

Constitution
of
The Arab Republic of Egypt
2014

Part IV

Rule of Law

Article (94)

The rule of law shall be the basis of governing in the State.

The State shall be governed by Law. The independence, immunity and impartiality of the judiciary are essential guarantees for the protection of rights and freedoms.

Article (95)

Penalties are personal. There shall be no crime or punishment except pursuant to a law, and a penalty may only be inflicted by a court judgment. Penalty shall only be imposed for acts committed after the effective date of the law imposing it.

Article (96)

The accused person is presumed innocent until proven guilty in a fair legal trial in which the right to defend himself is guaranteed.

The law shall regulate the appeal of judgments passed on felonies.

The State shall provide protection to victims, witnesses, accused and informants as necessary and in accordance with the Law.

Article (97)

Litigation is a right that is safeguarded and an inalienable right for all. The State shall guarantee the accessibility of judicature for litigants and rapid adjudication on cases. It is prohibited to immunize any administrative act or decision from judicial review. No person may be tried except before the ordinary judge. Exceptional courts are prohibited.

Article (98)

The right of defense either in person or by proxy is guaranteed. The independence of the legal profession and the protection of its rights is a guarantee for the right of defense.

The law shall provide all means by which those who are financially unable can resort to justice and defend their rights.

Article (99)

Any violation of personal freedom, or the sanctity of the private life of citizens, or any other public rights and freedoms which are guaranteed by the Constitution and the Law is a crime. The criminal and civil lawsuit arising of such crime shall not abate by prescription. The affected party shall have the right to bring a direct criminal action.

The State shall guarantee fair compensation for the victims of such violations. The National Council for Human Rights may file a complaint with the Public Prosecution of any violation of these rights, and it may intervene in the civil lawsuit in favor of the affected party at its request. All of the foregoing is to be applied in the manner set forth by Law.

Article (100)

Court judgments shall be issued and enforced in the name of the People. The State shall guarantee the means of the enforcement thereof as regulated by Law. Refraining from or delay in the enforcement of such judgments by the competent public servants is a crime punishable by Law. In such a case, the party in favor of whom the judgment is passed shall have the right to bring a direct criminal action before the competent court.. The Public Prosecution shall, at the request of the party in favor of whom the judgment is passed, initiate criminal action against the public servant refraining from executing the judgment or interrupting such execution.

Part V

The System of Government

Chapter One

The Legislative Power

(House of Representatives)

Article (101)

In the manner stated in the Constitution, the House of Representatives is entrusted with the authority to enact legislations and approve the general policy of the State, the general plan of economic and social development and the State budget. It exercises oversight over the actions of the executive power.

Article (102)

The House of Representatives is composed of no less than four hundred and fifty members elected by direct secret public ballot.

A candidate for the membership of the House must be an Egyptian citizen, enjoying civil and political rights, a holder of at least the certificate of basic education, and should not be below 25 Gregorian years of age on the day of opening candidacy registration.

Other candidacy requirements, the electoral system, and division of electoral constituencies shall be defined by law in a manner which observes fair representation of the population and governorates and equitable representation of voters. Elections based on the plurality voting system or proportional list, or a combination of both at whatsoever ratio may be adopted.

The President of the Republic may appoint no greater than 5% of the members, the method of nomination thereof shall be stipulated by Law.

Article (103)

A member of the House of Representatives shall devote him/herself on a full time basis for the tasks of membership and his/her post shall be reserved for him/her in accordance with the Law.

Article (104)

As a condition for undertaking his/her duties, a House of Representatives member shall take the following oath: "I swear by The Almighty God to loyally uphold the republican system, respect

the Constitution and the Law, fully uphold the interests of the People, and to safeguard the independence of the nation and the integrity and safety of .”

Article (105)

A House of Representatives member shall receive a remuneration determined by Law. In case the remuneration is changed, such change will only come into force at the commencement of the legislative term following the one during which the change was adopted.

Article (106)

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

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

Article (107)

The Court of Cassation shall have jurisdiction over the validity of membership in the House of Representatives. Appeals shall be submitted to the Court of Cassation within a period not exceeding thirty days from date on which the final election results are announced. Appeals shall be adjudicated within sixty days from the date of the receipt thereof.

In the event that a judgment declares a membership invalid, the invalidity of the membership shall be effective as of the date on which the court judgment is notified to the House.

Article (108)

In case a seat of a House of Representatives becomes vacant at least six months prior to the expiry of his tenure, the vacant position must be filled in accordance with Law within sixty days from the date on which the House reports the vacancy.

Article (109)

Throughout its membership tenure, no House of Representatives member may, whether in person or by proxy, buy, rent or lease any asset owned by the State or a public-law legal persons or a public sector company or a public enterprise sector company; sell to or barter with the state any part of its own property or conclude a contract with the State as a vendor, supplier, contractor or otherwise as set out by Law. Any of such acts shall be void.

A member must submit a financial estate disclosure upon taking membership and at the end of membership and at the end of each year of membership.

In case a House of Representatives member receives cash or in-kind gift because of or in connection with his/her membership, title thereto shall devolve to the State public treasury.

All the foregoing shall be as regulated by Law.

Article (110)

Membership in the House of Representatives may only be dropped or cancelled if a member has lost confidence and esteem or ceases to satisfy any membership condition based on which he was elected or if he has violated the duties of membership.

The decision of cancellation must be issued by a majority of two-thirds of the members of the House of Representatives.

Article (111)

The House of Representatives shall accept resignation of its members, which must be submitted in writing. To be accepted, a resignation must not be submitted after the House has initiated procedures for cancelling the membership of the resigning member.

Article (112)

A House of Representatives member shall not be held accountable for any opinions expressed concerning the performance of his duty in the House or its committees.

Article (113)

Except in cases of *flagrante delicto*, it shall be prohibited to take any criminal action, under the Articles of felonies and misdemeanors, against a House of Representatives member without the prior permission from the House. In case the House of Representatives is not in session, a permission must be obtained from the House's Bureau, and the House must be notified at its first session.

In all cases, a decision should be taken on any motion for permission to take legal action against a House of Representatives member within thirty days; otherwise, the motion shall be deemed accepted.

Article (114)

The seat of the House of Representatives shall be in Cairo.

However, in exceptional circumstances, the House may hold its sessions elsewhere, at the request of the President of the Republic or one-third of the members of the House of Representatives.

Any meetings held otherwise and any resolutions passed thereby shall be void.

Article (115)

The President of the Republic shall invite the House of Representatives for its annual ordinary session before the first Thursday of October; failing such invitation, the House is required by the Constitution to meet on the stated day.

The ordinary session shall continue for at least nine months. The President of the Republic shall bring each session to close with the approval of the House. This shall not be permissible except after State's General Budget has been approved.

Article (116)

At the President of the Republic's request or upon a motion signed by at least one tenth of the House members, the House of Representatives may hold an extraordinary meeting to consider an urgent issue.

Article (117)

At the first meeting of its annual regular session, the House of Representatives shall elect, from among its members, a speaker and two deputies for the full legislative term. If the office of any of the aforementioned persons becomes vacant, a substitute shall be elected by the House. The House's internal regulations shall provide for the rules and procedures of election. If any of the aforementioned persons fails to fulfill the duties of his office, one-third of the House members may request to relieve him of his office. The relevant decision shall be issued by a majority of two-thirds of the members.

In all cases, neither the Speaker nor any of the two deputies may be elected for more than two consecutive legislative terms.

Article (118)

The House of Representatives shall set its own internal regulations of its work and the manner of exercising its authorities and maintaining order therein. Such internal regulations shall be issued by a law.

Article (119)

The House of Representatives shall be competent to maintain order therein and this duty shall be incumbent upon the Speaker of the House.

Article (120)

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

The House may hold a secret session at the request of the President of the Republic, the Prime Minister, the Speaker of the House, or at least twenty of the House members. By the majority of

its members, the House shall decide whether the discussion in question is to be conducted in a public or a secret session.

Article (121)

The meetings of the House and resolutions passed thereby shall not be deemed valid unless attended by the majority of its members.

In cases other than those requiring a special majority, resolutions shall be passed by the absolute majority of the members present. In case there is a tie of votes, the subject matter in deliberation shall be deemed rejected.

Laws shall be issued by the absolute majority of the members present, provided that such majority constitutes not less than one third of the House members.

The Laws deemed complementary to the Constitution shall be issued by a majority of two thirds of the House members. Laws regulating presidential or parliamentary or municipal elections, political parties, the judiciary, related to judicial bodies and judicial organizations, and those regulating the rights and freedoms stipulated in the Constitution shall be deemed complementary to the Constitution.

Article (122)

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

Every bill presented by the government or one tenth of the House members shall be referred to the competent specialized committees of the House for review and submission of a report to the House. A committee may seek the opinion of experts on the matter in question.

No bill presented by a member can be referred to the specialized committee unless it has been permitted by the committee responsible for proposals and approved by the House. If the committee responsible for proposals rejects a bill, it must provide a reasoned decision.

Any bill or proposed law rejected by the House may not be re-presented during the same legislative term.

(Article 123)

The President of the Republic has the right to issue laws or reject them.

If the President of the Republic objects to a draft law approved by the House of Representatives, he/she shall refer it back to the House of Representatives within thirty (30) days as of the date when the House of Representatives notified the President of such approval. If the President does

not refer the draft law back to the House of Representatives within this period, the draft law shall be deemed a Law and shall be issued.

If the draft law is referred back to the House of Representatives within the aforementioned period and approved again by a majority of two-thirds of its members, it shall be deemed a Law and shall be issued.

Article (124)

The State budget shall include all of its revenues and expenditures without exception. The draft budget shall be submitted to the House of Representatives at least ninety (90) days before the beginning of the fiscal year; and shall not be effective unless approved thereby. Voting thereon shall be made on a section-by-section basis.

The House of Representatives may alter the expenditures stated in the draft budget, except for those allocated to honor a specific State liability.

Should such alteration result in an increase in total expenditures, the House of Representatives must reach an agreement with the Government on the means to procure sources of revenue so as to restore a balance between both. The State budget shall be issued by a law which may include an amendment of another existing law to the extent necessary to achieve such balance.

In all cases, the budget law may not include any provision that puts new burdens on citizens.

The Law shall specify the fiscal year, the method of preparing the State budget, and the provisions of the budgets of public bodies and organizations and their accounts.

The House of Representatives must approve the transfer of any funds from one section of the State budget to another, as well as any expenditure not included therein or in excess of its estimate. Such approval shall be issued by a law.

Article (125)

The final accounts of the State budget must be submitted to the House of Representatives within a period not exceeding six (6) months as of the end of the fiscal year. The annual report of the Central Auditing Organization (CAO) and the latter's notes on the final accounts shall be submitted therewith.

The final accounts shall be put to vote on a section-by-section basis and shall be issued by a law.

The House of Representatives has the right to ask CAO for any additional data or reports.

Article (126)

The Law shall regulate the basic rules for the collection of public funds and the procedures for their disbursement.

Article (127)

The executive power may not obtain a loan or funding or engage in a project that is not listed in the approved State budget which entails expenditure from the State treasury within a subsequent period, except with the approval of the House of Representatives.

Article (128)

The Law shall specify the rules for setting salaries, pensions, indemnities, subsidies, and bonuses which are paid from the State treasury; and shall set out the cases in which exception from such rules may be made, as well as, the authorities in charge of their application.

Article (129)

Every member of the House of Representatives may direct any question to the Prime Minister, or one of his/her deputies, or a minister, or one of his/her deputies on any matter that falls within their respective authorities; and the latter must respond to such question during the same annual session.

The member may withdraw the question at any time. A question may not be converted to an interrogation in the same session.

Article (130)

Every member of the House of Representatives may direct an interrogation to the Prime Minister, or one of his/her deputies or a minister or one of his/her deputies in order to hold them accountable for matters that fall within their respective authorities.

The House of Representatives shall discuss the interrogation at least seven (7) days after its submission, within a maximum of sixty (60) days, except in cases of urgency as determined by the House and agreed by the Government.

Article (131)

The House of Representatives may decide to withdraw confidence from the Prime Minister, or one of his/her deputies or a minister or one of his/her deputies.

Filing a motion of no confidence may not be made except after an interrogation and upon a proposal submitted by at least one-tenth of the members of the House of Representatives. The House of Representatives shall issue a decision after considering the interrogation. Withdrawal of confidence requires the affirmative vote of a majority of the House members.

In all cases, a no-confidence motion may not be filed in connection with an issue that has already been decided upon in the same annual session.

If the House of Representatives decides to withdraw confidence from the Prime Minister, or one of his/her deputies, or a minister or one of his/her deputies, with whom the Government has announced its solidarity with before voting, then that Government must resign. If the no-confidence resolution concerns a certain member of the Government, that member must resign.

Article (132)

At least 20 members of the House of Representatives may request the discussion of a public issue for the purpose of seeking a clarification on the Government's policy relating to such issue.

Article (133)

Any member of the House of Representatives may present a proposed recommendation on a public issue to the Prime Minister or one of his/her deputies, or a minister or one of his/her deputies.

Article (134)

Every member of the House of Representatives may submit an early day motion or urgent statement to the Prime Minister or one of his/her deputies, or a minister or one of his/her deputies in relation to urgent matters of public importance.

Article (135)

The House of Representatives may form a special fact-finding committee or entrust one of its existing committees with finding facts on a public matter or inspect the activities of an administrative body, public agency or public projects, for the purpose of finding facts on a specific issue, and inform the House of Representatives of the true financial, administrative or economic status, or to conduct investigations on a past activity or otherwise. The House of Representatives shall decide what it deems appropriate in this regard.

In order to carry out its mission, such a committee may collect the evidence it deems necessary and may summon individuals to give statements. All bodies shall comply with the committee's requests and place at its disposal all the documents, evidence, or anything otherwise required.

In all cases, every member of the House of Representatives is entitled to obtain any data or information from the executive power which is related to its performance of his/her duties at the House of Representatives.

Article (136)

The Prime Minister and his deputies, and the ministers and their deputies may attend the sessions of either the House of Representatives or any of its committees. Their attendance shall be obligatory if requested by the House. They may seek assistance from senior officials of their choice.

They must be heard whenever they request to speak. They must answer questions relating to issues under discussion, without having the right to vote.

Article (137)

The President of the Republic may not dissolve the House of Representatives except in cases of necessity, by a reasoned decision and following a public referendum. The House of Representatives may not be dissolved for the same reason which caused the dissolution of the previous House.

The President of the Republic shall issue a decision to suspend the sessions of the House and hold a referendum on the dissolution within no more than twenty days. If the voters agree by majority of valid votes, the President of the Republic shall issue the decision of dissolution, and call for new elections within no more than thirty days from the date of the stated decision. The new House shall convene within the ten days following the announcement of final the results.

Article (138)

Every citizen may submit written proposals to the House of Representatives regarding public issues, and may also submit complaints to the House of Representatives to be referred to the competent ministers. If the House of Representatives so requests, the Minister must provide clarifications, and the concerned person shall be informed of the result.