

# **Constitution of the Arab Republic of Egypt**

Signed into law by President Mohammed Morsi on 26 December 2012

English translation provided by *Egypt Independent*; available online at <http://www.egyptindependent.com/news/egypt-s-draft-constitution-translated>.

## **CONSTITUTION PREAMBLE**

We, the people of Egypt,  
In the name of the merciful God and with his aid,  
declare this to be

Our Constitution, the document of the 25th of January revolution, which was started by our youth, embraced by our people, supported by our Armed Forces;

Having rejected, in Tahrir Square and all over the country all forms of injustice, oppression, tyranny, despotism, exclusion, plunder and monopoly;

Proclaimed our full rights to “bread, freedom, social justice, and human dignity,” paid for by the blood of our martyrs, the pain of our injured, the dreams of our children, the strife of our men and women;

Recovered the spirit of our great civilization and our luminous history, for on the banks of the timeless Nile we established the oldest state that has always known the meaning of citizenship and equality, gave humanity the first alphabet, opened the way to monotheism and the knowledge of the Creator, embraced God’s prophets and messages, and adorned the pages of history with parades of creativity;

And in continuation of our virtuous revolution which has unified all Egyptians on the path of building a modern democratic state, we declare our adherence to the following principles:

One —

The people are the source of all authorities. Authorities are instituted by and derive their legitimacy from the people, and are subject to the people’s will. The responsibilities and competencies of authorities are a duty to bear, not a privilege or a source of immunity.

Two —

A democratic system of government, establishing the grounds for peaceful transfer of power, supporting political pluralism, ensuring fair elections and the people’s contribution in the decision-making process.

Three —

The individual’s dignity is an extension of the nation’s dignity. Further, there is no dignity for a country in which women are not honored; women are the sisters of men and partners in all national gains and responsibilities.

Four —

Freedom is a right: freedom of thought, expression and creativity; freedom in housing, property and travel; its principles laid down by the Creator in the motion of the universe and human nature.

Five —

Equality and equal opportunities are established for all citizens, men and women, without discrimination or nepotism or preferential treatment, in both rights and duties.

Six —

The rule of law is the basis of the individual's freedom, the legitimacy of authority, and the state's respect of the law. No power shall override that of righteousness, and the judiciary shall be independent, bearer of the honorable mission of defending the Constitution, upholding justice, and preserving rights and freedoms.

Seven —

Upholding national unity is an obligation, and the cornerstone of building a modern Egypt and the path to progress and development. To that end, the values of tolerance and moderation shall be spread, and the rights and freedoms of all citizens shall be protected without discrimination.

Eight —

Defending the nation is a duty and an honor. Our Armed Forces form a professional and neutral national institution that does not interfere in political affairs. It is the protective shield of the country.

Nine —

Security is a great blessing; it falls on the shoulders of a police force which works in the service of the people, for their protection and to enforce the measures of justice. For there can be no justice without protection, and no protection without security institutions that respect the rule of law and human dignity.

Ten —

Unity is the hope of the Arab nation; it is history's call, the future's bid, and destiny's demand. Such unity is to be reinforced through the integration and fraternity with countries of the Nile Valley and of the Muslim world, both a natural extension borne out of the distinctiveness of Egypt's position on the global map.

Eleven —

Egypt's pioneering intellectual and cultural leadership is an embodiment of its soft power, and a model of the free generosity of original creators and thinkers, universities, science centers, linguistic and research centers, the press, the arts, literature and mass media, the national church, and Al-Azhar with its history as a mainstay of national identity, the Arabic language and Islamic Sharia, and as a beacon for moderate enlightened thought.

We, the people of Egypt,

Out of faith in God and His heavenly messages,

In recognition of the right of the country and the nation,

With awareness of our responsibilities toward the nation and humanity,

Pledge to stay committed to the principles laid out in this Constitution, which we accept and grant to ourselves, affirming our determination to uphold and defend it, and asserting that it shall be protected and respected by the State's authorities and the general public.

## **PART I: STATE AND SOCIETY**

### **Chapter One: Political principles**

#### **Article 1**

The Arab Republic of Egypt is an independent sovereign state, united and indivisible, its system democratic. The Egyptian

people are part of the Arab and Islamic nations, proud of belonging to the Nile Valley and Africa and of its Asian reach, a positive participant in human civilization.

#### **Article 2**

Islam is the religion of the state and Arabic its official language. Principles of Islamic Sharia are the principal source of legislation.

#### **Article 3**

The canon principles of Egyptian Christians and Jews are the main source of legislation for their personal status laws, religious affairs, and the selection of their spiritual leaders.

#### **Article 4**

Al-Azhar is an encompassing independent Islamic institution, with exclusive autonomy over its own affairs, responsible for preaching Islam, theology and the Arabic language in Egypt and the world. Al-Azhar Senior Scholars are to be consulted in matters pertaining to Islamic law.

The post of Al-Azhar Grand Sheikh is independent and cannot be dismissed. The method of appointing the Grand Sheikh from among members of the Senior Scholars is to be determined by law.

The State shall ensure sufficient funds for Al-Azhar to achieve its objectives.

All of the above is subject to law regulations.

#### **Article 5**

Sovereignty is for the people alone and they are the source of authority. The people shall exercise and protect this sovereignty, and safeguard national unity in the manner specified in the Constitution.

#### **Article 6**

The political system is based on the principles of democracy and shura (counsel), citizenship (under which all citizens are equal in rights and duties), multi-party pluralism, peaceful transfer of power, separation of powers and the balance between them, the rule of law, and respect for human rights and freedoms; all as elaborated in the Constitution.

No political party shall be formed that discriminates on the basis of gender, origin or religion.

#### **Article 7**

Defense of the motherland and its soil is a sacred duty, and conscription is obligatory in accordance with the law.

### **Chapter Two: Social and ethical principles**

#### **Article 8**

The State guarantees the means to achieve justice, equality and freedom, and is committed to facilitating the channels of social charity and solidarity between the members of society, and to ensure the protection of persons and property, and to working toward providing for all citizens; all within the context of the law.

#### **Article 9**

The State shall ensure safety, security and equal opportunities for all citizens without discrimination.

#### **Article 10**

The family is the basis of the society and is founded on religion, morality and patriotism.

The State is keen to preserve the genuine character of the Egyptian family, its cohesion and stability, and to protect its moral values, all as regulated by law.

The State shall ensure maternal and child health services free of charge, and enable the reconciliation between the duties of a woman toward her family and her work.

The State shall provide special care and protection to female breadwinners, divorced women and widows.

#### **Article 11**

The State shall safeguard ethics, public morality and public order, and foster a high level of education and of religious and patriotic values, scientific thinking, Arab culture, and the historical and cultural heritage of the people; all as shall be regulated by law.

#### **Article 12**

The State shall safeguard the cultural and linguistic constituents of society, and foster the Arabization of education, science and knowledge.

#### **Article 13**

The institution of civil titles shall be prohibited.

### **Chapter Three: Economic Principles**

#### **Article 14**

National economy shall be organized in accordance with a comprehensive, constant development plan, ensuring the increase of national income, enhancement of standard of living, elimination of poverty and unemployment, increase of work opportunities, and increase of production.

The development plan shall establish social justice and solidarity, ensure equitable distribution, protect consumer rights, and safeguard the rights of workers, dividing development costs between capital and labor and sharing the revenues justly.

Wages shall be linked to production, bridging income gaps and establishing a minimum wage that would guarantee decent living standards for all citizens, and a maximum wage in civil service positions with exemptions regulated by law.

#### **Article 15**

Agriculture is an essential asset of the national economy. The State shall protect and increase farmland, work on the development of crop and plant varieties, develop and protect animal breeds and fisheries, achieve food security, provide the requirements of agricultural production, its good management and marketing, and support agricultural industries.

The law regulates the use of land, in such a way as to achieve social justice, and protect farmers and agricultural laborer from exploitation.

#### **Article 16**

The State is committed to the development of the countryside and the desert, working to raise the standard of living of the farmers and the people of the desert.

#### **Article 17**

Industry is an essential asset of the national economy. The State shall protect strategic industries, support industrial development, and import new technologies and their applications.

The State shall foster small handicraft industries.

#### **Article 18**

The natural resources of the State belong to the people, who have a right to their revenues. The State is committed to preserving such resources for future generations and putting them to good use.

State property is not to be disposed of. The franchise to use, or the commitment to a public utility, can only be granted according to legal regulations.

All money with no owner belongs to the State.

#### **Article 19**

The Nile River and water resources are a national wealth. The State is committed to maintaining and developing them, and preventing abuse. The use of such resources shall be regulated by law.

#### **Article 20**

The State shall protect its coasts, seas, waterways and lakes, maintain monuments and nature reserves, and remove any encroachments.

#### **Article 21**

The State guarantees and protects legitimate ownership of all kinds of public, cooperative and private property and endowments, as shall be regulated by law.

#### **Article 22**

Public funds are inviolable. It is a national duty of the State and society to safeguard them.

#### **Article 23**

The State shall support cooperatives in all forms and ensure their independence.

#### **Article 24**

Private property is inviolable and has a function in the service of national economy without deviation or monopoly. The right of inheritance shall be safeguarded. Private property may not be placed under sequestration except in cases specified by law, and with a court order. Ownership of property may not be removed except in cases where the public good requires and with just compensation paid in advance.

All of the above shall be regulated by law.

#### **Article 25**

The State is committed to reviving and encouraging the system of charitable endowments. The way an endowment is established, the management of its funds, their investment and the distribution of proceeds to the beneficiaries, shall all be regulated by law, according to the terms of the trustee.

#### **Article 26**

Social justice is the foundation of taxation and other public finance duties.

Public taxes shall not be established, modified or repealed except by law. There shall be no exemptions except in the cases prescribed by law. No one shall be required to pay additional taxes or fees except within the limits of the law.

#### **Article 27**

Workers shall have a share of the management and profits of enterprises. They shall be committed in turn to the development of production, to protecting its means and to the implementation of plans in their production units, in accordance with the law.

Workers shall be represented on the boards of directors of public sector units within the limit of 50 percent of the number of members of these boards. The law shall guarantee for small farmers and small craftsmen 80 percent of membership on the boards of directors of agricultural and industrial cooperatives.

#### **Article 28**

Saving is encouraged and protected by the State. The State shall also safeguard insurance and pension funds, in accordance with legal regulations.

#### **Article 29**

Nationalization shall not be allowed except for in consideration of public interest, in accordance with the law and against fair compensation.

#### **Article 30**

Public sequestration of property shall be prohibited.

Private sequestration shall not be allowed except under a court judgment.

### **PART II: RIGHTS AND FREEDOMS**

#### **Chapter One: Personal rights**

#### **Article 31**

Dignity is the right of every human being, safeguarded by the State.

Insulting or showing contempt toward any human being shall be prohibited.

#### **Article 32**

Egyptian nationality is a right, regulated by law.

#### **Article 33**

All citizens are equal before the law. They have equal public rights and duties without discrimination.

#### **Article 34**

Individual freedom is a natural right, safeguarded and inviolable.

#### **Article 35**

Except in cases of *flagrante delicto*, no person may be arrested, inspected, detained or prevented from free movement except under a court order necessitated by investigations.

Any person arrested or detained must be informed of the reasons in writing within 12 hours, be presented to the investigating authority within 24 hours from the time of arrest, be interrogated only in the presence of a lawyer, and be provided with a lawyer when needed.

The person arrested or detained, and others, have the right of appeal to the courts against the measure of arrest. If a decision is not provided within a week, release becomes imperative.

The law regulates the rules for temporary detention, its duration and its causes, and cases of entitlement to compensation, whether for temporary detention or for a sentence carried out that a court final ruling has revoked.

#### **Article 36**

Any person arrested, detained or whose freedom is restricted in any way, shall be treated in a manner preserving human dignity. No physical or moral harm shall be inflicted upon that person.

Only places that are humanely and hygienically fit, and subject to judicial supervision, may be used for detention.

The violation of any of the above is an offense punishable by law.

Any statement proved to have been made by a person under any of the aforementioned forms of duress or coercion or under the threat thereof, shall be considered invalid and futile.

#### **Article 37**

Prison is a place of discipline and reform, subject to judicial supervision, where anything that is contrary to human dignity or a person's health is prohibited.

The State is responsible for the rehabilitation of convicts and facilitating a decent life for them after their release.

#### **Article 38**

The private life of citizens is inviolable. Postal correspondence, wires, electronic correspondence, telephone calls and other means of communication shall have their own sanctity and secrecy and may not be confiscated or monitored except by a causal judicial warrant.

#### **Article 39**

Private homes are inviolable. With the exception of cases of immediate danger and distress, they may not be entered, searched or monitored, except in cases defined by law, and by a causal judicial warrant which specifies place, timing and purpose. Those in a home shall be alerted before the home is entered or searched.

#### **Article 40**

All residents have a right to security which is safeguarded by the State, and are protected by law against criminal threats.

#### **Article 41**

The sanctity of the human body is inviolable, and the trafficking of human organs prohibited. No person may be subjected to any medical or scientific experiment without free, documented consent, and in accordance with the established foundations of medical science, in the manner regulated by law.

#### **Article 42**

Freedom of movement, residence and immigration shall be safeguarded.

No citizen may be deported from or prevented from returning to the country.

No citizen shall be prevented from leaving the country, nor placed under house arrest, except by a causal judicial warrant, and for a definite period.

## **Chapter Two: Moral and political rights**

### **Article 43**

Freedom of belief is an inviolable right.

The State shall guarantee the freedom to practice religious rites and to establish places of worship for the divine religions, as regulated by law.

### **Article 44**

Insult or abuse of all religious messengers and prophets shall be prohibited.

### **Article 45**

Freedom of thought and opinion shall be guaranteed.

Every individual has the right to express an opinion and to disseminate it verbally, in writing or illustration, or by any other means of publication and expression.

### **Article 46**

Freedom of creativity in its various forms is the right of every citizen.

The State shall advance science, literature and the arts, care for creators and inventors, protect their creations and innovations, and work to apply them for the benefit of society.

The State shall take the necessary measures to preserve the nation's cultural heritage and promote cultural services.

### **Article 47**

Access to information, data, documents and statistics, and the disclosure and circulation thereof, is a right guaranteed by the state, in a manner that does not violate the sanctity of private life or the rights of others, and that does not conflict with national security.

The law regulates the rules for filing and archiving public documents, the means of access to information, the means of complaint when access is refused, and the consequent accountability.

### **Article 48**

Freedom of the press, printing, publication and mass media shall be guaranteed. The media shall be free and independent to serve the community and to express the different trends in public opinion, and contribute to shaping and directing in accordance with the basic principles of the State and society, and to maintain rights, freedoms and public duties, respecting the sanctity of the private lives of citizens and the requirements of national security. The closure or confiscation of media outlets is prohibited except with a court order.

Control over the media is prohibited, with the exception of specific censorship that may be imposed in times of war or public mobilization.



#### **Article 49**

Freedom to publish and own newspapers of all kinds is a guaranteed subject of notification for every natural or juridical Egyptian person.

The establishing of radio stations, television broadcasting and digital media is regulated by law.

#### **Article 50**

Citizens have the right to organize public meetings, processions and peaceful demonstrations, unarmed and based on the notification regulated by law.

The right to private assembly is guaranteed without the need for prior notice. Security personnel shall not attend or intercept such private meetings.

#### **Article 51**

Citizens have the right to establish associations and civil institutions, subject to notification only. Such institutions shall operate freely, and be deemed legal persons.

Authorities may not disband them or their administrative bodies without a court order, in the manner prescribed by the law.

#### **Article 52**

The freedom to form syndicates, unions and cooperatives is a right guaranteed by law. They shall be deemed legal persons, be formed on a democratic basis, operate freely, participate in the service of community service, raising the standard of productivity among their members, and safeguarding their assets.

Authorities may not disband them or their boards except under a court order.

#### **Article 53**

Professional syndicates are regulated by law and managed on a democratic basis, the accountability of their members subject to professional codes of ethics. One trade union is allowed per profession.

Authorities may not disband the boards of professional syndicates except with a court order, and may not place them under sequestration.

#### **Article 54**

Every individual has the right to address public authorities in writing and under his own signature.

Addressing public authorities should not be in the name of groups, with the exception of juridical persons.

#### **Article 55**

Citizen participation in public life is a national duty: Every citizen shall have the right to vote, run for elections, and express opinions in referendums, according to the provisions of the law.

The State is responsible for the inclusion of the name of every citizen who is qualified to vote in the voters' database without waiting for an application.

The State shall ensure the fairness, validity, impartiality and integrity of referendums and elections. Interference in anything of the above is a crime punishable by law.

#### **Article 56**

The State shall safeguard the interests of Egyptians living abroad, protect them and protect their rights and freedoms, help them perform their public duties toward the Egyptian State and society, and encourage their contribution to the development of the nation.

Their participation in elections and referendums is regulated by law.

#### **Article 57**

The right to political asylum shall be granted by the State to every foreigner deprived in their country of public rights and freedoms guaranteed by the Constitution.

Extradition of political refugees is prohibited.

All of the above shall be subject to law regulations.

### **Chapter Three: Economic and social rights**

#### **Article 58**

High-quality education is a right guaranteed by the State for every citizen. It is free throughout its stages in all government institutions, obligatory in the primary stage, and the State shall work to extend obligation to other stages.

The State supports and encourages technical education, and oversees education in all its forms.

All educational institutions, public and private, local and otherwise shall abide by the State educational plans and goals, and realize the link between education and the needs of society and production.

#### **Article 59**

The State shall guarantee the freedom of scientific and literary research. The autonomy of universities, scientific and linguistic academies, and research centers shall be safeguarded; the State shall provide them with a sufficient percentage of the national revenue.

#### **Article 60**

The Arabic language is a primary subject in all stages of education in all educational institutions.

Religious education and national history are core subjects of pre-university education in all its forms.

Universities shall be committed to the teaching of ethics pertaining to the various disciplines.

#### **Article 61**

The State shall develop a comprehensive plan to eradicate illiteracy across ages, for males and females, to be executed with social participation within 10 years from the date of the constitution.

#### **Article 62**

Healthcare is a right of every citizen, and the State shall allocate a sufficient percentage of the national revenue.

The State shall provide healthcare services and health insurance in accordance with just and high standards, to be free of charge for those who are unable to pay.

All health facilities shall provide various forms of medical treatment to every citizen in cases of emergency or life danger.

The State shall supervise all health facilities, inspect them for quality of services, and monitor all materials, products and means of health-related publicity. Legislation to regulate such supervision shall be drafted.

### **Article 63**

Work is a right, duty and honor for every citizen, guaranteed by the State on the basis of the principles of equality, justice and equal opportunities.

There shall be no forced labor except in accordance with law.

Public sector employees shall work in the service of the people. The State shall employ citizens on the basis of merit, without nepotism or mediation. Any violation is a crime punishable by law.

The State guarantees for every worker the right to fair pay, vacation, retirement and social security, healthcare, protection against occupational hazards, and the application of occupational safety conditions in the workplace, as prescribed by law.

Workers may not be dismissed except in the cases prescribed by law.

The right to peaceful strike is regulated by law.

### **Article 64**

With regards to the martyrs and the injured of wars, of the 25 January revolution, and of national duty, the State shall honor them and support their families, as well as war veterans and the injured, the families of those missing at war, and similar cases.

They, their children and their wives shall have priority in employment opportunities.

All of the above shall be regulated by law.

### **Article 65**

The State shall provide social insurance services.

All citizens unable to support themselves and their families in cases of incapacity, unemployment and old age have the right to social insurance guaranteeing a minimum sustenance.

### **Article 66**

The State shall provide an adequate pension for small-scale farmers, agricultural workers, casual workers, and all who do not have access to the social insurance system.

All are subject to law regulations.

### **Article 67**

Adequate housing, clean water and healthy food are given rights.

The state adopts a national housing plan, its basis in social justice, the promotion of independent initiatives and housing cooperatives, and the regulation of the use of national territory for the purposes of construction, in accordance with public interest and with the rights of future generations.

#### **Article 68**

Everyone has the right to play sports.

State and social institutions shall strive to discover talented athletes and support them, and take the necessary measures to encourage exercise.

#### **Article 69**

All individuals have the right to a healthy environment. The State shall safeguard the environment against pollution, and promote the use of natural resources in a manner that prevents damage to the environment and preserves the rights of future generations.

#### **Article 70**

Every child, from the moment of birth, has the right to a proper name, family care, basic nutrition, shelter, health services, and religious, emotional and cognitive development.

The State shall care and protect the child in the case of the loss of family. The State also safeguards the rights of disabled children, and their rehabilitation and integration into society.

Child labor is prohibited before passing the age of compulsory education, in jobs that are not fit for a child's age, or that prevent the child from continuing education.

A child may only be detained for a specified period, must be provided with legal assistance, and be held in a convenient location, taking into account separation according to gender, ages and type of crime, and be held away from places of adult detention.

#### **Article 71**

The State shall provide care for children and youth; shall support their development spiritually, morally, culturally, educationally, physically, psychologically, socially and economically; and shall empower them for active political participation.

#### **Article 72**

The State shall provide for people with disabilities health, economic and social care, and shall provide them with employment opportunities, raise social awareness toward them, and adapt public facilities to suit their needs.

#### **Article 73**

All forms of oppression, forced exploitation of humans and sex trade are prohibited and criminalized by law.

### **Chapter Four: Guarantees for the protection of rights and freedoms**

#### **Article 74**

Sovereignty of the law shall be the basis of rule in the State.

The independence and immunity of the judiciary are two basic guarantees to safeguard rights and freedoms.

#### **Article 75**

The right to litigation is inalienable and guaranteed for all.

The State shall guarantee accessibility of judicature for litigants, and rapid decision on cases.

Any stipulation of immunity of any act or administrative decision from the control of the judicature is prohibited.

No person shall be tried except before their natural judge; exceptional courts are prohibited.

#### **Article 76**

Penalty shall be personalized. There shall be no crime or penalty except in accordance with the law of the Constitution. No penalty shall be inflicted except by a judicial sentence. Penalty shall be inflicted only for acts committed after a law has come into force.

#### **Article 77**

No criminal action shall be made except under an order from a judiciary body, save for cases defined by law.

A defendant is innocent until proven guilty in legal trial, and granted the right of defense. Every person accused of a felony shall be provided with a defense lawyer. Minor offenses, in which a defense lawyer is also required, are determined by law.

The law regulates the rules of appeal for felonies and offenses.

The state shall provide protection for victims of crime, witnesses, defendants and informants where necessary.

#### **Article 78**

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

The law secures, for financially incapable citizens, means to resort to justice and to defend their rights.

#### **Article 79**

Sentences shall be issued and enforced in the name of the people. Abstention from or obstruction of enforcing such sentences on the part of the concerned civil servants is considered a crime punishable by law. In such case, a person issued a sentence in his favor shall have the right to lodge a direct criminal action before the competent court.

#### **Article 80**

Any encroachment on any of the rights and freedoms guaranteed by the Constitution shall be considered a crime for which criminal and civil lawsuit shall not be forfeited by prescription. The State shall grant a fair compensation to the victim of such encroachment.

The injured party shall have the right to lodge a direct criminal action.

The National Council for Human Rights shall inform the Public Prosecution of any violation of these rights, may join the injured party in a civil action, and may appeal on their behalf.

#### **Article 81**

Rights and freedoms pertaining to the individual citizen shall not be subject to disruption or detraction.

No law that regulates the practice of the rights and freedoms shall include what would constrain their essence.

Such rights and freedoms shall be practiced in a manner not conflicting with the principles pertaining to State and society included in Part I of this Constitution.

### **PART III: PUBLIC AUTHORITIES**

#### **Chapter One: Legislative authority**

##### **Section 1: Common provisions**

###### **Article 82**

The legislative power shall consist of the House of Representatives and the Shura Council.

Each shall exercise their respective authorities as set out in the Constitution.

###### **Article 83**

Membership of the House of Representatives and the Shura Council may not be combined.

Other cases of incompatibility may be specified by law.

###### **Article 84**

Save in exceptional cases defined by law, members of either the House of Representatives or the Shura Council are to be fully devoted to their offices, with any other job or post kept open for their return, in accordance with the provisions of the law.

###### **Article 85**

A Member of a Legislative House is unconditionally representative of the population as a whole.

###### **Article 86**

Prior to the start of his or her tenure, a Member shall take the following oath before his or her Council: "I swear by Almighty God to loyally uphold the republican system, to respect the Constitution and the law, to fully look after the interests of the people, and to safeguard the independence and territorial integrity of the motherland."

###### **Article 87**

The Court of Cassation shall have final jurisdiction over the validity of memberships in both Houses. Challenges shall be submitted to the court within a period not exceeding 30 days from the announcement of the final election results, and a verdict shall be passed within 60 days from the date of receipt of the challenge.

Where a membership is deemed invalid, it becomes void from the date the verdict is reported to Parliament.

###### **Article 88**

Throughout his or her tenure, no Member of a Legislative House may, in person or through an intermediary, purchase or rent any State property, lease or sell to or barter with the State any part of their own property, or conclude a contract with the State as vendor, supplier or contractor.

Members shall provide financial disclosures and present them to their Council, at the start and at the end of their tenure, as well as at the end of each year.

If, in relation to their membership in a Legislative House, Members should receive cash or in-kind gifts, such gifts shall go into the Public Treasury.

All of the above is subject to regulation by law.

#### **Article 89**

Members of the Legislative Houses shall not be held to account for any opinions pertaining to their tasks in Parliament.

#### **Article 90**

It is prohibited, except in cases of *flagrante delicto*, to take criminal action against Members of the Legislative Houses without prior permission from their Council. If not in session, permission must be granted by the Council Office, and the House of Representatives or Shura Council notified at the first subsequent session of any measures taken.

In all cases, if a request for permission to take legal action against a Member of Parliament does not receive a response within 30 days, the permission is to be considered granted.

#### **Article 91**

Members shall receive a remuneration determined by the law.

#### **Article 92**

The seats of both the House of Representatives and the Shura Council are in Cairo.

However, in exceptional circumstances, either of them may hold meetings elsewhere, at the request of the President of the Republic or one-third of the members of the House or Council.

Any meetings otherwise shall be deemed illegitimate and the resolutions passed therein shall be considered void.

#### **Article 93**

The sessions of the House of Representatives and the Shura Council shall be held in public.

However, closed sessions may be held at the request of the President of the Republic, the Prime Minister, or at least 20 of its members. The House of Representatives or Shura Council shall then decide whether the debate on the question submitted thereto shall take place in public or closed sessions.

#### **Article 94**

The President of the Republic shall convoke the House of Representatives and the Shura Council for their ordinary annual sessions before the first Thursday of October. If not convoked, the Councils are prescribed by the Constitution to meet on the said day.

The ordinary meeting session shall continue for at least eight months. The President of the Republic shall bring each session to a close with the approval of the Councils, and in the case of the House of Representatives, only after the general budget of the State has been adopted.

#### **Article 95**

When necessary, the House of Representatives or the Shura Council may be called to an extraordinary meeting, by the President of the Republic, by the Cabinet, or upon a request signed by at least 10 Shura Council or House of Representatives members.

#### **Article 96**

The meetings of the House of Representatives or Shura Council, and the resolutions they pass, shall not be considered valid unless attended by the majority of its members.

In cases other than those stipulating a special majority, resolutions shall be adopted based on an absolute majority of the members present. In case of a tie vote, the matter in deliberation shall be deemed rejected.

#### **Article 97**

Each Council shall elect, in the first meeting of its regular annual session, a speaker and two deputy speakers for the full legislative term in the case of the House of Representatives, and for half of the legislative term in the case of the Shura Council. If the seat of either becomes vacant, the Shura Council or House of Representatives shall elect a replacement, whose term will last until the end of its predecessor's.

In all cases, one-third of the members of either House could request a new election of the Speaker or Deputy Speakers in the first meeting of the regular annual session.

#### **Article 98**

If the presidency is temporarily assumed by the Speaker of the House of Representatives or of the Shura Council, said Council shall be chaired by the older of the two Deputy Speakers.

#### **Article 99**

Each Council shall lay down its own bylaws regulating its work and the manner of practicing its functions, to be published in the Official Gazette.

#### **Article 100**

Each Council shall maintain its internal order, a responsibility assumed by each Council's Speaker.

No armed forces may be present within or in vicinity of either of the Legislative Houses except at the request of the Council's Speaker.

#### **Article 101**

The President of the Republic, the Cabinet, and every member of the House of Representatives shall have the right to propose laws.

Every draft law shall be referred to a specialist committee of the House of Representatives, which shall study it and submit a report.

Draft laws presented by members of the House of Representatives shall not be referred to that committee before being first endorsed by the Proposals Committee and approved for consideration by the House of Representatives. Reasons for rejection must be presented if the Proposals Committee does not endorse a proposal for consideration.

A draft law proposed by a member but rejected by the House of Representatives may not be presented again during the same legislative term.



#### **Article 102**

Neither of the Legislative Houses may pass a bill without seeking consultation.

Each Council has the right to apply amendments and break down existing clauses or suggested amendments.

Each bill passed by one of the Councils shall be passed on to the other, which in turn shall not delay it for more than 60 days, excluding the legislative recess. It shall not be considered a law unless passed by both Councils.

#### **Article 103**

In case of legislative dispute between the two Councils, a joint committee of 20 members shall be formed, 10 selected by each Council from among its members and based on the nominations of its General Committee. The joint committee shall then propose the wording of the disputed clauses.

The proposals are then presented to each Council; if an agreement is not reached, the case is taken to the House of Representatives to reach a decision based on a two-thirds majority vote.

#### **Article 104**

The House of Representatives shall notify the President of the Republic of any law passed for the President to issue the new law within 15 days from the date of receiving it. In case the President objects to the draft law, it must be referred back to the House of Representatives within 30 days.

If the draft law is not referred back within this period, or if it is approved again by a majority of two-thirds of the members, it shall be considered a law and shall be disseminated as such.

If it is not approved by the House of Representatives, it may not be presented in the same session before four months have passed from the date of the decision.

#### **Article 105**

Every member of the House of Representatives or Shura Council is entitled to address questions to the Prime Minister or any of his deputies or ministers concerning matters within their respective jurisdiction. They in turn shall be obliged to answer such questions.

The Member may withdraw the question at any time, and the same question may not be transformed into an interrogation within the same session.

#### **Article 106**

Any Member of either Council may propose to the Prime Minister, one of his deputies or a minister the discussion of a public issue.

#### **Article 107**

Any 20 members of the House of Representatives, or 10 of the Shura Council, may request the discussion of a public issue to obtain clarification on the government's policy in its regard.

#### **Article 108**

Any Member of the House of Representatives or the Shura Council has the right to obtain data or information pertaining to their own performance at the Council, taking into account the provisions of Article 47 of the Constitution.

#### **Article 109**

Citizens may submit written proposals to either Council regarding public issues.

Citizens may also submit complaints to either Council to be referred to the relevant ministers. Based on the Council's request, the minister may provide a clarification, and the citizen who issued the complaint shall be kept informed.

#### **Article 110**

The Prime Minister, his deputies, ministers and their deputies may attend the sessions and committees of the Councils. Their attendance may be obligatory if requested by either Council. They may be assisted by high-ranking officials of their choice.

They shall be heard whenever they request to speak; they shall answer questions pertaining to issues in discussion, but shall have no counted vote when votes are taken.

#### **Article 111**

Each Council accepts the resignation of its members, which must be submitted in writing, and to be accepted must not be submitted after a Council has started measure of revoking membership against the resigning Member.

#### **Article 112**

Membership of either Council may only be revoked if a Member has lost trust, status or any of the membership requirements that were prerequisites for their election, or if they have violated the duties of the membership.

Decision on revoking membership shall be issued by a majority of two-thirds of the Council in question.

#### **Article 113**

If the seat of a member becomes vacant at least six months before the end of term, the vacant position must be filled in accordance with the law within 60 days from the date the vacancy is first reported.

The term of the new Member shall be complementary to that of the predecessor.

### **Section 2: House of Representatives**

#### **Article 114**

The House of Representatives shall have at least 350 members, elected by direct, secret public balloting.

A candidate for parliamentary elections must be an Egyptian citizen, enjoying civil and political rights, holder of a certificate of basic education, and 25 years old or older at the time of candidacy.

Other requirements of candidacy, the provisions for election, the fairly representative division of constituencies, shall be defined by law.

#### **Article 115**

The term of membership is five calendar years, commencing from the date of its first session.

Elections for a new House of Representatives shall be held during the 60 days preceding the end of term for the previous House of Representatives.

**Article 116**

The House of Representatives shall hold the legislative power, and be responsible for approving the general policy of the State, the public plan for economic and social development and the Overall Budget of the State. It shall exercise control over the work of the executive authority, in the manner prescribed by the Constitution.

The procedures for drafting the public plan for economic and social development, and presenting it to the House of Representatives, are determined by law.

**Article 117**

The Overall Budget of the state must include all revenue and expenditure without exception. The draft Overall Budget shall be submitted to the House of Representatives at least 90 days before the beginning of the fiscal year. It shall not be considered in effect unless approved thereby, and it shall be put to vote on a chapter-by-chapter basis.

The House of Representatives may modify the expenditures in the draft Budget, except those proposed to honor a specific liability. Should the modification result in an increase in total expenditure, the House of Representatives shall agree with the government on means to secure revenue resources to achieve the balance between revenues and expenditures. The Budget shall be issued in a law, which may include modification 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 earlier budget shall remain in effect until the new budget has been approved.

The specifics of the fiscal year, the method of budget preparation, the provisions of the budgets of institutions, public bodies, and their accounts, shall be defined by law.

**Article 118**

The approval of the House of Representatives 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 its estimates; the approval shall be issued in a law.

**Article 119**

The basic rules for collection of public funds and the procedure for their disbursement shall be regulated by law.

**Article 120**

The rules governing salaries, pensions, indemnities, subsidies and bonuses taken from the State Treasury are regulated by law; so are the cases for exception from such rules, and the authorities in charge of their application.

**Article 121**

The Executive Authority shall not contract a loan, obtain a fund, or commit itself to a project entailing expenditure from the State Treasury for a subsequent period, except with the House of Representatives' approval.

**Article 122**

The final account of the Overall Budget shall be submitted to the House of Representatives within a period not exceeding six months from the end of the fiscal year. The annual report of the Central Auditing Organization and the latter's observations on the final account are to be attached.

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

The House of Representatives has the right to request from the Central Auditing Organization any additional data or pertinent reports.

#### **Article 123**

The House of Representatives may form a special committee or entrust one of its existing committees to examine the activities of any administrative department or institution or public enterprise, for the purpose of fact-finding regarding a specific issue and informing the House of Representatives of the actual financial, administrative or economic status, or for conducting investigations into a past activity; the House of Representatives shall decide on the appropriate course of action.

In order to carry out its mission, such a committee would be entitled to collect the evidence it deems necessary and to summon individuals for interviews. All executive and administrative bodies shall respond to demands by the committee and put under its disposal all the documents and evidence required.

#### **Article 124**

Members of the House of Representatives have the right to submit a request for information or for an urgent statement to the Prime Minister, to one of the Prime Minister's deputies, or to a minister in urgent public matters of importance.

The government is obliged to respond.

#### **Article 125**

Every Member of the House of Representatives is entitled to address interpellations to the Prime Minister, the Prime Minister's deputies, or to ministers concerning matters within their respective jurisdiction.

Debate on an interpellation shall take place at least seven days after its submission, except in cases of urgency as decided by the House of Representatives and with the government's consent.

#### **Article 126**

The House of Representatives may decide to withdraw its confidence from the Prime Minister, a deputy of the Prime Minister, or any one of the ministers.

A motion of no confidence may be submitted only after an interpellation, upon proposal by one-tenth of the House of Representatives' members. The House of Representatives should reach a decision within seven days from the date of debating the motion. Withdrawal of confidence needs a majority vote from the members of the House of Representatives.

In all case, a no confidence motion may not be passed in connection with an issue that had already been decided upon in the same juridical term.

If the House of Representatives decides to withdraw confidence from the Prime Minister or a minister, and the Cabinet announced its solidarity with him before the vote, then that Cabinet is obliged to offer its resignation. If the no confidence resolution concerns a certain member of the government, that member is obliged to resign their office.

#### **Article 127**

The President of the Republic may not dissolve the House of Representatives except by a causative decision and following a public referendum.

A House of Representatives may not be dissolved during its first annual session, nor for the same cause for which the immediately previous House of Representatives was dissolved.

To dissolve the House of Representatives, the President must issue a decision to suspend parliamentary sessions and hold a referendum within 20 days. If voters agreed with a valid majority on the dissolution, it shall be carried out. The President shall then call for early parliamentary elections to take place within 30 days from the date of the dissolution. The new House of Representatives shall convene within the 10 days following the completion of elections.

If no such majority agrees to the dissolution, the President of the Republic shall resign.

If, however, the referendum or elections do not take place within the specified time limit, the existing Parliament shall reconvene of its own accord on the day following the expiry of the time limit.

### **Section 3: Shura Council**

#### **Article 128**

The Shura Council shall have at least 150 members, elected by direct secret ballot. The President of the Republic may appoint a number of members not exceeding one-tenth of the number of elected members.

#### **Article 129**

A candidate for the Shura Council must be an Egyptian citizen enjoying civil and political rights, a holder of a certificate of higher education, and, at the time of candidacy, at least 35 years old.

Other requirements of candidacy, the provisions for election, the division of constituencies, shall be defined by law.

#### **Article 130**

The term of membership of the Shura Council is six years, whereas renewed election and appointment of 50 percent of the total number of members, whether elected or appointed, is every three years, as defined by law.

#### **Article 131**

In the case of the dissolution of House of Representatives, the Shura Council shall carry out its joint legislative responsibilities. Any bills passed by the Shura Council during the period of House of Representatives' dissolution shall be presented to the new House of Representatives for consideration as soon as it is convened.

In the absence of both Legislative Houses, and where there is a requirement for urgent measures, the President of the Republic may issue decrees that have the force of law, which shall then be presented to the House of Representatives and the Shura Council — as the case may be — within 15 days from the start of their sessions.

If such decrees were not presented to the Councils, or if they were presented but not approved, their force of law is retrospectively revoked, unless the Council affirms their validity for the previous period, or chooses to settle the consequent effects in some other manner.

## **Chapter Two: Executive Authority**

### **Section 1: The President**

#### **Article 132**

The President is the Head of State and chief of the executive authority. He looks after the interests of the people, safeguards the independence and territorial integrity of the motherland, and observes the separation between powers.

He carries out his responsibilities in the manner prescribed in the Constitution.

### **Article 133**

The President of the Republic shall be elected for a period of four calendar years, commencing on the day the term of his predecessor ends. The President may be reelected only once.

The process of the presidential election begins at least 90 days before the end of the presidential term. The result is to be announced at least 10 days before the end of term.

The President of the Republic may not hold any partisan position for the duration of the presidency.

### **Article 134**

A presidential candidate must be an Egyptian citizen born to Egyptian parents, must have carried no other citizenship, must have civil and political rights, cannot be married to a non-Egyptian, and at the time of nomination cannot be younger than 40 Gregorian years.

### **Article 135**

A prerequisite for nomination to the presidency is a recommendation by at least 20 elected members of the House of Representatives and the Shura Council, or endorsements from at least 20,000 citizens who have the right to vote, in at least 10 governorates, with a minimum of 1,000 endorsements from each governorate.

No one shall be allowed to endorse more than one candidate, as shall be regulated by law.

### **Article 136**

The President of the Republic is elected by direct secret ballot, with an absolute majority of valid votes. The procedures for electing the President of the Republic shall be regulated by law.

### **Article 137**

Before assuming the presidential position, the President of the Republic shall take the following oath before the House of Representatives and the Shura Council: "I swear by Almighty God to loyally uphold the republican system, to respect the Constitution and the law, to fully look after the interests of the people and to safeguard the independence and territorial integrity of the motherland."

In case the House of Representatives is dissolved, the oath is to be taken before the Shura Council.

### **Article 138**

The finances of the President of the Republic are stipulated by law; the President shall not receive any other salary or remuneration, nor engage throughout the presidential term, whether in person or through an intermediary, in an independent profession or business, nor is the President allowed to buy or rent state property, nor lease or sell to or barter with the State any part of their own property, nor conclude a contract with the State as vendor, supplier or contractor.

The President must submit to the House of Representatives a financial disclosure upon taking office, upon leaving it, and at the end of each year.

If, in relation to the presidential post, the President should receive, in person or through an intermediary, cash or in-kind gifts, such gifts shall go into the State Treasury.

All of the above is subject to regulation by law.

#### **Article 139**

The President of the Republic appoints the Prime Minister, who shall be assigned by the President the task of forming the Cabinet and presenting it to the House of Representatives within 30 days. If the Cabinet is not granted parliamentary confidence, the President shall appoint another Prime Minister from the party that holds the majority of seats in the House of Representatives. If the Cabinet of that appointed Prime Minister does not obtain parliamentary confidence within a similar period, the House of Representatives then appoints a Prime Minister who shall be assigned by the President the task of forming a Cabinet, provided said Cabinet obtains parliamentary confidence within a similar period. Otherwise, the President of the Republic shall dissolve the House of Representatives and call the elections of a new House of Representatives within 60 days from the date the dissolution is announced.

In all cases, the sum of the periods set forth in this Article should not exceed 90 days.

In the case of dissolution of the House of Representatives, the Prime Minister shall present the Cabinet and its plan to the new House of Representatives at its first session.

#### **Article 140**

The President of the Republic, in conjunction with the Cabinet, shall lay out the public policy of the State and oversee its implementation, in the manner prescribed in the Constitution.

#### **Article 141**

The President of the Republic shall exercise presidential authority via the Prime Minister and the Prime Minister's deputies and ministers, except those authorities related to defense, national security and foreign policy, and authorities outlined in Articles 139, 145, 146, 147, 148 and 149 of the Constitution.

#### **Article 142**

The President of the Republic may delegate some of the presidential purviews to the Prime Minister, the Prime Minister's deputies, ministers or governors, in the manner regulated by law.

#### **Article 143**

The President of the Republic may call for Cabinet meetings to discuss important matters, shall preside over such meetings, and shall request reports about public affairs from the Prime Minister.

#### **Article 144**

The President of the Republic shall deliver a statement on the general policy of the State in a joint session of the House of Representatives and the Shura Council at the opening of their regular annual sessions.

The President may, when appropriate, make other statements or convey specific messages to either Council.

#### **Article 145**

The President of the Republic shall represent the State in foreign relations and shall conclude treaties and ratify them after the approval of the House of Representatives and the Shura Council. Such treaties shall have the force of law after ratification and publication, according to established procedures.

Approval must be acquired from both Legislative Houses with a two-thirds majority of their members for any treaty of peace, alliance, trade and navigation, and all treaties related to the rights of sovereignty or that make the State Treasury liable for any expenditures not included in its overall budget.

No treaty contrary to the provisions of the Constitution shall be approved.

#### **Article 146**

The President of the Republic shall be the Supreme Commander of the Armed Forces. The President is not to declare war, or send the Armed Forces outside State territory, except after consultation with the National Defense Council and the approval of the House of Representatives with a majority of its members.

#### **Article 147**

The President of the Republic shall appoint civil and military personnel and dismiss them, shall appoint diplomatic representatives and remove them, and shall confirm political representatives of foreign countries and organizations, as regulated by law.

#### **Article 148**

The President of the Republic shall declare, after consultation with the Cabinet, a state of emergency in the manner regulated by law. Such proclamation must be submitted to House of Representatives within the following seven days.

If the declaration takes place when the House of Representatives is not in session, a session is called for immediately. In case the House of Representatives is dissolved, the matter shall be submitted to the Shura Council, all within the period specified in the preceding paragraph. The declaration of a state of emergency must be approved by a majority of members of each Council. The declaration shall be for a specified period not exceeding six months, which can only be extended by another similar period upon the people's approval in a public referendum.

The House of Representatives cannot be dissolved while a state of emergency is in place.

#### **Article 149**

The President of the Republic may issue a pardon or mitigate a sentence.

General amnesty may only be granted in a law.

#### **Article 150**

The President of the Republic may call for a referendum on important issues relating to the supreme interests of the State. The result of a referendum shall be binding to all state authorities and the general public in all cases.

#### **Article 151**

For the President of the Republic to resign, a letter of resignation must be presented to the House of Representatives.

#### **Article 152**

A charge of felony or treason against the President of the Republic is to be based on a motion signed by at least one-third of the members of the House of Representatives. An impeachment is to be issued only by a two-thirds majority of the members of the House of Representatives.

As soon as an impeachment decision has been issued, the President of the Republic shall cease all work; this shall be treated as a temporary obstacle preventing the President from carrying out presidential duties until a verdict is reached.

The President of the Republic shall be tried before a special court headed by the President of the Supreme Constitutional Court, the longest-serving Deputy of the President of the Court of Cassation and the State Council, and the two longest-serving presidents of the Court of Appeals; the prosecution to be carried out before such court by the Prosecutor General.



The prosecution, trial procedure and penalty are regulated by law. In the case of conviction, the President of the Republic shall be relieved of his post, without prejudice to other penalties.

#### **Article 153**

If on account of a temporary obstacle, the President of the Republic is rendered unable to carry out the presidential functions, the Prime Minister shall act in his place.

If the Presidential office becomes vacant, due to resignation, death, permanent inability to work or any other reason, the House of Representatives shall announce the vacancy and notify the Presidential Elections Commission. The Speaker of the House of Representatives shall temporarily assume the presidential authorities.

The Shura Council and its Speaker replace the House of Representatives and its Speaker in the above in cases in which the House of Representatives is dissolved.

In all cases, a new president must be elected during a period not exceeding 90 days from the date the office became vacant.

The person acting in place of the President is not allowed to run for office, request any amendment to the Constitution, dissolve the Parliament or dismiss the Cabinet.

#### **Article 154**

If the vacancy of the presidential office occurs at the same time that a referendum or the election of either the House of Representatives or the Shura Council is being held, precedence shall be given to the presidential elections. The existing Parliament shall continue in place until the completion of the presidential elections.

### **Section 2: The Cabinet**

#### **Article 155**

The Cabinet consists of the Prime Minister, the Prime Minister's deputies and the ministers.

The Prime Minister heads the Cabinet, oversees its work, and directs it in the performance of its functions.

#### **Article 156**

A person appointed to the position of Prime Minister or any other position in the Cabinet must be an Egyptian citizen, enjoying civil and political rights, over the age of 30, and not having carried the citizenship of any other country unless renounced within a year of reaching the age of eighteen.

It is prohibited hold a position in the Cabinet in addition to membership in either the House of Representatives or the Shura Council; if a House or Council Member is appointed to government, their place in Parliament is vacated and the provisions of Article 113 of the Constitution are applied.

#### **Article 157**

Before assuming their duties, the Prime Minister and members of the Cabinet shall take the following oath before the President of the Republic: "I swear by Almighty God to loyally uphold the republican system, to respect the Constitution and the law, to fully look after the interests of the people and to safeguard the independence and territorial integrity of the motherland."

#### **Article 158**

The finances of the Prime Minister and members of Cabinet are stipulated by law; they shall not receive any other salary or

remuneration, nor engage throughout the term of their posts, whether in person or through an intermediary, in independent professions or business, nor are they allowed to buy or rent state property, nor lease or sell to or barter with the State any part of their own property, nor conclude a contract with the State as vendors, suppliers or contractors.

A member of Cabinet must submit a financial disclosure to the House of Representatives upon taking office, upon leaving it and at the end of each year.

If, in relation to their posts, they should receive cash or in-kind gifts, such gifts shall go into the State Treasury. All of the above is subject to regulation by law.

#### **Article 159**

The Cabinet shall exercise the following functions in particular:

1. Collaborate with the President of the Republic in laying down the public policy of the State and overseeing its implementation.
2. Direct, coordinate and follow up on the work of the ministries and their affiliated public bodies and organizations.
3. Prepare draft laws and decrees.
4. Issue administrative decisions in accordance with the law, and monitor their implementation.
5. Prepare the draft Overall Budget of the State.
6. Prepare the draft economic and social development plan of the state.
7. Contract and grant loans in accordance with the provisions of the Constitution.
8. Supervise the implementation of laws, maintain state security and protect the rights of the citizens and the interests of the State.

#### **Article 160**

The Minister shall draw up the ministry's general policy, supervise its implementation and offer guidance and control, in the framework of the State's public policy.

#### **Article 161**

A member of the Cabinet may make a statement before the House of Representatives, the Shura Council, or one of their committees, concerning any matters within the scope of his purview.

The Council or committee may discuss such a statement and convey its position regarding it.

#### **Article 162**

The Prime Minister shall issue necessary regulations for the enforcement of laws, in such a manner that does not involve any disruption, modification, or exemption from their enforcement, and shall have the right to vest others with authority to issue them, unless the law designates who should issue the necessary regulations for its own implementation.

#### **Article 163**

The Prime Minister shall issue the regulations necessary for the creation and organization of public services and facilities upon the Cabinet's approval. The House of Representatives' approval is required, if such regulations result in new expenditures in the Overall Budget of the State.

#### **Article 164**

The Prime Minister shall issue regulations of discipline upon the Cabinet's approval.

#### **Article 165**

The authority in charge of the appointment and dismissal of civil servants, the functions of the main positions, and the responsibilities, rights and securities of employees, is regulated by law.

#### **Article 166**

The President of the Republic, the Prosecutor General, and the House of Representatives, with a motion signed by one-third of its members, have the right to accuse the Prime Minister or any of the members of the Cabinet concerning crimes committed during their term of office or in relation to their work.

In all cases, charges can only be brought with the approval of two-thirds of the members of the House of Representatives. An accused member of Cabinet is relieved of their post until a verdict is reached. The end of their term of service does not preclude the start or resumption of prosecution.

#### **Article 167**

For the Cabinet or one of its members to resign, a letter of resignation must be presented to the President of the Republic.

### **Chapter Three: The Judicial Authority**

#### **Section 1: General Provisions**

#### **Article 168**

The Judicial Authority shall be independent, vested in the courts of justice, which shall issue their judgments in accordance with the law. It's powers are defined by law. Interference in the affairs of the judiciary is a crime that is not forfeited by the passing of time.

#### **Article 169**

Every judiciary body shall administer its own affairs; each shall have an independent budget and be consulted on the draft laws governing its affairs, by the means that are regulated by law.

#### **Article 170**

Judges are independent, cannot be dismissed, are subject to no other authority but the law, and are equal in rights and duties.

The conditions and procedures for their appointment and disciplinary actions against them are defined and regulated by the law. When delegated, their delegation shall be absolute, to the destinations and in the positions defined by the law, all in a manner that preserves the independence of the judiciary and the accomplishment of its duties.

#### **Article 171**

Sessions in court shall be public, unless, in consideration of public order or morals, the court deems them confidential. In all cases, the verdict shall be given in an open session.

#### **Section 2: The Judiciary and Public Prosecution**

#### **Article 172**

The judiciary adjudicates in all disputes and crimes except for matters that are to be decided by another judicial body. The judiciary settles any disputes relating to the affairs of its members.

#### **Article 173**

The Public Prosecution is an integral part of the judiciary, to investigate, press and follow charges in all criminal cases except what is exempted by law. Other competencies are defined by law.

The Public Prosecution is conducted by a Prosecutor General appointed by the President of the Republic, based on the selection of the Supreme Judicial Council from among the Deputies to the President of the Court of Cassation, the Presidents of the Court of Appeals and Assistant Prosecutor Generals, for a period of four years, or for the period remaining until retirement age, whichever comes first, and only once during a judge's career.

### **Section 3: The State Council**

#### **Article 174**

The State Council is an independent judicial body that exclusively undertakes adjudicating in administrative disputes and disputes pertaining to the implementation of its decisions. It also undertakes disciplinary proceedings and appeals, adjudicates in legal issues to be determined by law, reviews and drafts bills and resolutions of legislative character referred to it, and reviews contracts to which the State is a party.

Other competencies to be determined by law.

### **Section 4: The Supreme Constitutional Court**

#### **Article 175**

The Supreme Constitutional Court is an independent judicial body, seated in Cairo, which exclusively undertakes the judicial control of the constitutionality of the laws and regulations.

The law defines other competencies and regulates the procedures to be followed before the court.

#### **Article 176**

The Supreme Constitutional Court is made up of a president and ten members. The law determines judicial or other bodies that shall nominate them and regulates the manner of their appointment and requirements to be satisfied by them. Appointments take place by a decree from the President of the Republic.

#### **Article 177**

The President of the Republic or Parliament shall present draft laws governing presidential, legislative or local elections before the Supreme Constitutional Court, to determine their compliance with the Constitution prior to dissemination. The Court shall reach a decision in this regard within 45 days from the date the matter is presented before it; otherwise, the proposed law shall be considered approved.

If the Court deems one or more parts of the text non-compliant with the provisions of the Constitution, its decision shall be implemented.

The laws referred to in the first paragraph are not subject to the subsequent control stipulated in Article 175 of the Constitution.

#### **Article 178**

The Official Gazette shall publish verdicts issued by the Supreme Constitutional Court and decisions pertaining to preemptive control of draft laws governing presidential, legislative or local elections.

The effects of a decision on the unconstitutionality of a legislative text are regulated by law.

## **Section 5: Judicial Bodies**

### **Article 179**

State Affairs is an independent judicial body; it undertakes legal representation of the State in disputes, and technical supervision of legal affairs departments within State Administration.

It shall be responsible for the drafting of contracts and the settling of disputes to which the State is a party, in the manner regulated by law.

Other competencies shall be defined by law.

Its members share immunities, securities, rights and duties assigned to other members of the judiciary.

### **Article 180**

The Administrative Prosecution is an independent judicial body; it investigates financial and administrative irregularities, raises disciplinary proceedings before the courts of the State Council and follows up on them, and takes legal action to address deficiencies in public facilities. Other competencies shall be defined by law.

Its members share immunities, securities, rights and duties assigned to other members of the judiciary.

## **Section 6: Judicial Officers**

### **Article 181**

The legal profession is a free profession and a cornerstone of justice. Lawyers shall be autonomous in practicing their profession and shall be safeguarded by guarantees that protect them and enable them to carry out their work, in the manner regulated by law.

### **Article 182**

Officers at the Real Estate Publicity Department, forensic experts and judicial experts shall enjoy technical autonomy in their work.

## **Chapter Four: Local Administration**

### **Section 1: Local administrative division of the State**

#### **Article 183**

The State is divided into administrative units that are considered as judicial persons and include governorates, provinces, cities, districts and villages. One administrative unit may comprise more than one village or district. Other administrative units that are judicial persons may be established, all as regulated by law, in a manner that supports decentralization, empowering administrative units in providing local services and facilities, improving them and managing them well.

#### **Article 184**

The State shall provide what the Local Unit should need in terms of technical, administrative and financial assistance, shall ensure equitable distribution of facilities, services and resources, and shall work to bring development levels and living standards in these units to a common standard, as regulated by law.

#### **Article 185**

The income of Local Units shall include additional taxes and fees of local nature. The Unit shall follow the same rules and procedures in the collection of public funds as followed by the State. All of the above shall be regulated by law.

#### **Article 186**

The law regulates cooperation between Local Units in matters of mutual benefit and means of cooperation between Local Units and the state apparatus.

#### **Article 187**

The law regulates the manner of selecting governors and heads of other local administrative units, and defines their jurisdiction.

### **Section 2: Local Councils**

#### **Article 188**

Every Local Unit shall elect a Local Council by direct, secret ballot for a term of four years.

Representatives from the executive apparatus of the Local Unit shall form part of the Council but have no counted vote.

Every Council elects its President and Deputy from among its elected members.

Conditions and procedures for nomination and election are regulated by law.

#### **Article 189**

The Local Council shall be concerned with the issues that matter in the Unit it represents and shall create and manage local facilities — economic, social and health-related — and other activities, in the manner regulated by law.

#### **Article 190**

The Local Council decisions issued within the limits of its jurisdiction are final and not subject to interference from the executive authorities, except to prevent the Council from overstepping limits, or causing damage to public interest or the interests of other Local Councils.

Any dispute over the jurisdiction of a Local Council shall be dealt with as a matter of urgency by the Legislation Department of the State Council, all in the manner regulated by law.

#### **Article 191**

Every Local Council shall be in charge of its own budget and final accounts, in the manner regulated by law.

#### **Article 192**

It is prohibited to dissolve Local Councils as part of a comprehensive administrative procedure. The manner to dissolve and reelect any one of them shall be regulated by law.

## **Chapter Five: National Security and Defense**

### **Section 1: The National Security Council**

#### **Article 193**

The National Security Council shall be created, presided over by the President of the Republic and including in its membership the Prime Minister, the Speakers of the House of Representatives and the Shura Council, the Minister of Defense, the Minister of Interior, the Minister of Foreign Affairs, the Minister of Finance, the Minister of Justice, the Minister of Health, the Chief of the General Intelligence Services, and the Heads of the Committees of Defense and National Security in the House of Representatives and the Shura Council.

The Council shall invite whoever is seen as being of relevant expertise to attend its meetings without having their votes counted.

The Council adopts strategies for establishing security in the country; facing disasters and crises of all kinds and taking necessary measures to contain them; and identifying sources of threat to Egyptian national security, whether at home or abroad, and undertaking necessary actions to address them on the official and popular levels.

Other competencies and regulations are defined by law.

### **Section 2: The Armed Forces**

#### **Article 194**

The Armed Forces shall belong to the people. Their duty is to protect the country, and preserve its security and territories. It is the State alone that shall create these forces. No individual, entity, organization or group is allowed to create military or para-military structures, bands, or organizations.

The Armed Forces shall have a Supreme Council as regulated by law.

#### **Article 195**

The Minister of Defense is the Commander in Chief of the Armed Forces, appointed from among its officers.

#### **Article 196**

The law regulates public mobilization and defines the conditions of service, promotion and retirement in the Armed Forces.

The Judicial Committees for the officers and personnel of the Armed Forces are alone responsible for adjudicating in all administrative disputes pertaining to decisions affecting them.

### **Section 3: The National Defense Council**

#### **Article 197**

A National Defense Council shall be created, presided over by the President of the Republic and including in its membership the Speakers of the House of Representatives and the Shura Council, the Prime Minister, the Minister of Defense, the Minister of Foreign Affairs, the Minister of Finance, the Minister of Interior, the Chief of the General Intelligence Service, the Chief of Staff of the Armed Forces, the Commander of the Navy, the Air Forces and Air Defense, the Chief of Operations for the Armed Forces and the Head of Military Intelligence.

The President of the Republic may invite whoever is seen as having relevant expertise to attend the Council's meetings without having their votes counted.

The Council is responsible for matters pertaining to the methods of ensuring the safety and security of the country and to the budget of the Armed Forces. It shall be consulted about draft laws related to the Armed Forces. Other competencies are to be defined by law.

#### **Section 4: The Military Judiciary**

##### **Article 198**

The Military Judiciary is an independent judiciary that adjudicates exclusively in all crimes related to the Armed Forces, its officers and personnel.

Civilians shall not stand trial before military courts except for crimes that harm the Armed Forces. The law shall define such crimes and determine the other competencies of the Military Judiciary.

Members of the Military Judiciary are autonomous and cannot be dismissed. They share the immunities, securities, rights and duties stipulated for members of other judiciaries.

#### **Section 5: The Police**

##### **Article 199**

The Police force is a statutory civil body with the President of the Republic as its Supreme Chief. It shall perform its duty in the service of the people, its loyalty being to the Constitution and the law, and its responsibilities to preserve order, public security and morality, to implement laws and regulations, and to safeguard the peace, dignity, rights and freedoms of citizens, all as regulated by law and in a manner that enables Police personnel to carry out their duties.

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

#### **Chapter One: Common provisions**

##### **Article 200**

Independent bodies and regulatory agencies that are defined in the Constitution have judicial personality, neutrality, and technical, administrative and financial autonomy.

Additional independent bodies and regulatory agencies are defined by the law.

These independent bodies and agencies shall be consulted about draft laws and regulations that relate to their fields of operation.

##### **Article 201**

Reports from independent bodies and regulatory agencies are to be presented to the President of the Republic, the House of Representatives and Shura Council within 30 days from the date they are issued.

The House of Representatives shall consider such reports and take appropriate action within a period not exceeding six months from the date of receipt. The reports shall be presented for public opinion.

Regulatory agencies shall notify the appropriate investigative authorities with any evidence of violations or crime they may discover.



All of the above shall be regulated by law.

#### **Article 202**

The President of the Republic shall appoint the heads of independent bodies and regulatory agencies upon the approval of the Shura Council, for a period of four years, renewable once. They shall not be dismissed except with the consent of a majority of the members of the Council; the same prohibitions apply to them that apply to ministers.

#### **Article 203**

For the creation of each independent body or regulatory agency, a law shall be issued defining competencies other than those outlined in the Constitution, regulating the agency's work and stipulating the necessary securities to enable its personnel to carry out that work.

The Law shall define details of appointment, promotion, accountability and dismissal, and other conditions of employment, to ensure the impartiality and autonomy of personnel.

### **Chapter Two: Regulatory Agencies**

#### **Section 1: The National Anti-Corruption Commission**

#### **Article 204**

The National Anti-Corruption Commission combats corruption, deals with conflicts of interest, promotes and defines the standards of integrity and transparency, develops the national strategy concerned with such matters, ensures the implementation of said strategy in coordination with other independent bodies, and supervises the concerned agencies specified by law.

#### **Section 2: Central Auditing Organization**

#### **Article 205**

The Central Auditing Organization has control over state funds and any other body specified by law.

#### **Section 3: The Central Bank**

#### **Article 206**

The Central Bank stipulates monetary, credit and banking policies, supervises their implementation, monitors the performance of the banking system, works to establish price stability, and has exclusive rights to issue currency.

All of the above shall be in accordance with the overall economic policy of the State.

### **Chapter Three: The Economic and Social Council**

#### **Article 207**

The Economic and Social Council supports the participation of social groups in the preparation of economic, social and environmental policies, and promotes social dialogue.

The Cabinet, the House of Representatives and the Shura Council shall consult the Economic and Social Council on those policies and any related draft laws.

The Council shall consist of at least 150 members, selected by their elected organizations of trade unions, syndicates, associations of farmers, workers and professionals, and other social groups, provided the representation of workers and farmers makes up for at least 50 percent of the Council members.

Membership of this Council may not be combined with membership of the Cabinet or any of the Legislative Houses.

The details of forming the Council, electing its President, the regulations governing its work, and the means of presenting its recommendations to the state authorities shall be defined by law.

## **Chapter Four: The National Electoral Commission**

### **Article 208**

The National Electoral Commission is exclusively responsible for managing referendums and presidential, parliamentary and local elections, which shall include the preparation of a database of voters, input on the division of constituencies, control over electoral funding and expenditure, electoral campaigns and other procedures, up to the announcements of results.

The Commission may be entrusted with supervising the elections of trade unions and other organizations.

All of the above shall be regulated by law.

### **Article 209**

The National Electoral Commission shall be administered by a board made up of 10 members selected evenly from among the Deputies of the Court of Cassation, the Courts of Appeal, the State Council, the State Affairs and Administrative Prosecution, and elected by their respective assemblies from outside their board members, to be fully delegated for exclusive work at the Commission for one term of six years. The presidency of the Commission shall go to its longest-serving member from the Court of Cassation.

Elections shall be held to renew half of the Commission members every three years.

The Commission may refer to public figures or specialists deemed to have relevant expertise in the field of elections. The Commission shall have an executive body.

All of the above shall be regulated by law.

### **Article 210**

Voting and counting of votes in referendums and elections run by the Commission shall be administered by its affiliated members under the overall supervision of the Board. Members shall be furnished with the necessary securities that enable them to perform their role with impartiality and autonomy.

As an exceptional measure, the Commission shall delegate the overseeing of voting and counting of votes to members of the judiciary for at least 10 years from the date the constitution is ratified, all as regulated by law.

### **Article 211**

The Supreme Administrative Court shall adjudicate on appeals brought against the decisions of the National Electoral Commission pertaining to referendums and parliamentary or presidential elections and their results. Appeals pertaining to local elections shall be brought before an administrative court.

The law regulates the procedure for appeals and the timeline for adjudication in a manner that does not disrupt the electoral process or the announcement of final results. The final results of referendums or presidential elections may not be challenged after their announcement.

In all cases, the announcement of results must take place within a period not exceeding eight days from the ballot date.

## **Chapter Five: Independent bodies**

### **Section 1: The Supreme Authority for Endowment Affairs**

#### **Article 212**

The High Authority for Endowment Affairs regulates, supervises and monitors public and private endowments, ensures their adherence to sensible administrative and economic standards, and raises awareness about endowments in society.

### **Section 2: The Supreme Authority for Heritage Conservation**

#### **Article 213**

The Supreme Authority for Heritage Conservation regulates the means of protecting the cultural and architectural heritage of Egyptians, supervises its collection and documentation, safeguards its assets, and revives awareness of its contributions to human civilization.

This Authority shall undertake the documentation of the 25 January revolution.

### **Section 3: The National Council for Education and Scientific Research**

#### **Article 214**

The National Council for Education and Scientific Research develops the national strategy for education in all its forms and all its stages, ensures integration between the stages, promotes scientific research, develops national standards for the quality of education and scientific research, and monitors the implementation of such standards.

### **Section 4: Independent Press and Media Organizations**

#### **Article 215**

The National Media Council regulates the affairs of radio, television, and printed and digital press, among others.

The Council shall ensure the freedom of media in all its forms, safeguard plurality, fight centralization and monopoly, protect the interests of the public, and establish controls and regulations ensuring the commitment of media to adhere to professional and ethical standards, to preserve the Arabic language, and to observe the values and constructive traditions of society.

#### **Article 216**

The National Press and Media Association manages State-owned press and media institutions and undertakes the development of them and their assets to maximize their national investment value and ensure their adherence to sensible professional, administrative and economic standards.

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

## **Chapter One: Amendments to the Constitution**

### **Article 217**

The amendment of one or more of the Constitution articles may be requested by the President of the Republic or the House of Representatives. The request shall specify the articles to be amended and the reasons for the amendments, and if initiated by the House of Representatives shall be signed by at least five House of Representatives Members.

In all cases, the House of Representatives and Shura Council shall debate the request within 30 days from the date of its receipt; each council shall issue its decision to accept the request in whole or in part by two-thirds majority of its members.

If the request is rejected, the same amendments may not be requested again before the next legislative term.

### **Article 218**

If the amendment request is approved by both Houses, each of them shall discuss the text of the articles to be amended within 60 days from the date of approval; if approved by a two-thirds majority of each House, the amendment shall be put to public referendum within 30 days from the date of approval.

The amendment shall be effective from the date of announcement of the referendum result.

## **Chapter Two: General Provisions**

### **Article 219**

The principles of Islamic Sharia include general evidence, foundational rules, rules of jurisprudence, and credible sources accepted in Sunni doctrines and by the larger community.

### **Article 220**

Cairo is the capital of the State. The capital may be moved by law.

### **Article 221**

The National Flag, the State's emblem, decorations, insignia, seal and the National Anthem are defined by law.

### **Article 222**

Provisions stipulated by laws and regulations prior to the proclamation of this Constitution shall remain valid and in force. They may not be amended or repealed except in accordance with the regulations and procedures prescribed in the Constitution.

### **Article 223**

Laws shall be published in the Official Gazette within 15 days from the date of their issuance, to be effective 30 days from the day following the date of publication, unless the law has specified a different date.

Provisions of the laws shall apply only from the date of their enforcement and shall have no retroactive effect. However, with the approval of a two-thirds majority of the members of the House of Representatives, provisions to the contrary may be made in articles pertaining to non-criminal and non-tax-related matters.

### **Article 224**

Elections of the House of Representatives, Shura Council and local councils shall be held in accordance with the system of individual candidacy, a list-based system, a combination of the two, or any other electoral system defined by law.

#### **Article 225**

This Constitution shall be in force as of the date of announcing the public approval of it in a referendum, based on a majority of valid votes of the referendum participants.

### **Chapter Three: Transitional Provisions**

#### **Article 226**

The current presidential term comes to an end four years from the date of the President taking office. He may only be re-elected only once.

#### **Article 227**

Every position for which a limited term is stipulated in the constitution or by law, whether a non-renewable or renewable once, is calculated from the date the position was assumed. The term of office shall also expire if the person in office reaches the retirement age as prescribed by law.

#### **Article 228**

The High Elections Commission, existing at the time this Constitution comes into effect, shall undertake the full supervision of the first parliamentary elections. The funds of the Committee and of the High Presidential Elections Committee are transferred to the National Electoral Commission, as soon as the latter is formed.

#### **Article 229**

Procedures for the first parliamentary elections shall begin within 60 days of this Constitution coming into effect, the first legislative term held within 10 days from the date of announcing the final result of the elections.

In this House of Representatives, farmers and workers shall have a minimum of 50 percent representation.

A worker refers to anyone who is hired by another for a fee or salary. A farmer refers to anyone who has taken agriculture as a profession for a minimum of 10 years preceding parliamentary nomination.

The standards and regulations required for a candidate to be considered a farmer or a work shall be determined by law.

#### **Article 230**

The existing Shura Council shall assume full legislative authority until the new House of Representatives is formed. Full legislative authority will then be transferred to the House of Representatives, until the election of a new Shura Council, which shall occur within six months from the start of the House of Representatives' session.

#### **Article 231**

The first legislative elections following the adoption of this Constitution shall be held in the following manner: Two-thirds of the seats are to be won by a list-based electoral system and one-third by individual candidacy, with parties and independent candidates allowed to run in each.

#### **Article 232**

Leaders of the dissolved National Democratic Party shall be banned from political work and prohibited to run for presidential or legislative elections for a period of 10 years from the date of the adoption of this Constitution. Leadership includes everyone who was a member of the Secretariat of the Party, the Policies Committee or the Political Bureau, or was a member of the People's Assembly or the Shura Council during the two legislative terms preceding the 25 January revolution.

**Article 233**

The first Supreme Constitutional Court, once this Constitution is applied, shall be formed of its current President and the 10 longest-serving judges among its members. The remaining members shall return to the posts they occupied before joining the court.

**Article 234**

The provision concerning appeals on verdicts issued on crimes stated in the third part of Article 77 shall be valid starting a year after the Constitution has come into effect.

**Article 235**

The existing Local Administration system shall remain in place, and the system laid down in this Constitution applied gradually over the 10 years following the date of its adoption.

**Article 236**

Constitutional declarations issued by the Supreme Council of the Armed Forces and by the President of the Republic from 11 February 2011 to the date of the adoption of this Constitution are hereby repealed, while their consequent effects shall remain valid and in force and may not in any way be appealed against.