

## **Constitutional Proclamation**

We, the people of Egypt, who have been toiling on this glorious land since the dawn of history and civilization, we the people working in Egypt's villages, fields, cities, factories, centers of education and industry in any field of work which contributes to the creation of life on its soil or plays a part in the honour of defending this land

We, the people who believe in its spiritual and immortal heritage and who are confident in our profound faith and cherish the honour of man and of humanity at large,

We, the people who in addition to preserving the legacy of history, bear the responsibility of great present and future objectives whose seeds are embedded in the long and arduous struggle, with which the banners of liberty, socialism and unity have been hoisted along the great march of the Arab Nation,

We, the Egyptian people, in the name of God and with His assistance pledge to indefinitely and unconditionally exert every effort to realise:-

**Peace to our world**

Being determined that peace can only be based on justice and that political and social progress of all peoples can only be realized through the freedom and independent will of these peoples, and that any civilization is not worthy of its name unless it is free from exploitation whatever its form.

**Unity**

The hope of our Arab Nation being certain that Arab Unity is a call of history and future and an inevitable destiny which can only materialize through an Arab Nation capable of warding off any threat whatever may be the source or the pretexts justifying it.

**The Constant Development Of Life In Our Nation**

Being convinced that the true challenge confronting nations is the realization of progress and that such progress does not occur automatically or through slogans alone, but that the driving force behind it is the release of all potentials of creativity and originality in our people, who have asserted at all times their contribution to civilization and humanity through work alone.

Our people have passed through successive experiences, meantime offering rich experiences on both the national and international levels, by which they have been guided. These experiences finally took shape in the basic documentations of the July, 23rd Revolution led by the alliance of the working forces of our struggling people. This people have been able, through deep awareness and refined sensibility, to retain the genuine core of this revolution and to continuously rectify its path and to realize through it full integration between science and faith, political and social freedom, national independence and affiliation on the one hand and the worldwide struggle of humanity for political economic, cultural and intellectual freedom and the fight against all forces and remnants of regression domination and exploitation on the other hand.

**Freedom For The Humanity Of The Egyptian Man**

Having realized that man's humanity and dignity are the torches that guide and direct the course of the enormous development of mankind towards its supreme ideals.

The dignity of every individual is natural reflection of the dignity of his nation, for each individual is a cornerstone in the edifice of the homeland. This homeland derives its strength and prestige from the value of each individual, his activity and dignity.

The sovereignty of law is not only a guarantee for the freedom of the individual but is also the sole basis for the legality of authority.

The alliance of the popular working forces is not a means for social conflict towards historical development, it is, in this modern age, with its climate and ways, a safety valve protecting the unity of the working powers of the nation and eliminating contradictions within these forces through democratic interaction.

We the working masses of the people of Egypt - out of determination, confidence and faith in all our national and international responsibilities, and in acknowledgment of God's right and His messages, and in recognition of the right of our nation as well as of the principle and responsibility of mankind, and in the name of God and with His assistance - declare on the Eleventh of September 1971 that we accept and grant ourselves this Constitution, asserting our firm determination to defend and protect it, assuring our respect for it.

### **Chapter one: The State**

Art.1\*: The Arab Republic of Egypt is a Socialist Democratic State based on the alliance of the working forces of the people. The Egyptian people are part of the Arab Nation and work for the realization of its comprehensive unity.

Art.2\*: Islam is the Religion of the State. Arabic is its official language, and the principal source of legislation is Islamic Jurisprudence (Sharia).

Art.3: Sovereignty is for the people alone who will practise and protect this sovereignty and safeguard national unity in the manner specified by the Constitution

Art.4\*: The economic foundation of the Arab Republic of Egypt is the socialist democratic system based on sufficiency and justice, in a manner preventing exploitation, narrowing the gap between incomes, protecting legitimate earnings and guaranteeing justice in the distribution of public responsibilities and expenditures .

Art.5\*: The political regime of the Arab Republic of Egypt is based upon the multi-party system within the framework of the basic principles and components of the Egyptian society stipulated by the Constitution. Political parties shall be organized by law

Art.6: Egyptian Nationality is defined by law.

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(\*) Amended according to the result of the plebiscite on the constitutional amendment which was conducted on May, 22nd 1980

## Chapter two

### Part One: Social and Moral Constituents

Art.7: Social solidarity is the basis of society.

Art.8: The State shall guarantee equality of opportunity to all Egyptians.

Art.9: The family is the basis of the society founded on religion, morality and patriotism. The State is keen to preserve the genuine character of the Egyptian family- with all values and traditions represented by it- while affirming and promoting this character in the interplay of relations within the Egyptian society.

Art.11: The State shall guarantee coordination between woman's duties towards her family and her work in the society, considering her equal to man in the political, social, cultural and economic spheres without detriment to the rules of Islamic jurisprudence (Sharia).

Art.12: Society shall be committed to safeguarding and protecting morals, promoting the genuine Egyptian traditions and abiding by the high standards of religious education, moral and national values, and the historical heritage of the people, scientific facts, socialist conduct and public manners within the limits of the law. The State is committed to abiding by these principles and promoting them.

Art.13: Work is a right, a duty and an honour ensured by the State. Distinguished workers shall be worthy of the appreciation of the State and the society. No work shall be imposed on citizens, except by virtue of the law, for the performance of a public service and in return for a fair remuneration.

Art.14: Citizens are entitled to public offices, which are assigned to those who shall occupy them in the service of people. The State guarantees the protection of public officers in the performance of their duties in safeguarding the interests of the people. They may not be dismissed by other than the disciplinary way except in the cases specified by the law.

Art.15: War veterans and those injured during wars or because of them, martyrs' wives and children shall have priority in work opportunities according to the law.

Art.16: The State shall guarantee cultural, social and health services and shall work to ensure them particularly for villagers in an easy and regular manner in order to raise their standard.

Art.17: The State shall guarantee social and health insurance services. All citizens shall have the right to pensions in cases of incapacity, unemployment, and old-age in accordance with the law.

Art.18: Education is a right guaranteed by the State. It is obligatory in the primary stage. The State shall work to extend obligation to other stages. The State shall supervise all branches of education and guarantee the independence of universities and scientific research centers, with a view to linking all this with the requirements of society and production.

Art.19: Religious education shall be a principal subject in the courses of general education.

Art.20: Education in the State: Educational institutions shall be free of charge in their various stages.

Art.21: Combating illiteracy shall be a national duty for which all the people's capacity shall be mobilized.

Art.22: The institution of civil titles shall be prohibited.

## **Part Two: Economic Constituents**

Art.23: The national economy shall be organised in accordance with a comprehensive development plan which ensures raising the national income, fair distribution, raising the standard of living, solving the problem of unemployment, increasing work opportunities, connecting wages with production, fixing a minimum and maximum limit for wages in a manner that guarantees lessening the disparities between incomes

Art.24: The people shall control all means of production and direct their surplus in accordance with development plan laid down by the State.

Art.25: Every citizen shall have a share in the national revenue to be defined by law in accordance with his work or his unexploiting ownership.

Art.26: Workers shall have a share in the management and profits of projects. They shall be committed to the development of production and the implementation of the plan in their production units, in accordance with the law. Protecting the means of production is a national duty. Workers shall be represented on the boards of directors of the public sector units by at least 50% of the number of members of these boards. The law shall guarantee for the small farmers and small craftsmen 80% of the membership on the boards of directors of the agricultural and industrial co-operatives.

Art.27: Beneficiaries shall participate in the management of the services projects of public interest and their supervision in accordance with the law.

Art.28: The State shall look after the co-operative establishments in all their forms and encourage handicrafts with a view to developing production and raising income. The State shall endeavour to support agricultural co-operatives according to modern scientific bases.

Art.29: Ownership shall be under the supervision of the people and the protection of the State. There are three kinds of ownership: public ownership, co-operative ownership and private ownership.

Art.30: Public ownership is the ownership of the people and it is confirmed by the continuous support of the public sector. The public sector shall be the vanguard of progress in all spheres and shall assume the main responsibility in the development plan.

Art.31: Co-operative ownership is the ownership of the co-operative societies. The law shall guarantee its protection and self-management.

Art.32: Private ownership shall be represented by the unexploiting capital. The law shall organize the performance of its social function in the service of the national economy within

the framework of the development plan, without deviation or exploitation. The ways of its utilization should not contradict the general welfare of the people.

Art.33: Public ownership shall have its sanctity. Its protection and support shall be the duty of every citizen in accordance with the law as it is considered the mainstay of the strength of the homeland, a basis for the socialist system and a source of prosperity for the people.

Art.34: Private ownership shall be safeguarded and may not be placed under sequestration except in the cases defined by law and in accordance with a judicial decision. It may not be expropriated except for the general good and against a fair compensation as defined by law. The right of inheritance shall be guaranteed in it.

Art.35: Nationalization shall not be allowed except for considerations of public interest and in accordance with a law and against a compensation.

Art.36: General confiscation of funds shall be prohibited. Private confiscation shall not be allowed except by a judicial decision.

Art.37: The law shall fix the maximum limit of land ownership with a view to protecting the farmer and the agricultural labourer from exploitation and asserting the authority of the alliance of the people's working forces in villages.

Art.38: The tax system shall be based on social justice

Art.39: Saving is a national duty protected, encouraged and organized by the State.

### **Chapter three: Public Freedoms, Rights and Duties**

Art.40: All citizens are equal before the law. They have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed.

Art.41: Individual freedom is a natural right not subject to violation except in cases of flagrante delicto. No person may be arrested, inspected, detained or have his freedom restricted in any way or be prevented from free movement except by an order necessitated by investigations and the preservation of public security. This order shall be given by the competent judge or the Public Prosecution in accordance with the provisions of the law.

Art.42: Any citizen arrested, detained or whose freedom is restricted shall be treated in a manner concomitant with the preservation of his dignity. No physical or moral harm is to be inflicted upon him. He may not be detained or imprisoned except in places defined by laws organizing prisons. If a confession is proved to have been made by a person under any of the aforementioned forms of duress or coercion, it shall be considered invalid and futile.

Art.43: Any medical or scientific experiment may not be performed on any person without his free consent.

Art.44: Homes shall have their sanctity and they may not be entered or inspected except by a causal judicial warrant as prescribed by the law.

Art.45: The law shall protect the inviolability of the private life of citizens. Correspondence, wires, telephone calls and other means of communication shall have their own sanctity and their secrecy shall be guaranteed. They may not be confiscated or monitored except by a causal judicial warrant and for a definite period and according to the provisions of the law.

Art.46: The State shall guarantee the freedom of belief and the freedom of practising religious rights.

Art.47: Freedom of opinion shall be guaranteed. Every individual shall have the right to express his opinion and to publicise it verbally, in writing, by photography or by other means of expression within the limits of the law. Self criticism and constructive criticism shall guarantee the safety of the national structure.

Art.48: Liberty of the press, printing, publication and mass media shall be guaranteed. Censorship on newspapers shall be forbidden as well as notifying, suspending or cancelling them by administrative methods. In a state of emergency or in time of war, a limited censorship may be imposed on the newspapers, publications and mass media in matters related to public safety or for purposes of national security in accordance with the law.

Art.49: The State shall guarantee for citizens the freedom of scientific research and literary, artistic and cultural creativity and provide the necessary means for encouraging their realization.

Art.50: No citizen shall be prohibited from residing in any place or be forced to reside in a particular place except in cases defined by law.

Art.51: No citizen may be deported from the country or prevented from returning to it.

Art.52: Citizens shall have the right to permanent or temporary emigration. The law shall regulate this right and the measures and conditions of emigration.

Art.53: The right to political asylum shall be granted by the State to every foreigner persecuted for defending the people's interests, human rights, peace or justice. The extradition of political refugees shall be prohibited.

Art.54: Citizens shall have the right to peaceful and unarmed private assembly, without the need for prior notice. Such private meetings should not be attended by security men. Public meetings, processions and gatherings shall be allowed within the limits of the law.

Art.55: Citizens shall have the right to form societies as defined by law. The establishment of societies whose activities are hostile to the social system, clandestine or have a military character shall be prohibited.

Art.56: The creation of syndicates and unions on democratic basis shall be guaranteed by law and shall have a legal person. The law regulates the participation of syndicates and unions in carrying out the social plans, and programmes raising the standard of efficiency, consolidating socialist behaviour among their members, and safeguarding their funds. They are responsible for questioning their members about their behaviour in exercising their activities according to certain codes of morals, and for defending the rights and liberties of their members as defined by law.

Art.57: Any assault on individual freedom or on the inviolability of the private life of citizens and any other public rights and liberties guaranteed by the Constitution and the law shall be considered a crime, whose criminal and civil lawsuit is not liable to prescription. The State shall grant a fair compensation to the victim of such an assault.

Art.58: Defence of the motherland is a sacred duty and conscription shall be obligatory in accordance with the law.

Art.59: Safeguarding, consolidating and preserving the socialist gains shall be a national duty.

Art.60: Safeguarding national unity and keeping State secrets shall be the duty of every citizen.

Art.61: Payment of taxes and public imposts is a duty as defined by law.

Art.62: Citizen shall have the right to vote, nominate and express their opinions in referenda according to the provisions of the law. Their participation in public life is a national duty.

Art.63: Every individual shall have the right to address public authorities in writing and with his own signature. Addressing public authorities should not be in the name of groups with the exception of disciplinary organs and legal person.

#### **Chapter four: Sovereignty of the Law**

Art.64: The Sovereignty of the law is the basis of State rule.

Art.65: The State shall be subject to law. The independence and immunity of the judicature are two basic guarantees to safeguard rights and liberties.

Art.66: Penalty shall be personal. There shall be no crime or penalty except by virtue of the law. No penalty shall be inflicted except by a judicial sentence. Penalty shall be inflicted only for acts committed subsequent to the promulgation of the law prescribing them.

Art.67: Any defendant is innocent until he is proved guilty before a legal court, in which he is granted the right to defend himself. Every person accused of a crime must be provided with counsel for his defence.

Art.68: The right to litigation is inalienable for all, and every citizen has the right to refer to his competent judge. The State shall guarantee the accessibility of the judicature organs to litigants, and the rapidity of statuting on cases. Any provision in the law stipulating the immunity of any act or administrative decision from the control of the judicature shall be prohibited.

Art.69: The right of defence in person or by power of attorney shall be guaranteed. The law shall grant the financially incapable citizens the means to resort to justice and defend their rights.

Art.70: No penal lawsuit shall be sued except by an order from a judicature organ with the exception of cases defined by law.

Art.71: Any person arrested or detained shall be informed forthwith of the reasons for his arrest or his detention. He shall have the right to communicate with whoever he sees fit and inform them of what has taken place and to ask for help in the way organized by law. He must be notified, as soon as possible, with the charges directed against him. Any person may lodge a complaint to the courts against any measure taken to restrict his personal freedom. The Law shall regulate the right of complaint in a manner ensuring a decision regarding it within a definite period or else release shall be imperative.

Art.72: Sentences shall be passed and executed in the name of the people. Likewise refraining from executing sentences or obstructing them on the part of the concerned civil servants shall be considered a crime punishable by law. In this case, those whom the sentence is in favour of, shall have the right to sue a direct penal lawsuit before the competent court.

## **Chapter five**

### **Part One: The Head of the State**

Art.73: The Head of the State is the President of the Republic. He shall assert the sovereignty of the people, respect for the Constitution and the supermacy of the law. He shall safeguard national unity and the socialist gains and maintain the limits between authorities in a manner to ensure that each shall perform its role in the national action.

Art.74: If any danger threatens the national unity or the safety of the motherland or obstructs the constitutional role of the State institutions, the President of the Republic shall take urgent measures to face this danger, direct a statement to the people and conduct a referendum on those measures within sixty days of their adoption.

Art.75: The President of the Republic should be an Egyptian born to Egyptian parents and enjoy civil and political rights. His age must not be less than 40 Gregorian years.

Art.76: The People's Assembly shall nominate the President of the Republic. The nomination shall be referred to the people for a plebiscite. The nomination for the President of the Republic shall be made in the People's Assembly upon the proposal of at least one third of its members. The candidate who obtains two thirds of the votes of the members of the People's Assembly shall be referred to the people for a plebiscite. If he does not obtain the said majority the nomination process shall be repeated two days after the first vote. The candidate obtaining an absolute majority of the votes of the Assembly members shall be referred to the citizens for a plebiscite. The candidate shall be considered President of the Republic when he obtains an absolute majority of votes cast in the plebiscite. If the candidate does not obtain this majority, the Assembly shall propose the nomination of another candidate and the same procedure shall follow concerning his candidature and election.

Art.77\*\*: The term of the presidency shall be six Gregorian years starting from the date of the announcement of result of the plebiscite. The President of the Republic may be re-elected for other successive terms.



Art.78: The procedures for the choice of a new President of the Republic shall begin sixty days before the expiration of the term of the President in office. The new President shall be selected at least one week before the expiration of the term. Should this term expire without the choice of a new President for whatever reason, the former President shall continue to exercise his functions until his successor is elected.

Art.79: Before exercising his functions, the President shall take the following oath before the People's Assembly: "I swear by Almighty God to uphold the Republican system with loyalty, to respect the Constitution and the law, and to look after the interests of the people fully and to safeguard the independence and territorial integrity of the motherland".

Art.80: The salary of the President of the Republic shall be fixed by law. Any amendment in the salary shall not be applicable during the presidential term in which such an amendment is decided upon. The President of the Republic may not receive any other salary or remunerations.

Art.81: During his term of office the President of the Republic may not exercise any free profession or undertake any commercial, financial or industrial activity. Nor may he acquire or take or lease any state property, sell to or exchange with the State any property of his whatsoever.

Art.82: In case the President of the Republic, due to any temporary obstacle, is unable to carry out his functions, he shall delegate his powers to a Vice-President.

Art.83: In case of resignation, the President of the Republic shall address his letter of resignation to the People's Assembly.

Art.84: In case of the vacancy of the Presidential office or the permanent disability of the President of the Republic, the Speaker of the People's Assembly shall temporarily assume the Presidency. In case the People's Assembly is dissolved at such a time the President of the Supreme Constitutional Court shall take over the Presidency on condition that neither one shall nominate himself for the Presidency. The People's Assembly shall then proclaim the vacancy of the office of President. The President of the Republic shall be chosen within a maximum period of sixty days from the date of the vacancy of the Presidential office.

Art.85: Any charge against the President of high treason or of committing a criminal act shall be made upon a proposal by at least one third of the members of the People's Assembly. No impeachment shall be issued except upon the approval of a majority of two-thirds of the Assembly members. The President of the Republic shall be suspended from the exercise of his duties as from the issuance of the impeachment. The Vice-President shall take over the Presidency temporarily until the decision concerning the impeachment is taken. The President of the Republic shall be tried by a special Tribunal set up by law. The law shall also organize the trial procedures and define the penalty. In case he is found guilty, he shall be relieved of his post without prejudice to other penalties.

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(\*\*) Amended according to the unanimity of the people's approval to the constitutional amendment in the plebiscite conducted May, 22nd 1980.

## **Part Two: The People's Assembly**

Art.86: The People's Assembly shall exercise the legislative power, approve the general policy of the State, the general plan of economic and social development and the general budget of the State. It shall exercise control over the work of the executive authority in the manner prescribed by the Constitution.

Art.87: The law shall determine the constituencies into which the State shall be divided. The number of the elected members of the People's Assembly must be at least 350 members of whom one half at least must be workers and farmers elected by direct secret public balloting. The Law shall determine the definition of the worker and the farmer. The President of the Republic may appoint a number of members not exceeding ten.

Art.88: The Law shall determine the conditions which members of the Assembly must fulfil as well as the rules of election and referendum, while the ballot shall be conducted under the supervision of the members of a judiciary organ.

Art.89: Employees of the State and the public sector may nominate themselves for membership in the People's Assembly with the exception of cases determined by law. The member of the People's Assembly shall devote himself entirely to his duties, while his former work or post shall be preserved for him as determined by law.

Art.90: Before exercising his duties, the member of the People's Assembly shall take the following oath before the Assembly: "I swear by God Almighty that I shall sincerely safeguard the safety of the nation, the republican regime, attend to the interests of the people and shall respect the Constitution and the law".

Art.91: The members of the People's Assembly shall receive a remuneration determined by law.

Art.92: The duration of the People's Assembly term shall be five Gergorian years starting from the date of its first meeting. Elections for the renewal of the Assembly shall take place within the sixty days preceding the termination of its term.

Art.93: The People's Assembly shall be competent to decide upon the validity of the membership of its members. The Court of Cassation shall be competent to investigate the validity of contestations on membership presented to the Assembly after referring them to the Court by the Speaker of the Assembly. The contestation shall be referred to the Court of Cassation within fifteen days as from the date on which the Assembly has been informed thereof while the investigation shall be completed within ninety days from the date on which the contestation is referred to the Court of Cassation. The result of the investigation and the decision reached by the Court shall be submitted to the Assembly to decide upon the validity of the contestation within sixty days from the date of submission of the result of the investigation to the Assembly. Memberships shall not be deemed invalid except by a decision taken by a majority of two-thirds of the Assembly members.

Art.94: If the seat of a member becomes vacant before the end of his term, a successor shall be elected or appointed to it, within sixty days from the date of the communication to the Assembly of the occurrence of the vacancy. The term of the new member shall extend until the end of the term of his predecessor.

Art.95: No member of the People's Assembly shall, during his term, purchase or rent any state property or sell or lease to the state or barter with it regarding any part of his property, or conclude a contract with the State in his capacity as entrepreneur, importer or contractor.

Art.96: No membership in the People's Assembly shall be revoked except on the grounds of loss of confidence or status or loss of one of the conditions of membership or the loss of the member's status as worker or farmer upon which he was elected or the violation of his obligations as a member. The membership shall be deemed invalid on the grounds of a decision taken by two-thirds of the Assembly members.

Art.97: The People's Assembly alone may accept the resignation of its members.

Art.98: Members of the People's Assembly shall not be censured for any opinions or thoughts expressed by them in the performance of their tasks in the Assembly or its committees.

Art.99: Except in cases of flagrante delicto, no member of the People's Assembly shall be subject to a criminal prosecution without the permission of the Assembly. If the Assembly is not in session, the permission of the Speaker of the Assembly must be taken. The Assembly must be notified of the measures taken in its first subsequent session.

Art.100: The seat of the People's Assembly shall be Cairo. However, the Assembly may, under exceptional circumstances, meet in another city at the request of the President of the Republic or the majority of the Assembly members. Any meeting of the Assembly in other than its designated seat is illegal and the resolutions passed in it shall be considered invalid.

Art.101: The President of the Republic shall convoke the People's Assembly for its ordinary annual session before the second Thursday of November. If it is not convoked, the Assembly shall meet by force of the Constitution on the said date. The session of the ordinary meeting shall continue for at least seven months. The President of the Republic shall declare the ordinary session closed. This may not take place until the general budget of the state is approved.

Art.102: The President of the Republic may call the People's Assembly to an extraordinary session, in case of necessity, or upon request signed by a majority of the Assembly members. The President of the Republic shall announce the dismissal of the extraordinary session.

Art.103: The People's Assembly shall elect, in the first meeting of its ordinary annual session, a Speaker and two Deputy - Speakers for the term of the session. If the seat of anyone of them is vacated, the Assembly shall elect a replacement, whose term will last until the end of his predecessor's term.

Art.104: The People's Assembly shall lay down its own rules of procedure organizing the manner in which it fulfills its tasks.

Art.105: The People's Assembly alone shall be entitled to preserve order inside it. The Speaker of the Assembly shall be entrusted with this task.

Art.106: The meeting of the People's Assembly shall be public. However, a meeting in camera may be held at the request of the President of the Republic, or the Government, or the Prime Minister or of at least twenty of its members. The Assembly shall then decide whether the debate on the question submitted to it shall take place in a public meeting or in a meeting in camera.

Art.107: The meeting of the Assembly shall be considered invalid unless the majority of its members are present. The Assembly shall adopt its resolutions by an absolute majority of its attending members, in cases other than those for which a specific majority is required. A separate vote will be taken on each article of the draft laws. In case of a tie vote, the question on which the debate has taken place shall be rejected.

Art.108: The President of the Republic shall have the right, in case of necessity or in exceptional cases and on the authorization of the People's Assembly, to issue resolutions having the force of law. Such authorization must be for a limited period of time and must point out the subjects of such resolutions and the grounds upon which they are based. The resolutions must be submitted to the People's Assembly at its first meeting after the end of the authorization period. If they are not submitted or if they are submitted and not approved by the Assembly, they shall cease to have the force of law.

Art.109: The President of the Republic and every member of the People's Assembly shall have the right to propose laws.

Art.110: Every draft law shall be referred to one of the committees of the Assembly which will study it and submit a report concerning it. Draft laws presented by members of the People's Assembly shall not be referred to these committees unless they are first referred to a special committee which will study them and give an opinion on the suitability of their consideration by the Assembly and after the Assembly decides to consider them.

Art.111: Every draft law proposed by a member and rejected by the Assembly cannot be presented again in the course of the same session.

Art.112: The President of the Republic shall have the right to promulgate laws or object to them.

Art.113: If the President of the Republic objects to a draft law ratified by the People's Assembly, he shall refer it back to the Assembly within thirty days from the Assembly's communication of it. If the draft law is not referred back within this period. It is considered a law and shall be promulgated. If it is referred back to the Assembly on the said date and approved once again by a majority of two-thirds of the members, it shall be considered a law and shall be promulgated.

Art.114: The People's Assembly shall approve the general plan for economic and social development. The manner of the preparation of the plan and of its submission to the People's Assembly shall be determined by law.

Art.115: The draft general budget of the State shall be submitted to the Assembly at least two months before the beginning of the fiscal year. It shall not be considered in effect unless it is approved by the Assembly. Each chapter of the draft budget shall be voted upon separately and shall be promulgated by law. The People's Assembly shall not make

modifications in the draft budget except with the approval of the government. In case the ratification of the new budget does not take place before the beginning of the new fiscal year, the old budget shall be acted on pending such ratification. The law shall determine the manner of preparing the budget and determine the fiscal year.

Art.116: The approval of the People's Assembly shall be considered necessary for the transfer of any funds from one title of the budget to another, as well as for any expenditure not included in it or in excess of its estimates. These shall be issued by law.

Art.117: The law shall determine the provisions regulating the budgets and accounts of public organizations and institutions.

Art.118: The final account of the State budget shall be submitted to the People's Assembly within a period not exceeding one year from the date of the expiration of the fiscal year. Each title shall be voted upon separately and issued by a law. The annual report of the Central Agency for Accounting and its observations must be submitted to the People's Assembly. The Assembly has the right to demand from the Central Agency for Accounting any data or other pertinent reports.

Art.119: The imposition, modification or abolition of general taxes cannot be effected except in the cases decreed by law. No one may be exempted from their payment except in the cases specified by law. No one may be asked to pay additional taxes or imposts except in the cases specified by law.

Art.120: The basic rules for collection of public funds and the procedure for their disbursement shall be regulated by law.

Art.121: The Executive Authority shall not contract a loan, or bind itself to a project entailing expenditure of public funds from the State Treasury in the course of a subsequent period, except with the approval of the People's Assembly.

Art.122: The rules governing the granting of salaries, pensions, indemnities, subsidies and bonuses from the State treasury, as well as the cases excepted from these rules and the authorities charged with their application, shall be determined by law.

Art.123: The law shall determine the rules and procedures for granting concessions related to the investment of natural resources and public utilities. It shall also define cases where it is permitted to dispose free of charge, of real estate property belonging to the State and the ceding of its movable property and the rules and regulations organizing such procedures.

Art.124: Every member of the People's Assembly shall be entitled to address questions to the Prime Minister or to any of his deputies or the Ministers or their deputies concerning matters within their jurisdiction. The Prime Minister, his deputies, the Ministers and the persons they delegate on their behalf shall answer the questions put to them by members. The member may withdraw his question at any time; this same question may not be transformed into an interpellation in the same session.

Art.125: Every member of the People's Assembly shall be entitled to address interpellations to the Prime Minister or his deputies or the Ministers and their deputies concerning matters within their jurisdiction. Debate on an interpellation shall take place at least seven days after

its submission, except in the cases of urgency as decided by the Assembly and with the Government's consent.

Art.126: The Minister shall be responsible for the general policy of the State before the People's Assembly. Each minister shall be responsible for the affairs of his ministry. The People's Assembly may decide to withdraw its confidence from any of the Prime Minister's deputies or from any of the Ministers or their deputies. A motion of no confidence should not be submitted except after an interpellation, and upon a motion proposed by one tenth the members of the Assembly. The Assembly shall not decide on such a motion until after at least three days from the date of its presentation. Withdrawal of confidence shall be pronounced by the majority of the members of the Assembly.

Art.127: The People's Assembly shall determine the responsibility of the Prime Minister, on a proposal by one-tenth of its members. Such a decision should be taken by the majority of the members of the Assembly. It may not be taken except after an interpellation addressed to the Government and after at least three days from the date of its presentation. In the event that such responsibility is determined, the Assembly shall submit a report to the President of the Republic including the elements of the subject, the conclusions reached on the matter and the reasons behind them. The President of the Republic may return such a report to the Assembly within ten days. If the Assembly ratifies it once again, the President of the Republic may put the subject of discord to a referendum. Such a referendum shall be held within thirty days from the date of the last ratification of the Assembly. In such a case the Assembly sessions shall be terminated. If the result of the referendum is in support of the Government, the Assembly shall be considered dissolved, otherwise, the President of the Republic shall accept the resignation of the Cabinet.

Art.128: If the Assembly withdraws its confidence from any of the Prime Minister's deputies or the Ministers or their deputies, he shall resign his office. The Prime Minister shall submit his resignation to the President of the Republic if he is found responsible before the People's Assembly.

Art.129: Any twenty members at least, of the People's Assembly may ask for the discussion of a public question to ascertain the Government's policy regarding such a question.

Art.130: The members of the People's Assembly shall be entitled to express their opinions concerning public questions before the Prime Minister or any of his deputies or of the Ministers.

Art.131: The People's Assembly may form an ad hoc Committee or entrust any of its committees with the inspection of the activities of any of the administrative departments or the general establishments or any executive or administrative organ or any of the public projects, for the purpose of fact - finding and informing the Assembly as to the actual financial, or administrative or economic situation thereof, or for conducting investigations into a subject related to one of the said activities. In the course of its work, such a committee shall be entitled to collect whatever evidence it deems necessary and to subpoena all those it needs. All executive and administrative bodies shall answer the demands of the committee and put under its disposal all the documents and evidence it demands for this purpose.

Art.132: At the inaugural meeting of the ordinary session of the People's Assembly, the President of the Republic shall deliver a statement of the general policy of the State. He may

also make other statements before the Assembly. The Assembly is entitled to discuss the statement of the President of the Republic.

Art.133: After the formation of the Cabinet and at the inaugural meeting of the ordinary session of the People's Assembly, the Prime Minister shall submit the programme of his Government. The People's Assembly is entitled to discuss such a programme.

Art.134: The Prime Minister, his deputies, the Ministers and their deputies may become members of the People's Assembly. Those of them who are not members may attend the sessions and committee meetings of the Assembly.

Art.135: The Prime Minister and the Ministers shall have the right to be heard in the Assembly sessions and committee meetings whenever they ask for the floor. They may ask for the assistance of the highranking officials of their choice. When taking votes a minister shall have no counted vote unless he is a member.

Art.136: The President of the Republic shall not dissolve the People's Assembly unless it is necessary and after a referendum of the People. In such a case, the President of the Republic shall issue a decision terminating the sessions of the Assembly and conducting a referendum within thirty days. If the total majority of the voters approve the dissolution of the Assembly, the President of the Republic shall issue the decision of dissolution. The decision dissolving the Assembly shall comprise an invitation to the electors to conduct new elections for the People's Assembly within a period not exceeding sixty days from the date of the declaration of the referendum results. The new Assembly shall convene during a period of ten days following the completion of elections.

### **Part Three: The Executive Authority**

#### **First Branch: The President of the Republic**

Art.137: The President of the Republic shall assume executive power and shall exercise it in the manner stipulated in the Constitution.

Art.138: The President of the Republic, in conjunction with the cabinet, shall lay down the general policy of the state and shall supervise its implementation in the manner prescribed in the Constitution.

Art.139: The President of the Republic may appoint one or more Vice-Presidents define their jurisdiction and relieve them of their posts. The rules relating to the calling to account of the President of the Republic shall be applicable to the Vice-Presidents.

Art.140: Before exercising his functions the Vice-President of the Republic shall take the following oath before the President of the Republic: " I swear by Almighty God to uphold the Republican system with loyalty to respect the Constitution and the Law, to look after the interests of the People in full and to safeguard the independence and territorial integrity of the motherland."

Art.141: The President of the Republic shall appoint the Prime Minister, his deputies, the Ministers and their deputies and relieve them of their posts.

Art.142: The President of the Republic shall have the right to convoke the Cabinet and to attend its meetings. He shall also preside over the meetings he attends and is entitled to demand reports from the Ministers.

Art.143: The President of the Republic shall appoint the civil and military officials, and the diplomatic representatives and dismiss them in the manner prescribed by the law. He shall also accredit the diplomatic representatives of foreign states.

Art.144: The President of the Republic shall issue the necessary regulations for the implementation of the laws in the manner that would not modify, delay, or exempt them from execution. He shall have the right to vest others with authority to issue them. The law may determine whoever issues the decision requisite for its implementation.

Art.145: The President of the Republic shall issue control regulations.

Art.146: The President of the Republic shall issue the decisions necessary for establishing and organizing public services and administrations.

Art.147: In case it becomes necessary during the absence of the People's Assembly, to take measures which cannot suffer delay, the President of the Republic shall issue decisions in this respect which have the force of law. Such decisions must be submitted to the People's Assembly, within fifteen days from the date of issuance if the Assembly is standing or at its first meeting in case of the dissolution or recess of the Assembly. If they are not submitted, their force of law disappears with retroactive effect without having to take a decision to this effect. If they are submitted to the Assembly and are not ratified, their force of law disappears with retroactive effect, unless the Assembly has ratified their validity in the previous period or settled their effects in another way.

Art.148: The President of the Republic shall proclaim a state of emergency in the manner prescribed by the law. Such proclamation must be submitted to the People's Assembly within the subsequent fifteen days to take a decision upon it. In case the People's Assembly, is dissolved the matter shall be submitted to the new Assembly at its first meeting. The state of emergency in all cases, shall be for a limited period, which may not be extended unless by approval of the Assembly.

Art.149: The President of the Republic shall have the right of granting amnesty or commuting a sentence. General Amnesty can only be granted by virtue of a law.

Art.150: The President of the Republic shall be Supreme Commander of the Armed Forces. He shall have the authority to declare war after the approval of the People's Assembly.

Art.151: The President of the Republic shall conclude treaties and communicate them to the People's Assembly, accompanied with suitable clarifications. They shall have the force of law after their conclusion, ratification and publication according to the established procedure. However, peace treaties, alliance pacts, commercial and maritime treaties and all other treaties involving modifications in the territory of the State or having connection with the rights of sovereignty, or which lay upon the treasury of the State certain charges not included in the budget, must acquire the approval of the People's Assembly.



Art.152: The President of the Republic may call a referendum of the People on important matters related to the supreme interests of the country.

### **Second Branch: The Government**

Art.153: The Government shall be the supreme executive and administrative organ of the State. It shall be composed of the Prime Minister, his Deputies, the Ministers and their Deputies. The Prime Minister shall supervise the work of the Government.

Art.154: Whoever is appointed Minister or Deputy Minister must be an Egyptian, no less than 35 Gregorian years of age, and enjoying full civil and political rights.

Art.155: Before exercising their functions, the members of the cabinet shall take the following oath before the President of the Republic: " I swear by Almighty God to uphold the Republican system with loyalty, to respect the Constitution and the law to look after the interests of the People in full and to safeguard the independence and territorial integrity of the motherland."

Art.156: The Cabinet shall exercise in particular the following functions:

Laying down the general policy of the State in collaboration with the President of the Republic and controlling its implementation in accordance with the laws and republican decrees.

Directing, co-ordinating and following up the work of the ministries and their different administrations as well as public organizations and institutions.

Issuing administrative and executive decisions in accordance with the laws and decrees and supervising their implementation.

Preparing draft laws and decrees.

Preparing the draft of the general budget of the State.

Preparing the draft of the State's overall plan.

Contracting and granting loans in accordance with the rules of the Constitution.

Supervising the implementation of law, maintaining State security and protecting the rights of the citizens and the interests of the State.

Art.157: The Minister shall be the administrative supreme chief of his ministry. He shall undertake the laying down of the Ministry's policy within the limits of the State's General Policy and shall undertake its implementation.

Art.158: During the term of his office, the Minister shall not practise any free profession, a commercial, or financial or industrial occupation, buy or rent any State property or lease or sell to or barter with the State any of his own property.

Art.159: The President of the Republic and the People's Assembly shall have the right to bring a Minister to trial for crimes committed by him in the performance of his duties or due to them. The decision of the People's Assembly to charge a Minister shall be adopted upon a proposal submitted by at least one-fifth of its members. No indictment shall be issued except by a majority of two-thirds of the members of the Assembly.

Art.160: Any minister indicted shall be suspended from his duties until his case is decided. The termination of his services shall not prevent legal action being taken or pursued against him. The trial of minister, the procedures and guarantees of the trial, and the indictment shall

be in accordance with the manner prescribed by the law. These rules shall be applicable to Deputy Ministers.

### **Third Branch: The Local Administration**

Art.161: The Arab Republic of Egypt shall be divided into administrative units, enjoying legal person among which shall be governorates, cities and villages. Other administrative units may be established having legal person when required by common interest.

Art.162: Local People's Councils shall be gradually formed, on the level of administrative units by direct election half the members of whom must be farmers or workers. The law shall provide for the gradual transfer of authority to the local People's Councils . Presidents and Vice-Presidents of the Councils shall be elected from among their members.

Art.163: The law shall determine the way of forming the local People's Councils, their competences, their financial resources, the guarantees for their members their relation to the People's Assembly and to the Government as well as their role in preparing and implementing the development plan in controlling various activities.

### **Fourth Branch: National Specialized Councils**

Art.164: National Specialized Councils shall be established on a national level, to assist in planning the general policy of the State in all the domains of national activities. These Councils shall be under the President of the Republic. The formation and functions of each council shall be defined by a presidential decree.

### **Part Four: The Judiciary Authority**

Art.165: The Judiciary Authority shall be independent. It shall be exercised by courts of justice of different sorts and competences. They shall issue their judgments in accordance with the law.

Art.166: Judges shall be independent, subject to no other authority but the law. No authority may intervene in judiciary cases or in the affairs of justice.

Art.167: The law shall determine the judiciary organization and their competences, and shall organize the way of their formation and prescribe the conditions and measures for the appointment and transfer of their members.

Art.168: The status of judges shall be irrevocable. The law shall regulate the disciplinary actions with regard to them.

Art.169: The sessions of courts shall be public, unless a court decides to hold them in camera for considerations of public order or morality. In all cases, judgments shall be pronounced in public sessions.

Art.170: The people shall contribute to maintaining justice in accordance with the manner and within the limits prescribed by law.

Art.171: The law shall regulate the organization of the State Security Courts and shall prescribe their competences and the conditions to be fulfilled by those who occupy the office of judge in them.

Art.172: The State Council shall be an independent judiciary organization competent to take decisions in administrative disputes and disciplinary cases. The law shall determine its other competences.

Art.173: A Supreme Council, presided over by the President of the Republic shall supervise the affairs of the judiciary organizations. The law shall prescribe its formation, its competences and its rules of action. It shall be consulted with regard to the draft laws organizing the affairs of the judiciary organizations.

### **Part Five: The Supreme Constitutional Court**

Art.174: The Supreme Constitutional Court shall be an independent judiciary body in the Arab Republic of Egypt, and having its seat in Cairo.

Art.175: The Supreme Constitutional Court alone shall undertake the judicial control in respect of the constitutionality of the laws and regulations and shall undertake the interpretation of the legislative texts in the manner prescribed by law. The law shall prescribe the other competences of the court, and regulate the procedures to be followed before it.

Art.176: The law shall organize the way of formation of the Supreme Constitutional Court, and prescribe the conditions to be fulfilled by its members, their rights and immunities.

Art.177: The status of the members of the Supreme Constitutional Court shall be irrevocable. The Court shall call to account its members, in the manner prescribed by law.

Art.178: The judgments issued by the Supreme Constitutional Court in constitutional cases, and its decisions concerning the interpretation of legislative texts shall be published in the Official Gazette. The law shall organize the effects subsequent to a decision concerning the unconstitutionality of a legislative text.

### **Part Six: The Socialist Public Prosecutor**

Art.179: The Socialist Public Prosecutor shall be responsible for taking the measures which secure the people's rights, the safety of the society and its political regime, the preservation of the socialist achievements and commitment to socialist behaviour. The law shall prescribe his other competences. He shall be subject to the control of the People's Assembly in accordance with what is prescribed by law.

### **Part Seven: The Armed Forces and The National Defence Council**

Art.180: The State alone shall establish the Armed Forces, which shall belong to the people. Their task shall be to protect the country, safeguard its territory and security, and protect the socialist achievements of popular struggle. No organization or group may establish military or semimilitary formations. The law shall prescribe the conditions of service and promotion for the armed forces.

Art.181: General mobilization shall be organized in accordance with the law.

Art.182: A Council named “The National Defense Council” shall be established and presided over by the President of the Republic. It shall undertake the examination of matters pertaining to the methods ensuring the safety and security of the country. The law shall establish its other competences.

Art.183: The law shall organize military judicature, prescribe its competences within the limits of the principles prescribed by the Constitution.

### **Part Eight: The Police**

Art.184: Police authority shall be a civil disciplinary body. Its Supreme Chief shall be the President of the Republic. Police Authority shall perform its duty in the service of the people maintain peace and security for the citizens, preserve order, public security and morality, and undertake the implementation of the duties imposed upon it by laws and regulations, in the manner prescribed by the law.

### **Chapter six: General and Transitional Provisions**

Art.185: The city of Cairo shall be the capital of the Arab Republic of Egypt.

Art.186: The law shall prescribe the Egyptian flag and the provisions relating thereto, as well as the state emblem and the provisions relating thereto.

Art.187: Provisions of the laws shall apply only from the date of their entry into force and shall have no retroactive effect. However, provisions to the contrary may be made, in other than criminal matters, with the approval of the majority of the members of the People’s Assembly.

Art.188: All laws shall be published in the Official Gazette within two weeks from the date of their issuance. They shall be put into force a month after the date following their publication unless another date is fixed for that.

Art.189: The President of the Republic as well as the People’s Assembly may request the amendment of one or more of the articles of the Constitution. The articles to be amended and the reasons justifying such amendments shall be mentioned in the request for amendment. If the request emanates from the People’s Assembly, it should be signed by at least one third of the Assembly members. In all cases, the Assembly shall discuss the amendment in principle, and the decision in this respect shall be taken by the majority of its members. If the request is rejected, the amendment of the same particular articles may not be requested again before the expiration of one year from the date of such rejection. If the People’s Assembly approves an amendment, in principle, the articles requested to be amended shall be discussed two months after the date of the said approval. If the amendment is approved by two thirds of the members of the Assembly, it shall be referred to the people for a plebiscite. If it is approved by the people it shall be considered in force from the date of the announcement of the result of the plebiscite.

Art.190: The term of the present President of the Republic shall be terminated at the end of six years from the date of announcing his election as President of the Arab Republic of Egypt.

Art.191: All the provisions of the laws and regulations prior to the proclamation of this Constitution shall remain valid and in force. However, they may be repealed or amended in conformity with the rules and procedures stipulated in this Constitution.

Art.192: The Supreme Court shall exercise its competences prescribed in the law establishing it, until the Supreme Constitutional Court is formed.

Art.193: This Constitution shall be in force as from the date of announcing the approval of the people in this respect in the referendum.

## **Chapter seven**

### **Part One: The Shoura Assembly\***

Art.194: The Shoura Assembly is concerned with the study and proposal of what it deems necessary to preserve the principles of the July 23,1952 Revolution and the May 15, 1971 Revolution, to consolidate national unity and social peace, to protect the alliance of the working forces of the people and the socialist gains as well as the basic constituents of society, its supreme values, its rights and liberties and its public duties, and to deepen the democratic socialist system and widen its scope.

Art.195: The Shoura Assembly shall be consulted in the following:  
Proposals for the amendment of one or more articles of the Constitution. Draft laws complementary to the Constitution. Draft of the general plan for social and economic development. Peace treaties, alliances and all treaties affecting the territorial integrity of the State or those concerning sovereignty rights. Draft laws referred to the Assembly by the President of the Republic. Whatever matters referred to the Assembly by the President of the Republic relative to the general policy of the State or its policy regarding Arab or foreign affairs. The Assembly shall submit to the President of the Republic and the People's Assembly its opinion on such matters.

Art.196: The Shoura Assembly shall be composed of a number of members defined by the law, not less than 132 members. Two thirds of the members shall be elected by direct secret public balloting, half of whom at least must be workers and farmers. The President of the Republic shall appoint the other third.

Art.197: The law shall determine the electoral constituencies of the Shoura Assembly the number of members in every constituency, and the necessary conditions that should be fulfilled by the elected or appointed members of the Shoura Assembly.

Art.198: The term of the membership of the Shoura Assembly is six years. The election and the appointment of 50% of the total number of the members should be renewed every three years as defined by law. It is always possible to re-elect or re-appoint those whose term of membership has expired.

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(\*) Amended according to the result of the plebiscite on the constitutional amendment which was conducted on May, 22nd 1980

Art.199: The Shoura Assembly shall elect a Speaker and two Deputy Speakers at its first ordinary annual session for a period of the three years. If one of these offices becomes vacant, the Assembly shall elect a successor for the rest of the term.

Art.200: No member can hold office in both the People's Assembly and the Shoura Assembly at one and the same time.

Art.201: The Prime Minister and his Deputies, the Ministers and government officials shall not be held responsible to the Shoura Assembly.

Art.202: The President of the Republic has the right to make a statement upon the general policy of the State or upon any other matter before a joint meeting of the People's Assembly and the Shoura Assembly, headed by the Speaker of the People's Assembly. The President of the Republic has the right to make whatever statements he wishes before the Shoura Assembly.

Art.203: The Prime Minister and the Ministers and other government officials may make statements before the Shoura Assembly or before one of its committees upon a subject that comes within their competence. The Prime Minister and his Deputies and Ministers and other government officials shall be heard by the Shoura Assembly and its committees upon their request, and they may seek the assistance of any government officials, as they see fit. However, any minister or government official shall not have a counted vote unless he is a member.

Art.204: The President of the Republic may not dissolve the Shoura Assembly except in case of the necessity , while such a decision should comprise an invitation to electors to hold new elections for the Shoura Assembly within a period of the sixty days from the date of its dissolution . The Assembly shall hold its first meeting within ten days from the date of its election.

Art.205: The Provisions included in the following articles of the Constitution shall apply to the Shoura Assembly: (89,90,100,101,102,104,105,106,107,129,130,134), insofar as they are not incompatible with the provisions cited in this chapter. The Shoura Assembly and its Speaker shall exercise the competences specified in the aforementioned articles.

## **Part Two: The Press Authority**

Art.206: The press is a popular, independent authority exercising its vocation in the manner stipulated in the Constitution and the law.

Art.207: The Press shall exercise its vocation freely and independently in the service of society through all the means of expression .It shall thus interpret the trend of public opinion, while contributing to its information and orientation within the framework of the basic components of society, the safeguard of liberties, rights and public duties and the respect of the sanctity of the private lives of the citizens, as stipulated in the Constitution and defined by law.

Art.208: The freedom of the press is guaranteed and press censorship is forbidden. It is also forbidden to threaten, confiscate or cancel a newspaper through administrative measures, as stipulated in the Constitution and defined by the law.

Art.209: The freedom of legal persons whether public or private, or political parties to publish or own newspapers is safeguarded in accordance with the law. The financing and ownership of newspapers and the funds belonging to them, come under the supervision of the people, as stipulated in the Constitution and defined by law.

Art.210: Journalists have the right to obtain news and information according to the regulations set by law. Their activities are not subject to any authority other than the law.

Art.211: A Supreme Press Council shall deal with matters concerning the press. The law shall define its formation, competences and its relationship with the state authorities. The Supreme Press Council shall exercise its competences with a view to consolidating the freedom of the press and its independence, to uphold the basic foundations of society, and to guarantee the soundness of national unity and social peace as stipulated in the Constitution and defined by law.

### **Amendments of the Constitution 2005**

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

Head of State After reviewing the results of the referendum of 25 May 2005 on amending article 76 and adding article 192(repeated) to the constitution, According to article 189 of the constitution the amendment of article 76 and the addition of article 192 (repeated) to the constitution are issued as follows:

(Article 1) Article 76 of the constitution is to be replaced by the following:

Article (76) President of the Republic shall be elected by direct public secret ballot.

For candidature for presidency of the republic to be acceptable, a candidate should be supported by at least 250 elected members of the People's Assembly, the Shura Council and Municipal Councils in governorates, provided that supporters be at least 65 members of the People's Assembly, 25 members of the Shura Council and 10 members of each of the Municipal Councils of at least 14 governorates.

The number of supporters from the People's Assembly, the Shura Council and the Municipal Councils of governorates shall be increased with a percentage equal to the number of any of those councils.

In all case, supporting more than one candidate shall not be permissible.

The law shall organize the procedures of all that, and political parties that completed five continuous years before opening the door for candidature, practiced their activities ever since and won at least 5% of the seats of elected members in both the People's Assembly and the Shura Council may nominate one of the member of their supreme board in accordance with their standing orders, provided that a candidate is a member of that board for a least one year.

As an exception of this paragraph, every political party may nominate for the first presidential election held after application of this article a candidate who is a member of his supreme board composed before 10 May, 2005, in accordance with its standing orders.

Applications for candidature shall be submitted to an independent committee called the "Committee on Presidential Elections". This committee shall be presided by the chief justice of the Supreme Constitutional Court and comprise the head of the Cairo Court of Appeal, the first deputy chief justice of the Supreme Constitutional Court, the first deputy chairman of the Court of Cassation, the first deputy chairman of the State Council and five public figures known for their impartiality, three of whom selected for five years by the People's Assembly and two by the Shura Council upon proposal of the Bureau of each council. The law shall decide who replaces the committee chairman or any of its members in case of any hindering circumstances.

This committee is exclusively competent to:

1. Announcing the opening of candidature, supervising its procedures and announcing the final list of candidates.
2. Supervising the procedures of proposals and vote counting.
3. Announcing the result of elections.
4. Adjudicating on all petitions and challenges and all matters within its competences including cases of disputed jurisdiction.
5. Drafting rules of procedure to organize its work methodology and the exercise of its competences.

Decisions of the committee shall be made by a majority of at least seven of its members and shall be final, valid by themselves, unchallengeable before any tribunal and may not be interpreted or prevented from execution.

The law organizing presidential elections shall define other competences of the committee as well as the rules for nominating a replacement for a candidate whose post becomes vacant for any reason other than relinquishment of candidature during the period between the beginning of candidature and the end of the ballot.

Elections shall be held on one day, and the committee on presidential elections shall set the committees that supervise the voting and vote counting processes, provided that this is supervised by general committees composed of members of the judiciary in accordance with the rules and regulations defined by the committee. Election of the President is announced when the candidate wins absolute majority of valid votes. In case none of the candidates wins this absolute majority a second round of elections shall be held after at least seven days between the two candidates who won the highest number of votes. In case two candidates win equal valid votes they shall go for the second round in which the winner shall be the candidate who wins the greater number of votes.

Elections for the post of President of the Republic shall be held even if only one candidate applied for candidature or in case all other candidates relinquished their candidature or no one applied to replace a candidate whose candidature become vacant.

In such case the candidate who wins the absolute majority of valid votes shall be the winning candidate. President of the Republic shall present the bill organizing presidential elections to the Supreme Constitutional Court after its approval by the People's Assembly and before a report on its constitutionality is issued. The Supreme Constitutional Court shall issue its report



on this matter within fifteen days of the referral. In case it decides the constitutionality of a text or more of the bill. President of the Republic shall return it to the People's Assembly to act accordingly. In all cases the ruling of the Supreme Constitutional Court shall be binding to all authorities of the State. It shall be published in the official gazette within three days of its promulgation.

(Article 2) A new article with the number 192 (repeated) to be added to the constitution that reads as follows: Article (192 Rept) The word "election" shall replace the word "referendum" wherever it occurs in the Constitution with regard to electing the President of the Republic.

(Article 3) The amendments stated in the abovementioned articles are in effect by the date of announcing the referendum results

### **Amendments of the Constitution 2007**

#### **The Head of the State:**

Taking into account the results of the referendum of amendments of articles no. 1, 4, and 5 adding a third paragraph, article no. 12 first paragraph, articles no. 24, 30, 33, 37, and 56 second paragraph, articles no. 59, 62, 73, 74, and 76 third and fourth paragraphs, article no. 78 adding a second paragraph, articles no. 82 and 84 first paragraph, article no. 85 second paragraph, articles no. 88, 94, 115 and article no. 118 first paragraph, articles no. 127, 133 and article no. 136 first and second paragraph, article no. 138 adding second paragraph, articles no. 141 and no. 161 adding second paragraph, article no. 173 and title of chapter VI and articles no. 179 and no. 180 first paragraph, articles no. 194, 195, and 205 of the Constitution, held on March 26th 2007.

And article no. 189 of the Constitution,

Amendments of the constitution are issued as follow;

(Article 1): The Arab Republic of Egypt is a democratic state based on citizenship. The Egyptian people are part of the Arab nation and work for the realization of its comprehensive unity.

(Article 4): Economy in the Arab Republic of Egypt is based on the development of economic activity, social justice, guarantee of different forms of property and the preservation of laborers' rights.

(Article 5) added: The citizens have the right to form political parties according to the law and no political activity shall be exercised or political parties shall be formed on the basis of religion or on discrimination due to gender or race.

(Article 12) first paragraph: Society shall be committed to safeguarding and protecting morals, promoting the genuine Egyptian traditions and abiding by the high standards of religious education, moral and national values, the historical heritage of the people, scientific facts, and public manners within the limits of the law.

(Article 24): The State shall sponsor national production and shall work for realizing social and economic development.

(Article 30): Public ownership is the ownership of the people as represented in the ownership of the State and the public legal persons.

(Article 33): Public ownership shall have its sanctity, and its protection and consolidation is the duty of every citizen in accordance with the law.

(Article 37): The law shall fix the maximum limit of land ownership with a view to protecting the farmer and the agricultural laborer from exploitation.

(Article 56) second paragraph: The law regulates the participation of syndicates and unions in carrying out the social programs and plans, raising the standard of efficiency among their members, and safeguarding their funds.

(Article 59): Environment protection is a national duty. The law organizes procedures needed to protect the environment.

(Article 62): Citizens shall have the right to vote and express their opinions in referendums according to the provisions of the law. Their participation in public life is a national duty. The law shall regulate the right of candidacy to the People's Assembly and the Shura Council and the local councils according to the electoral system it specifies. The law may adopt a system, combining between the individual system and the party lists by means of any ratio between them to be specified by the law. It may also include a minimum limit for the women's participation in the afore-mentioned councils.

(Article 73): The Head of State is the President of the Republic. He shall assert the sovereignty of the people, respect the Constitution and the supremacy of the law, safeguard the national unity and the social justice and maintain the boundaries between authorities in a manner to ensure that each shall perform its role in the national action.

(Article 74): If any danger threatens the national unity or the safety of the motherland or obstructs the constitutional role of the State institutions, the President of the Republic shall take urgent measures to face this danger after taking the opinion of the Prime Minister and the Speakers of the People's Assembly and the Shura Council, direct a statement to the people and conduct a referendum on these measures within sixty days of its adoption. The dissolution of the People's Assembly and the Shura Council may not take place while exercising these authorities.

(Article 76) third and fourth paragraphs: Political parties, which have been founded at least five consecutive years before the starting date of candidature and have been operating uninterruptedly for this period, and whose members have obtained at least 3% of the elected members of both the People's Assembly and the Shura Council or what equals this total in one of the two assemblies, may nominate for presidency a member of their respective higher board, according to their own by laws, provided he has been a member of such board for at least one consecutive year. As an exception to the provisions of the afore-mentioned paragraph, the afore-mentioned political parties whose members obtained at least one seat in any of the People's Assembly or the Shura Council in the last elections may nominate in any presidential elections to be held within ten years as of May 1, 2007, any member of its higher board, according to their own by laws, provided he has been a member of such board for at least one consecutive year.

(Article 78) second paragraph added: The new President shall be selected at least one week before the expiration of the term.

(Article 82): If on account of any temporary obstacle the President of the Republic is unable to carry out his functions, he shall delegate his powers to a vice president or the Prime Minister should there be no vice-president or in case of being unable to do so. The one who shall act as the President of the Republic may not request the amendment of the Constitution or dissolve the People's Assembly or the Shura Council or to relieve the cabinet.

(Article 84): In case of the vacancy of the Presidential Office or the permanent disability of the President of the Republic, the President of the People's Assembly shall temporarily assume the Presidency; and, if at that time, the People's Assembly is dissolved, the President of the Supreme Constitutional Court shall take over the Presidency, however, on condition that neither one shall nominate himself for the Presidency, however, on condition that neither one shall nominate himself for the Presidency while abiding by the provisions of the second paragraph of Article 82.

(Article 85) second paragraph: The President shall be suspended from the exercise of his duty as from the issuance of the impeachment. The Vice-president shall temporarily assume the Presidency or the Prime Minister should there be no vice-president while abiding by the provisions of the second paragraph of Article 82 till issuing a ruling regarding the impeachment.

(Article 88): The necessary conditions stipulated in the members of the People's Assembly shall be defined by law which shall set out the provisions of the election and casting ballot shall take place in one day. A higher committee which enjoys independence and impartiality shall supervise the elections in the manner regulated by the law. The law shall set out the competencies of the committee and the way of its formation and current and former members of judicial bodies shall be among its members. The committee shall form the general committees supervising the elections at the level of the constituencies and the committees exercising the measures of casting ballot and votes' counting. The general committees shall be formed of members of judicial bodies and votes counting shall be made under the supervision of the general committees in accordance with the rules and the measures defined by the law.

(Article 94): If the seat of a member becomes vacant before the end of his term, the vacant position must be occupied in accordance with the law within sixty days from the date as of informing the Assembly of the occurrence of the vacancy. The term of the new member shall be complementary to that of his predecessor.

(Article 115): The draft public budget shall be submitted to the People's Assembly at least three months before the beginning of the fiscal year. It shall be considered in effect after approval. The draft budget shall be voted upon title by title. The People's Assembly may modify the expenditures mentioned in the budget draft except those regarded as an implementation to a specified commitment by the State. Should the modification result in increasing the expenditures, the People's Assembly has to agree with the government on means to provide resources of the revenues to realize rebalance between them and expenditures. The budget shall be issued by a law which may include modification in any already issued law as necessary to realize this balance. Should not the new budget be ratified before the beginning of the new fiscal year, the old budget shall be in effect till ratification.

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

(Article 118): The final account of the State budget shall be submitted to the People's Assembly within a period not exceeding six months from the date of the expiration of the fiscal year. It shall be voted upon title by title and issued by a law.

(Article 127): The People's Assembly shall determine the responsibility of the Prime Minister, on a proposal by one-tenth of its members.

Such a decision should be taken by the majority of the members of the Assembly. It may not be taken except after an interpellation addressed to the government, and after at least three days from the date of its presentation.

In the event that such responsibility is determined, the Assembly shall submit a report to the President of the Republic including the elements of the subject, the conclusions reached on the matter and the reasons behind it.

The President of the Republic may accept the resignation of the government or return such a report to the Assembly within ten days. Should the Assembly ratify it once again by a majority of two thirds of its members, the President of the Republic shall accept the resignation of the government.

Should the proposal of the responsibility of the Prime Minister be rejected, the one requesting the withdrawal of confidence may not re-request it in the same session.

(Article 133): The Prime Minister shall submit the program of the government within sixty days of the date of its formation to the People's Assembly or in its first meeting should not be assembled. Should not the Assembly ratify this program by the majority of its members, the President of the Republic may accept the resignation of the Cabinet. Should not the Assembly ratify the program of the new cabinet, the President of the Republic may dissolve the Assembly or accept the resignation of the Cabinet.

The Prime Minister and the ministers and other members of the government may deliver a statement before the People's Assembly or any of its committees as regards a subject matter within its competency. The Assembly or the committee shall discuss this statement and express opinion over any remarks regarding it. The People's Assembly is entitled to discuss such program.

(Article 136) first and second paragraphs: The President of the Republic shall not dissolve the People's Assembly unless it is necessary. Should the Assembly be dissolved over a matter, the new Assembly may not be dissolved for the same matter. The decision must include a call on voters for holding new elections of the People's Assembly in a date not exceeding sixty days from the date of issuing the decision of dissolution.

(Article 138) second paragraph added: The President of the Republic shall exercise the competencies stipulated in articles 144, 145, 146, 147 after the approval of the Cabinet and the competencies stipulated in articles 108, 148, 151 (second paragraph) after taking its opinion.

(Article 141): The President of the Republic shall appoint the Prime Minister and relieve him of his post and the appointment of his deputies, the ministers and their deputies and relieving them of their posts shall take place by a decision of the President of the Republic after taking the opinion of the Prime Minister.

(Article 161) second paragraph added: The law guarantees decentralization and regulates the means of empowering the administrative units as regards providing local services and utilities, promoting them and managing them well.

(Article 173): Every judicial body shall assume its own affairs. A council shall be formed to join the chiefs of the judicial bodies chaired by the President of the Republic to care for its common affairs. The law shall prescribe its formation, its competencies, and its rules of action.

## **CHAPTER VI - Terrorism Combat**

(Article 179): The State shall work to safeguard the general discipline and security in the face of the dangers of terror. The law shall regulate the provisions related to the measures of conclusion and investigation necessary for combating those dangers under the supervision of the Judiciary in a way that the measure stipulated in the first paragraph of Article 41 and Article 44 and the second paragraph of Article 45 of the Constitution is not to hinder putting those provisions into effect.

The President of the Republic may submit any crime of terror crimes to any judicial body stipulated in the Constitution or the law.

(Article 180) first paragraph: The State alone shall establish the Armed Forces which shall belong to the people. Their duty shall be to protect the country, safeguard its territory and security. No organization or group may establish military or semi-military formations.

(Article 194): The Shura Council is concerned with the study and proposal of what it deems necessary to preserve the support of the national unity and the social peace and to protect the basic components of society, its supreme values, its rights and liberties and its public duties. The Council should approve the following:

1- Proposals of amending one or more articles of the Constitution provided that provisions in Article 189 must be applied to discussions of the amendment and the approval therein.

2- Draft laws complementary to the Constitution stipulated by Articles 5,6, 48, 62,76,85,87, 88, 89,91,160,163,167,168,170,171,172,173,175,176,177,178,179,183,196,197,198,206,207, 208,209,210 and 211 of the Constitution.

3- Treaties of peace and coalition and all agreements which indicate amendment in the State lands and related to the State sovereignty.

If a dispute happens between the People's Assembly and the Shura Council concerning those subjects, Speaker of the People's Assembly shall submit the matter to a joint committee to be formed by speakers of the two assemblies and membership of seven members in each assembly to be selected by its general committee in order to propose a text for provisions subject of dispute.

The final text concluded by the committee shall be reviewed by the two assemblies and if any of them does not approve the text, the matter shall be submitted to the two assemblies in a joint meeting under the chairmanship of the People's Assembly speaker in the place specified by him and with attendance of at least the majority of members in the two assemblies and if the committee does not reach a unified text, the two assemblies are allowed to approve in their joint meeting any text approved by any of them. Voting in the two councils or in their joint committee is made by majority of attendants without discussion.

(Article 195): The Shura Council shall be consulted in the following:

- 1- Draft of the public plan for social and economic development.
- 2- Draft laws referred to the Assembly by the President of the Republic.
- 3- Whatever matters referred to the Council by the President of the Republic relative to the general policy of the State or its policy regarding Arab or foreign affairs. The Assembly shall submit to the President of the Republic and the People's Assembly its opinion in such matters.

(Article 205): The provisions of the following articles of the Constitution shall apply to the Shura Council: 62, 88/second paragraph, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 129, 130, 134), insofar as they are not incompatible with the stipulations cited in this part. The Shura Council and its Speaker shall exercise the competencies specified in the aforementioned articles.

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