plays a crucial role in safeguarding rights and freedoms, promoting transparency, accountability, and democratic values.

In light of Egypt's democratic transformation following the January 25 and June 30 revolutions, the constitution, through four articles in Chapter Six on general and transitional provisions, mandates the enactment of laws to give effect to these constitutional provisions. However, despite more than ten years passing since the constitution's adoption, these laws, currently under discussion in political and legal circles, have not yet been approved. The House of Representatives must expedite the approval of these laws to fulfill constitutional obligations, conclude the transitional period in Egypt, and ensure the stability of elected state institutions in addressing the consequences of political transformation.

The articles on general and transitional provisions, which we refer to here, include Article 236 on the development of border areas and the Nuba people, Article 239 on the issuance of a law regulating the assignment of judges, Article 241 on transitional justice, and Article 242 on the implementation of the new local administration law.

## Results & Recommendations:

Egyptian Constitution, approved in 2014 and amended in 2019, necessitated the issuance of several laws, some of which were assigned specific timeframes for the Parliament to enact them. However, these constitutionally mandated periods have expired without the approval of the legislation specified in the Constitution. Notably, the Local Administration Law, which was required to be enacted before January 2019, and the law governing the assignment of judges, as well as laws that were supposed to be approved within ten years ending in January 2023, including the Transitional Justice Law and laws related to the development of border regions. Meanwhile, the House of Representatives recently made last-minute amendments to the Code of Criminal Procedure to ensure the resumption of criminal proceedings in mid-January 2023.

Furthermore, there are concerns regarding a potential violation by the House of Representatives of an article of the Constitution about the transparency of sessions. Throughout two sessions, the Council has prohibited the live broadcast of sessions and has not made the minutes of the sessions available. Only certain discussions and interventions of certain representatives within the House are broadcasted, which constitutes a breach of the Constitution's provisions, particularly concerning freedom of information. It is therefore recommended that the **House of Representatives take the following actions:**

- ◆ House of Representatives shall enact laws specified in Constitution, considering them as constitutional obligations that must be fulfilled.
  
- ◆ House of Representatives shall place as its top priority completion of constitutionally specified laws during the current legislative term, to confirm House's commitment to respecting Constitution and implementing its provisions.
- ◆ Political parties that control the majority of seats in the House of Representatives must accelerate the implementation of constitutional obligations by submitting targeted draft laws.
- ◆ Directing parliamentary and partisan attention towards approving laws that occupy political and legal circles, specified by Constitution and set by National Strategy for Human Rights as part of its targeted outcomes. It also came within the outcomes of the National Dialogue, especially the issuance of a new law of criminal procedures, consistent with the provisions of the Constitution and the objectives of the National Strategy for Human Rights.
- ◆ Parliament should reconsider the decision to prevent live broadcasting of sessions, allow the media to publish, and make minutes of sessions and committees available to the media and citizens.