

THE 2011 EGYPTIAN CONSTITUTIONAL DECLARATION

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THE PREAMBLE

Supreme Council of the Armed Forces Constitutional Declaration: After reviewing the Constitutional Announcement of February 13 and the results of the referendum on constitutional amendments of March 19 (which were announced in the affirmative on March 20), and in consideration of the SCAF statement of March 23, the following has been decided:

CONSTITUTIONAL DECLARATION

Article 1. Democratic system

The Arab Republic of Egypt is a state with a democratic system, based on citizenship, and the Egyptian people are a part of the Arab nation working toward achieving its comprehensive unity.

Article 2. Religion

Islam is the religion of the state, and the Arabic language is its official language. The principles of Islamic law are the chief source of legislation.

Article 3. Sovereignty of the people

Sovereignty is from the people only, and the people are the source of authority. The people practice this sovereignty and protect it, safeguarding national unity.

Article 4. Freedom of association and political parties, limits on associations and political parties

Citizens have the right to form associations, unions, syndicates, and parties, according to the law. It is forbidden to form associations whose activities are opposed to the order of society or secret or militaristic in nature. It is not permitted to directly engage in political activity or form political parties on the basis of religion, race or origin.

Article 5. Principles of economy

The economy in the Arab Republic of Egypt is based on developing economic activity and social justice and guaranteeing different forms of property and preserving the rights of workers.

Article 6. Property, takings

Public property is protected, and its defense and support is a duty incumbent on every citizen,

according to the law. Private property is safeguarded, and it is not permitted to impose guardianship over it except through the means stated in law and the judiciary. Property cannot be seized except for the public benefit and in exchange for compensation according to the law, and the right of inheritance is guaranteed.

Article 7. Equality

Law applies equally to all citizens, and they are equal in rights and general duties. They may not be discriminated against due to race, origin, language, religion, or creed.

Article 8. Freedom from arbitrary detention, search

Personal freedom is a natural right, safeguarded and inviolable, and except in the case of being caught in the act of a violation, it is not permitted for anyone to be detained or searched or for his/her freedom to be restricted or for movement to be prevented, except by a warrant order compelling the necessity of investigation or to safeguard the security of society. This warrant order will be issued by a specialized judge or the general prosecutor, according to the law. The law also determines the period for which one may be detained.

Article 9. Humane conditions of detention

Every citizen who is arrested or detained must be treated in a way that preserves his/her human dignity. It is forbidden for him/her to be abused in body or mind, as it is forbidden to detain him/her in places outside of those designated by the prisons law. Any statement proven to be extracted from a citizen under duress or threat will not be counted and is unreliable.

Article 10. Protection of the home from arbitrary search

Homes are protected and it is not permitted to enter or search them without a warrant according to the law.

Article 11. Right to life, privacy

The life of citizens has special sanctity protected by law, as do messages sent by post, fax, telephone or other forms of communication, whose secrecy is guaranteed. It is not permitted to confiscate, read, or censor these, except by judicial order and for a limited time, according to the law.

Article 12. Freedom of religion, opinion

The state guarantees the freedom of creed, and the freedom to practice religious rites. Freedom of opinion is also guaranteed, and every person has the right to express his opinion and publish it in spoken, written, photographed, or other form within the confines of the law. Personal criticism and constructive criticism are a guarantee for the safety of national development.

Article 13. Freedom of the press, exceptions

Freedom of the press, printing, publication and media are guaranteed, and censorship is forbidden, as are giving ultimatums and stopping or canceling publication from an administrative channel. Exception may be made in the case of national emergency or time of war, allowing limited censorship of newspapers, publication, and media on matters related to general safety or the purposes of national security, all according to the law.

Article 14. Freedom of residence, limits

It is not permitted for any citizen to be denied residence in a particular area, nor requiring him/her to reside in a particular place, except in cases designated by law.

Article 15. Freedom of entry/exit, protection of refugees

It is not permitted to expel a citizen from the country or forbid him/her from returning, or to give up political refugees.

Article 16. Freedom of assembly, limits

Citizens have the right of private assembly in peace without bearing arms without the need for prior notice. It is not permitted for security forces to attend these private meetings. Public meetings, processions and gatherings are permitted within the confines of the law.

Article 17. Right to a remedy for attacks on freedom, life

Any attack on the personal freedom or sanctity of life of citizens or other rights and general freedoms which are guaranteed by the constitution and law is a crime, which will be followed by a criminal or civil suit according to the statute of limitations. The state guarantees fair compensation for whoever experiences such an aggression. Any attack on the personal freedom or sanctity of life of citizens or other rights and general freedoms which are guaranteed by the constitution and law is a crime, which will be followed by a criminal or civil suit according to the statute of limitations. The state guarantees fair compensation for whoever experiences such an aggression.

Article 18. Taxation

Public taxes will be instituted and their amendment or cancelation will take place by law. No one will be excluded from taxation except in cases stated in law. It is not permitted for anyone to charge another to pay taxes or fees except within the bounds of law.

Article 19. Punishment only by law

Personal penalty. There will be no crime or penalty except according to the law. Punishment will not take place except by judicial ruling, nor will punishment occur for acts that take place before enactment of the relevant law.

Article 20. Innocence until proven guilty

The accused is innocent until proven guilty in a court of law that guarantees for him/her defense. Every accused in a crime is required to have an attorney to defend him/her.

Article 21. Access to the courts, speedy trial

Litigation is a safeguarded and guaranteed right for all people, and every citizen has the right to resort to his natural judge. The state guarantees close association of judicial apparatuses with litigants, in addition to a speedy trial of matters. The text of the law forbids any action or administrative decision from being absolved of judicial oversight.

Article 22. Right to defense in court

The right to defend one's self in person or by proxy is guaranteed. The law guarantees those unable monetarily to defend themselves to resort to the judiciary for means to defend their rights.

Article 23. Right to informed detention, appeal

Anyone arrested or detained will be notified of the reason for his/her detention immediately. He/she has the right to contact whomever he/she desires and inform them of the arrest and seek help, according to the law. It is necessary that accusations be announced with haste, and the detained has the right to appeal in front of the judiciary to determine the circumstances in which his/her personal freedom was suspended. The law organizes the right to present a grievance in order to guarantee a decision in a limited time period, or else the detainee's release is inevitably released.

Article 24. Execution of the laws is a public right

Laws are issued and executed in the name of the people, Suspension or avoidance of their execution on the part of public employees is a crime punishable by law. The plaintiff has the right to bring the criminal case directly to a specialized court.

Article 25. Role of president

The president of the state is the president of the republic. He/She shall assert the sovereignty of the people, respect for the constitution and sovereignty of the law, and defense of national unity and social justice, according to means stipulated in this Announcement and the law. He/shall shall undertake upon assuming his/her position responsibilities referred to in Article 56 of this Announcement, except for what is stipulated in provisions 1 and 2 of the Article.

Article 26. Presidential qualifications

It is required for whoever is elected president of the republic to be an Egyptian who has never held another citizenship, born of two Egyptian parents who have never held another citizenship, enjoying his/her political and civil rights, not married to a non-Egyptian, and not falling under the age of 40 years.

Article 27. Requirements for presidential candidacy

The president will be elected directly by general secret ballot. To be nominated for the presidency of the republic, a candidate must be supported by 30 members at least of the elected members of the People's Assembly and Shura Council, or the candidate may obtain the support of at least 30,000 citizens, who have the right to vote, in at least 15 provinces, whereby the number of supporters in any of the provinces is at least 1,000. In all cases, it is not permissible to support more than one candidate, and the law will stipulate the procedures for this matter. Every political party with members who have won at least one seat by way of election in either of the People's Assembly or Shura Council in the last elections may nominate one of its members for the presidency.

Article 28. Presidential Elections Commission

A supreme judicial commission named the "Presidential Elections Commission" will supervise the election of the president of the republic beginning with the announcement of the opening of candidate nomination and ending with the announcement of the election result. The Commission will be composed of the president of the Supreme Constitutional Court as the head, and a membership made up of the president of the Cairo Appeals Court, the most senior deputies of the president of the Supreme Constitutional Court, the most senior deputies of the president of the Court of Cassation and the most senior deputies of the president of the State Council. The Commission's decisions will be final and carry the force of law, and will not subject to objections from any party, in the same manner as it is forbidden for the decisions to be stopped or canceled. The purview of the Commission will be by law. The Commission will form

committees to supervise voting and counting according to the stipulations in Article 39. Draft legislation for presidential elections will be shown to the Supreme Constitutional Court before being issued to determine the extent of compliance with the constitution. The Supreme Constitutional Court will issue its decision on this matter within 15 days of receiving the draft legislation. If it decides that the text is unconstitutional, more work must be done before the law can be issued. In all cases, the decision of the Court will be obligatory for all authorities of the state, and will be published in the official gazette within three days of being released.

Article 29. Presidential term

The period of the presidency is four years beginning from the date of announcing the result of the election, and the president of the republic may not run for more than one additional presidential term.

Article 30. Presidential oath

The president will take the following oath before the People's Assembly before assuming his/her position: "I swear to God that I will faithfully preserve the republican order, that I will respect the constitution and the law, and look after the interests of the people comprehensively, and that I will preserve the independence of the nation and the safety of its land."

Article 31. Vice-president

The president of the republic will appoint within a maximum of 30 days after assuming his/her duties at least one vice president and determine his/her responsibilities, so that in the case of his/her stepping down from the position of president, another will be appointed in his/her place. The conditions that must be met by the president will apply, as will rules governing the accountability for vice presidents of the republic.

Article 32. People's Assembly

The People's Assembly will be composed of a number of members determined by law to be at least 350, half of whom at least will be Workers and Peasants. The members of the People's Assembly will be elected by a direct, public and secret election. The law stipulates the definition of a Worker and Peasant, as well as the electoral districts that the state will be divided into. It is possible for the president of the republic to appoint in the People's Assembly a number of the members, not to exceed 10.

Article 33. Role of People's Assembly

Immediately upon election, the People's Assembly will assume the authority to legislate and determine the public policy of the state, the general plan for economic and social development,

and the public budget of the state. It will also oversee the work of the executive branch.

Article 34. People's Assembly term

The People's Assembly's term will be 5 years starting from the date of its first assembly.

Article 35. Shura Council

The Shura Council will be composed of a number of members determined by law not to be fewer than 132 members, two-thirds of whom will be elected by direct, public and secret voting (at least half Workers and half Peasants), and one-third of whom will be appointed by the president of the republic. The law determines the electoral districts for the Shura Council.

Article 36. Shura Council term

The Shura Council's term of membership will be 6 years.

Article 37. Shura Council Role

The Shura Council will assume its responsibilities upon election. It will study and recommend what it views as necessary to preserve support for national unity and social peace and protect the foundational elements of society and its highest values, in addition to rights, freedoms and general obligations. The Council will consider the following: 1) The project of general planning for economic and social development 2) Draft laws it refers to the president of the republic 3) Whatever the president of the republic refers to the Council on subjects related to the state's public policy or policies related to Arab and foreign affairs The Council will notify the president of the republic and the People's Assembly of its opinion on these matters.

Article 38. Law to govern legislative qualifications, participation of women in both assemblies

The law will govern the right of candidacy for the People's Assembly and Shura Council according to the determined electoral system, including at a minimum the participation of women in both assemblies.

Article 39. Law to govern legislative candidacy qualifications, judicial oversight of legislative elections

The law determines the conditions that must be met for members of the People's Assembly and the Shura Council, stipulating electoral and referenda provisions. A supreme commission made up entirely of judges will assume the responsibility of supervising elections and referenda, from the determination of electoral schedules to the announcing of election results, all as regulated by

law. Voting and the counting of votes will take place under the supervision of members of judicial bodies nominated by their higher councils, and the decision in the process of choosing them will be undertaken by the supreme commission.

Article 40. Judicial oversight of legislative qualifications

The Court of Cassation will be designated to determine the integrity of the membership of the People's Assembly and Shura Council, and objections will be presented to the court within 30 days of the announcement of election results. The Court will rule on the objection within 90 days of receiving it. The membership is considered void on the date on which the two assemblies are informed of the Court's decision.

Article 41. Electoral procedures to begin 6 months after this declaration

Electoral procedures will begin within 6 months of the date of this Announcement. The Shura Council will assume its duties with elected members, and upon his/her election, the president of the republic will appoint the final third of the Council's membership, who will serve out the remainder of the term of the Council as regulated by law.

Article 42. Legislative oath

Every member of the People's Assembly and Shura Council will swear to conduct work in accordance with the following oath in front of his/her legislative body: "I swear to God that I will faithfully preserve the safety of the nation and the republican order, that I will look after the interests of the people and respect the constitution and the law."

Article 43. Prohibition of corruption

It is not permissible for any member of the People's Assembly or the Shura Council during his/her tenure to buy or rent anything using state money, or to rent out or sell anything with said money, or barter with it or enter into a contract with the state as an entrepreneur, importer, or contractor.

Article 44. Legislative removal conditions

It is not permissible to remove the membership of any members of the People's Assembly or Shura Council unless he/she has lost confidence and esteem, or any of the conditions of membership, or his/her position as Worker or Peasant on the basis of which he/she was elected, or if he/she has breached any of the responsibilities of membership. A decision to remove membership must be issued by a two-thirds majority of the respective assembly.

Article 45. Legislative immunity

It is not permissible in any case except that of flagrant violation to take any criminal proceedings against a member of the People's Assembly or Shura Council, except with prior permission from his/her assembly. In the case of the assembly's recess, permission will be taken from the head of the assembly and will be subsequently presented to the assembly upon resumption of work.

Article 46. Independence of the judiciary

Judicial authority is independent and invested in courts of different varieties and degrees. Rulings will be issued according to the law.

Article 47. Independence of judges

Judges are independent and not subject to removal. The law regulates disciplinary actions against them. There is no authority over them except that of the law, and it is not permissible for any authority to interfere in their issues or matters of justice.

Article 48. Council of the State

The Council of the State is an independent judicial body that specializes in adjudication of administrative disputes and disciplinary claims. The law determines its other responsibilities.

Article 49. Supreme Constitutional Court

The Supreme Constitutional Court is an independent and autonomous judicial body, uniquely tasked with judicial oversight over the constitutionality of laws and regulations. It deals with the interpretation of legislative texts, all as stipulated in the law. The law also designates other responsibilities for the Court and regulates the procedures followed in front of it.

Article 50. Law determines division of judicial bodies

The law determines judicial bodies and their responsibilities and regulates their formation, in addition to stipulating conditions and procedures for appointing their members and their transfer.

Article 51. Law regulates military judicial system

The law regulates the military judicial system and stipulates its responsibilities in line with constitutional principles.

Article 52. Publicity of court sessions

Court sessions are to be public except in the case that the court decides to make them secret in the interest of public order or morals. In all cases, the verdict is announced in a public session.

Article 53. Role of armed forces

The armed forces are the property of the people. Their mission is the protection of the country and the safety and security of its lands. It is not permissible for any body or group to establish military or paramilitary formations. The defense of the country and its land is a sacred responsibility, and conscription is mandatory according to the law. The law stipulates the conditions for military service and promotion in the armed services.

Article 54. National Defense Council

A council entitled "The National Defense Council" will be established. It will be headed by the president of the republic and tasked with evaluating affairs concerned with means of securing the country and its safety. The law will stipulate its other responsibilities.

Article 55. Role of police

The police are a civil order body whose responsibility it is to serve the people. The police guarantee for the people tranquility and security and provide for the maintenance of order, public security and morals, according to the law.

Article 56. SCAF powers

The Supreme Council of the Armed Forces deals with the administration of the affairs of the country. To achieve this, it has directly the following authorities:

- Legislation
- Issuing public policy for the state and the public budget and ensuring its implementation
- Appointing the appointed members of the People's Assembly
- Calling the People's Assembly and the Shura Council to enter into normal session, adjourn, or hold an extraordinary session, and adjourn said session.
- The right to promulgate laws or object to them.
- Represent the state domestically and abroad, sign international treaties and agreements, and be considered a part of the legal system of the state.
- Appoint the head of the cabinet and his/her deputies and ministers and their deputies, as well as relieve them of their duties.

- Appoint civilian and military employees and political representatives, as well as dismiss them according to the law accredit foreign political representatives.
- Pardon or reduce punishment, though blanket amnesty is granted only by law.
- Other authorities and responsibilities as determined by the president of the republic pursuant to laws and regulations. The Council shall have the power to delegate its head or one of its members to take on its responsibilities.

Article 57. Cabinet powers

The Cabinet shall assume executive authority in all that pertains to it, and will undertake the following responsibilities in particular:

- Participate with the Supreme Council of the Armed Forces to put in place public policies of the state and supervise their implementation, according to the laws and resolutions of the republic
- Direct, coordinate, and follow the work of the ministries and their related fronts, in addition to public institutions and bodies.
- Issue administrative and executive orders according to laws, regulations, and decisions, and see to their implementation.
- Prepare draft legislation, regulations, and decisions.
- Prepare a draft public budget for the state.
- Prepare a draft public plan for the state.
- Contract and grant loans according to constitutional principles
- Note the implementation of laws, preservation of state security, and protection of citizen rights and state interests.

Article 58. Prohibition of ministers' independent economic activity

It is not permissible for a minister during his/her tenure to engage in an independent profession, buy or rent anything using state money, rent out or sell anything with state money, or barter with state money.

Article 59. State of emergency

The president of the republic, after taking into account the opinion of the cabinet, can announce a state of emergency as stipulated in law. He/she must present this announcement to the People's Assembly within the seven subsequent days to decide its view on this matter. If the state of emergency is announced in a period of recess, the Assembly must be called back to session immediately to review the matter, taking into account the time limit mentioned above. If the People's Assembly is dissolved, the matter will be reviewed by the new Assembly at its first meeting. A majority of the members of the People's Assembly must agree to the announcement of a state of emergency. In all cases, the announcement of a state of emergency will be for a limited time period not exceeding 6 months. It is not permissible to extend it, except after a people's referendum on the matter and their agreement to an extension.

Article 60. Constitution drafting assembly

The members of the first People's Assembly and Shura Council (except the appointed members) will meet in a joint session following an invitation from the Supreme Council of the Armed Forces within 6 months of their election to elect a provisional assembly composed of 100 members which will prepare a new draft constitution for the country to be completed within 6 months of the formation of this assembly. The draft constitution will be presented within 15 days of its preparation to the people who will vote in a referendum on the matter. The constitution will take effect from the date on which the people approve the referendum.

Article 61. SCAF to continue in power until legislature and president assume their power

The Supreme Council of the Armed Forces will continue directly with its limited responsibilities following this Announcement, until a time at which the People's Assembly and the Shura Council assume their responsibilities and the president of the republic is elected and assumes his/her position.

Article 62. Continuing validity of prior laws

All laws and regulations decided upon before the publication of this Announcement remain valid and implemented however, it is possible to cancel laws or amend them according to the rules and procedures adopted in this Announcement.

Article 63. Publication of this declaration

This Announcement will be published in the official gazette and will be in effect on the day following its publication.

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