

Constitutional Declaration

8 July 2013

[unofficial translation]

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Constitutional Declaration dated 8 July 2013

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Unofficial translation prepared by International IDEA (www.idea.int)

¹

Titles for each article have been included by International IDEA along with this translation solely for ease of reference. The article titles should not be used to inform interpretation.

²

Translator's note: In the Constitutional Declaration's Arabic original as published on 8 July 2013, Article 11(3) is an exact duplicate of Article 7(1). This appears to be a mistake by the drafters and was reproduced here as it appears in the original.

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Constitutional Declaration

The Interim President of the Republic

After reviewing the Statement of the General Command of the Armed Forces on 3 July 2013.

And the Constitutional Declaration of 6 July 2013.

Has hereby decreed

Article 1 The state, religion and Sunni doctrine¹

The Arab Republic of Egypt is a State with a democratic regime based on citizenship. Islam is the religion of the State, Arabic is the official language thereof, and the principles of Islamic

Sharia that include the general evidence, foundational rules, rules of jurisprudence, and credible sources thereof accepted in Sunni doctrines and by the larger community shall be the principal source of legislation.

Article 2 Popular sovereignty

Sovereignty belongs to the people to exercise and protect. The people safeguard their national unity, and are the source of all powers.

Article 3 Economic system, taxes

The economic system is based on social justice. Payment of taxes and public costs shall be mandatory by law. The establishment, adjustment or cancellation of public taxes shall only be by law. No one may be exempted of the payment of taxes unless in conditions prescribed

by law. No one may be mandated to pay any other taxes or duties unless within the limits of the law.

Article 4 Equality

All citizens are equal before the law. They shall have equal public rights and duties, with no discrimination whatsoever among them based on sex, origin, gender, language, religion, or belief. The State shall provide for equal opportunities among citizens.

Article 5 Privacy, correspondence

The private life of citizens is inviolable, which is protected by law.

Postal and wire correspondence, telephone calls and other means of communication are inviolable, and the secrecy of which is guaranteed. No confiscation, inspection or monitoring of such may occur unless by a prior judicial warrant, for a limited period of time

and in accordance with the provisions of the law.

Article 6 Personal freedom, due process

Personal freedom is a natural right. It is safeguarded and inviolable. Except in cases of

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flagrante delicto, no person may be arrested, searched, confined, or have their freedom restricted in any way, or be prevented from free movement except by virtue of a warrant required by the necessity of investigation and safeguarding the security of society, which warrant shall be issued by the competent judge or the public prosecution as per the provisions of the law. The law sets forth the period of pre-trial confinement. Houses are inviolable. They may not be entered or searched unless by a substantiated judicial warrant as per the provisions of the law.

Article 7 Freedom of opinion, belief

Freedom of opinion is guaranteed. Everyone has the right to express and publicize their opinion verbally, in writing, by illustration, or by any other means of expression within the law.

The State guarantees freedom of belief and of practicing religious rites for anyone believing in the divine religions.

Article 8 Freedom of the press

Freedom of the press, printing, publication and mass media is guaranteed. Censoring the press and whatever is media outlets publish is prohibited, as well as the administrative warning, suspension or closure thereof.

Exceptionally, in case of emergency or in time of war, the press, print media and media outlets may have limited oversight imposed upon them in matters related to national security. This is organised in accordance with the law.

Article 9 The right to work

Work is a right, duty and honour for every citizen, guaranteed by the State based on the principles of equality and justice.

No work may be compulsorily imposed unless by virtue of a law.

Article 10 Freedom of assembly

Unarmed citizens have the right to organize public assemblies, processions and peaceful demonstrations, according to a notification regulated by law.

The right to private assembly is guaranteed without the need for a prior notification.

Security personnel may not attend or intercept such private meetings.

Citizens have the right to form associations, establish unions, federations and parties as per the law.

The establishment of associations that have as part of their activities to counter public order, of secret associations, or of military-type associations is prohibited.

No political party may be established based on discrimination among citizens on the grounds

of sex, origin or religion. Political parties may only be dissolved by virtue of a court ruling.

Article 11 Public and private property

Public property is inviolable, the protection and maintenance of which is every citizen's duty

in accordance with the law.

Private property is safeguarded and may not be subject to sequestration unless in conditions set forth in the law and by virtue of a court ruling. Property may not be expropriated except for the public good and in consideration of a fair compensation, all of which is in accordance

with the law.

Freedom of opinion is guaranteed. Everyone has the right to express and publicize their opinion verbally, in writing, by illustration, or by any other means of expression within the law.

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Article 12 Infringements of personal freedom, private life

Every infringement of citizens' personal freedom or the violation of private life and other public rights and freedoms prescribed by the Constitution and the law is a crime of which the criminal and civil lawsuit shall not be foreclosed. The State provides fair compensation to

the infringed party.

No citizen may be evicted from the country or prevented from returning.

Article 13 Defense of the nation, conscription, national unity

Defending the nation and the territories thereof is a holy duty. Conscription is compulsory by

law. Maintaining national unity and keeping State secrets is every citizen's duty.

Article 14 Punishment by law

Punishment is personalized.

No crime or punishment may be established unless by law. No punishment may be inflicted unless by virtue of a court ruling. Only actions following the date of the enforcement of law may be punishable.

Article 15 Rule of law

The rule of law is the basis for State government.

Litigation is a right safeguarded and guaranteed for all people. Every citizen shall have the right to resort to their natural judge.

No laws may stipulate the immunization of any administrative action or decree against judicial control.

Article 16 Judicial independence

Judicial authority is independent. It is exercised by different types and degrees of courts.

Rulings are issued in accordance with the law.

Judges are independent and irremovable, subject to no authority in their rulings other than

the law. No authority may interfere in lawsuits or the affairs of justice. Members of the State Lawsuits Authority and the Administrative Prosecution have the privileges set forth for judges.

Article 17 The State Council

The State Council is an independent judicial body with the jurisdiction to resolve administrative disputes and disciplinary suits. The law specifies its other jurisdictions.

Article 18 The Supreme Constitutional Court

The Supreme Constitutional Court is an independent self-existing judicial body. It is exclusively competent to oversee the constitutionality of laws and regulations. It undertakes the interpretation of legislative provisions, all of which are as prescribed by law. The law sets forth other jurisdictions of the Court and regulates the procedures followed before the Court.

Article 19 Military courts

Military judiciary are an independent judicial body, and is exclusively competent to decide on cases related to the Armed Forces and the officers and its personnel. The law specifies its other jurisdictions.

Article 20 Existing laws relating to the courts

Judicial bodies and authorities undertake the jurisdictions set out in this Declaration and under existing laws. Laws regulating the courts' affairs may not be amended during the applicability of the present Constitutional Declaration.

Article 21 The armed forces

The Armed Forces belongs to the People. Its duty is to protect the country and maintain the security and integrity of its territories. No individual, authority, body or group may form military or paramilitary formations, corps or organizations.

The law sets forth conditions of service and promotion in the Armed Forces.

Article 22 National Defense Council

A "National Defence Council" is established and presided over by the President of the Republic.

The National Defence Council is competent to examine the affairs relating to State security and its integrity and discussing the Armed Forces' budget. The Council must be consulted on

draft laws related to the Armed Forces.

The law sets forth the composition and its other jurisdictions.

Article 23 President of the Republic

The President of the Republic is the Head of State and the chief of the Executive.

He maintains the People's sovereignty and interests, respect of the rule of law, the protection of national unity and social justice. He maintains the nation's independence and the integrity of its territories, and observes the separation of powers. He may take all measures and procedures necessary for protecting the country, all of which is as stipulated in this Declaration and by virtue of the law.

Article 24 Presidential powers

The President of the Republic administers State affairs, to which end he exercises the following powers and has the following jurisdictions:

1. Legislation, after consulting the Cabinet. Legislative power shall be transferred to the Council of Representatives after it is elected;
2. Approving the State's public policy and public budget and observing of its execution;
3. Representing the State domestically and internationally and concluding international treaties and conventions after the Cabinet's approval, which shall have the power of law;
4. Appointing and dismissing the Prime Minister and his deputies as well as the ministers and their deputies;
5. Appointing and dismissing civil and military servants and political representatives as prescribed by law, and accrediting political representatives of foreign countries;
6. Declaring war after consulting the Supreme Council of the Armed Forces and the approval of the National Defence Council;
7. Extending amnesties or mitigating punishments. A comprehensive amnesty can only be by virtue of a law; and
8. Other powers and jurisdictions set forth for the President of the Republic by virtue of laws and regulations, to which powers and competencies he may authorize others.

Article 25 The cabinet

The Cabinet and ministers undertake executive power each in their own capacity. The Cabinet may, specifically, exercise the following competencies:

1. Participating with the President in setting the State's public policy and supervising its execution as per laws and presidential decrees;
2. Directing, coordinating and following up functions of ministries and line public authorities and institutions;
3. Issuing administrative and executive decrees as per the laws, regulations and decrees, and overseeing their execution;
4. Preparing bills and draft republican decrees;
5. Preparing the State's draft public budget;
6. Setting the State's draft public plan;

7. Contracting and awarding loans as per the provisions of the Constitution; and
8. Executing laws, maintaining State security and interests, and protecting citizens' rights and freedoms.

Article 26 Issuance of regulations

The Prime Minister issues control regulations and others necessary for the enforcement of laws, unless otherwise the law specifies who shall issue regulations necessary for its enforcement.

The Prime Minister also issues by-laws necessary for the establishment and regulation of public utilities and authorities after the approval of the Cabinet. Should such add new burdens to the State's public budget, the President's approval is required.

Article 27 State of emergency

The President of the Republic, following the Cabinet's approval, declares the state of emergency as prescribed by the law.

The declaration is for a specific period of time no more than three months and may only be extended for a similar period after the People's approval in a public referendum.

Article 28 The expert committee

By virtue of a Presidential decree, a committee of experts shall, no later than fifteen days after the date of this Declaration's issuance, be formed including two members from the Supreme Constitutional Court and its Commissioners' Board, two regular judiciary judges, two State Council judges, and four Egyptian university professors of constitutional law. The

higher boards of these bodies and judicial authorities shall select their representatives, and the Supreme University Council shall select the professors of constitutional law.

The committee shall propose amendments to the suspended 2012 Constitution so that its mandate shall come to end within thirty days after its formation.

The decree ordering the Committee's formation shall specify where it shall hold its meetings

as well as how it shall organise its work.

Article 29 Constituent Assembly

The aforementioned committee in the previous Article shall present the proposed constitutional amendments to a fifty-member committee, representing all segments, sects and demographic diversities of society, especially parties, intelligentsia, labourers, peasants, members of trade unions, specialized federations, national councils, al-Azhar, the Egyptian Churches, Armed Forces, the police and public figures, provided that ten members at least be young people and women. Each institution shall nominate their representatives, and the Cabinet shall nominate the public figures.

The committee must finalize the final draft of the Constitutional amendments within a maximum of sixty days from the date of receiving the proposed amendments, during which

it shall provide such for social dialogue.

The President issues decrees necessary for the committee's formation and specifying where it shall hold its meetings. The committee shall determine the rules regulating its mandate and the measures required for ensuring social dialogue on the amendments.

Article 30 Electoral timetable

The President shall present the draft constitutional amendments to the people for referendum within thirty days after he receives them. The amendments shall come into force as of the date on which they obtain the People's approval in the said referendum. The President shall call for the election of the Council of Representatives within fifteen days of that date to hold elections within a minimum of one month and maximum of two months. No later than one week after the first session of the Council of Representatives, the call for presidential elections shall be made.

The Higher Election Commission in place on the date of the coming into force of the present

Declaration shall fully supervise the referendum.

Article 31 Official Gazette

Laws are published in the Official Gazette within one week as of the date on which they are issued, and come into force one month after the day after they are published, unless specified otherwise.

Article 32 Legal continuity

All the provisions stipulated by laws and regulations prior to this Declaration's issuance remain valid and in force. However, they may be repealed or amended as per the rules and procedures set forth in this Declaration.

Article 33 Legal effect

The present Declaration shall be published in the Official Gazette and shall come into force as of the day after it is published.

[Signature]

Source: World Intellectual Property Organization

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