

## The Constitutional Declaration:

In the Name of Allah  
A Constitutional Declaration

The Supreme Council of Armed Forces  
Having considered the Constitutional Declaration issued on February 13<sup>th</sup>, and the referendum results on amending the Constitution of the Arab Republic of Egypt on March 19<sup>th</sup>, 2011, and the statement issued by the Supreme Council of Armed Forces on March 23<sup>rd</sup>, 2011,

Resolved,

### **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 2**

Islam is the religion of the state and Arabic its official language. Principles of Islamic law ( Shari'a) are the principal source of legislation.

### **Article 3**

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

### **Article 4**

Citizens have the right to establish political parties, associations, syndicates and trade unions according to the law. No associations whose activity is hostile to the society or has secret or military nature shall be established. No political activity or party shall be established on a religious basis or on discrimination on grounds of gender or origin.

### **Article 5**

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 6**

Public ownership shall have its sanctity, and its protection and reinforcement are the duty of every citizen in accordance with the law.

Public sequestration of property shall be prohibited. Private sequestration shall not be allowed except under a court judgment.

Private ownership shall be safeguarded and may not be put under sequestration except in the cases specified in the law and under a court judgment. It may not be expropriated save for the public benefit and against a fair compensation in accordance with the law. The right of inheritance to it is guaranteed.

## **Article 7**

All citizens are equal before the law.

They have equal public rights and duties without discrimination on grounds of race, ethnic origin, language, religion or creed.

## **Article 8**

Individual freedom is a natural right and safeguarded and inviolable. Save for the case of being caught red-handed, no person may be arrested, inspected, detained or his freedom restricted or prevented from free movement except under an order necessitated by investigations and preservation of the security of the society.

Such order shall be given by the competent judge or the Public Prosecution in accordance with the provisions of the law.

The law shall determine the period of custody.

## **Article 9**

Any person arrested, detained or his freedom restricted shall be treated in such a manner that preserves his human dignity.

No physical or moral harm shall be inflicted upon him.

He may not be detained or imprisoned in places other than those defined by laws regulating prisons.

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

## **Article 10**

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

## **Article 11**

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 secrecy and may not be confiscated or monitored except by a causal judicial warrant and for a definite period according to the provisions of the law.

## **Article 12**

The State shall guarantee the freedom of belief and the freedom of practice of religious rites.

Freedom of opinion is guaranteed.

Every individual has the right to express his opinion and to disseminate it verbally, in writing, illustration or by other means within the limits of the law. Self-criticism and constructive criticism is a guarantee for the safety of the national structure

#### **Article 13**

Freedom of the press, printing, publication and mass media shall be guaranteed. Censorship on newspapers is forbidden. Warning, suspension or abolition of newspapers by administrative means are prohibited. However, in case of declared state of emergency or in time of war, limited censorship may be imposed on newspapers, publications and mass media in matters related to public safety or for purposes of national security in accordance with the law.

#### **Article 14**

No citizen may be reside in place nor forced to reside in a particular place, except in the cases defined by the law.

#### **Article 15**

No citizen may be deported from or prevented from returning to the country. Extradition of political refugees is prohibited.

#### **Article 16**

Citizens shall have the right to peaceable and unarmed private assembly, without the need for prior notice.

Security men shall not attend such private meetings.

Public meetings, processions and gatherings are allowed within the limits of the law.

#### **Article 17**

Any encroachment upon individual freedom or the inviolability of private life of citizens and any other public rights and freedoms guaranteed by the Constitution and the law shall be considered a crime, for which criminal and civil lawsuit shall not be forfeited by prescription.

The State shall grant a fair compensation to the victim of such encroachment.

#### **Article 18**

The imposition, modification or abolition of public 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 the law.

No one may be required to pay additional taxes or imposts except in the cases specified by law.

#### **Article 19**

Penalty shall be personalized.

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 it.

#### **Article 20**

A defendant is innocent until proved guilty in legal trial, in which he is granted the right to defend himself.

Every person accused of a crime shall be provided with counsel for his defense.

#### **Article 21**

The right to litigation is inalienable and guaranteed for all, and every citizen has the right to have access to his natural judge.

The State shall guarantee accessibility of judicature for litigants, and rapid decision on cases. Any provision in the law stipulating immunity of any act or administrative decision from the control of the judicature is prohibited.

#### **Article 22**

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

The Law shall secure, for financially incapable citizens, means to resort to justice and to defend their rights.

#### **Article 23**

Any person arrested or detained should be informed forthwith of the reasons for his arrest or detention.

He shall have the right to communicate, with whoever he deems fit to inform, and ask for his help in the manner regulated by the law.

He shall be promptly faced with the charges levelled against him. Any person may lodge an appeal to the courts against any measure taken to restrict his individual freedom.

The law shall regulate the right of appeal in a manner ensuring decision within a definite period; otherwise immediate release is imperative.

#### **Article 24**

Sentences shall be issued and enforced in the name of the people.

Likewise, abstention from or obstruction of enforcing such sentences on the part of the concerned civil servants is considered a crime punishable by law.

In such case, a person issued a sentence in his favour of, shall have the right to lodge a direct criminal action before the competent court.

## **Article 25**

The Head of State is the President of the Republic. He shall ensure sovereignty of the people, respect for the Constitution and rule of law, protection of national unity and the social justice as of the stipulations of this declaration and the law.

He shall exercise his jurisdictions stipulated in Article 56 of this declaration except for items 1 and 2 of it, as soon as he takes office.

## **Article 26**

Any candidate for Presidency of the Republic must be an Egyptian citizen; both of his parents must be Egyptian citizens; he must be able to exercise his political and civic rights.; neither him nor his parents may have held foreign citizenship; he must not be married to a foreigner; and he must be at least 40 years of age.

## **Article 27**

The President shall be elected by direct, public, secret ballot. For an applicant to be eligible as a presidential candidate, he shall be supported by at least 30 elected members of the People's Assembly, the Shura Council; or to be supported by at least thirty thousand citizens eligible for voting in at least fifteen different governorates; with at least one thousand supporters in each of these governorates.

In all circumstances, there shall be no endorsement for the nomination of more than 1 candidate for president. The law shall organize the relevant procedures.

Any political party whose members seized at least one elected seat in either the People's Assembly and the Shura Council at the most recent election may nominate one of its members as presidential candidate.

## **Article 28:**

A Higher Judicial Commission called 'Presidential Elections Commission' shall supervise the presidential elections as of declaring the initiation of candidature until the results are announced.

The Commission shall be made of the President of the Supreme Constitutional Court as Chairman of the Commission; including the membership of the President of the Cairo Court of Appeals, the most senior Vice-President of the Supreme Constitutional Court, the most senior Vice-President of the Court of Cassation and the most senior Vice-President of the State Council.

The decrees of this Commission shall be final, self-enforcing and incontestable by any means or before any authority whatsoever. Its decrees may not be challenged through construing or stay of execution. The Commission may determine its own jurisdictions, while the law stipulates the other jurisdictions for the Commission.

The Presidential Elections Commission shall form the committees supervising the voting and ballot counting as of article number 39.

The proposal on regulating the Presidential Elections shall be presented to the Supreme Constitutional Court before being issued to decide on its constitutionality.

The Supreme Constitutional Court issued its ruling in this regard within fifteen days of receiving this proposal. If the Supreme Constitutional Court ruled of the unconstitutionality of an item or more, this ruling should be in effect when the law is issued. In all cases, the Court's decree is binding to each and every agency of the State, and is issued in the Official Newspaper within three days of its issuance.

#### **Article 29**

The Presidential term is for four years as of announcing the election results. The President can only be re-elected for one term.

#### **Article 30**

Before exercising his powers, the President shall take the following oath before the People's Assembly.

"I swear by Almighty Allah to uphold the republican system with loyalty, to respect the Constitution and the law, to look after the interests of the people fully and to safeguard the independence and territorial integrity of the motherland".

#### **Article 31**

The President shall, within no more than sixty since taking office, appoint one or more vice-presidents, and define his mandates. If the President has to relieve him of his post, he shall appoint another Vice-President.

The requirements to be satisfied by the President as well as the rules relating to the calling into account of the President shall be applicable to vice-presidents.

#### **Article 32**

The People's Assembly is made up of a number of members specified by the law, but not less than 350 members half of whom at least shall be from among workers and peasants by direct secret public balloting. The definition of worker and peasant shall be provided by law. The President of the Republic may appoint a number of members not exceeding ten.

#### **Article 33**

The People's Assembly, **once elected**, shall exercise the legislative power and approve the overall policy of the State, the public plan of economic and social development and the overall budget of the State. It shall exercise control over the work of the executive authority.

#### **Article 34**

The duration of the People's Assembly term is five Gregorian years from the date of its first meeting.

#### **Article 35**

The Shura Council 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. The law shall determine the electoral constituencies of the Shura Council.

**Article 36:**

The term of membership of the Shura Council is six years.

**Article 37:**

The Shura Council shall have the competence to make such studies and proposals as it may deem necessary promote national unity and social peace and to protect the basic constituents and supreme values of society, public rights, freedoms and duties. The Shura Council shall be consulted in the following:

- 1- draft public plan for social and economic development.
- 2- draft laws referred thereto by the President, and
- 3- matters related to public State policy or Arab or foreign affairs policy referred to the Council by the President, and

The Assembly shall communicate its opinion such matters to the President and the People's Assembly.

**Article 38:**

The law shall regulate the right of candidacy to the People's Assembly and the Shura Council according to the electoral system it specifies. Such system may also include a minimum limit for the women's participation in both councils.

**Article 39:**

The conditions to be satisfied by members of the People's Assembly and provisions for election and referendum shall be defined by law. A Higher Commission of pure judicial formation oversees elections and referenda starting from registration in election lists till the announcement of results; as per the law. Voting and ballot counting shall be conducted under supervision of members of judicial authorities nominated by the Higher Councils of these authorities; and approved by the Higher Commission.

**Article 40**

Competence to determine the validity of membership of parliamentarians is the jurisdiction of the Court of Cassation. Challenges to the validity of the membership of a parliamentarian must be filed with the Court within 30 days of the election of the parliamentarian in question and decided upon by the Court within 90 days. Membership is considered invalid as of the date of reporting the Court ruling to the two Councils.

**Article 41**

Procedures of conducting the People's Assembly as well as the Shura Council elections shall start within six months of enacting this Declaration. The Shura Council may practice its jurisdictions through its elected members.

The President of the Republic, once elected, shall continue the formation of the Council by appointing one third of its members; who will be appointed to complete the remaining duration of the Council's term as per the law.

#### **Article 42**

The member of the People's Assembly shall take the following oath before the Assembly before entering upon his duties:

"I swear by Allah Almighty, to preserve the safety of the nation and the Republican regime, attend to the interests of the people and shall respect the Constitution and the law".

#### **Article 43**

No member of the People's Assembly shall, during his tenure, purchase or rent any State property; lease or sell to or barter with the State any part of his property, or conclude a contract with the State in his capacity as vendor, supplier or contractor.

#### **Article 44**

Membership of the People's Assembly may not be revoked only if he has lost confidence, consideration, any of the membership requirement or his status as a worker or peasant based on which he was elected or if he has violated the duties of his membership.

Decision on revoking membership shall be issued by a majority of two-thirds of the Assembly members.

#### **Article 45**

Excluding case of being caught red-handed in a crime, no member of the People's Assembly may be subject to criminal procedures without prior permission by the Assembly. If the Assembly is not in session, permission by the Speaker of the Assembly shall be taken. The Assembly shall be notified of the measures taken in its first subsequent session.

#### **Article 46**

The Judiciary Authority shall be independent.

It shall be exercised by courts of justice of different kinds and classes, which shall issue their judgments in accordance with the law.

#### **Article 47**

Judges shall be independent and shall not be removed from office. The law shall regulate disciplinary actions with regard to them. They are subject to no other authority but the law as per their work. No authority may intervene in cases or in justice affairs.

#### **Article 48**

The State Council shall be an independent judiciary body and shall have the competence to decide in administrative disputes, and disciplinary actions.

The law shall determine its other competencies.

#### **Article 49**

The Supreme Constitutional Court shall be an independent, self-standing judiciary body; and shall exclusively undertake the judicial control of the constitutionality of the laws and regulations, and shall undertake in the manner prescribed by the law the interpretation of legislative texts.

The law shall determine the other competencies of the court, and regulate the procedure to be followed before it.

#### **Article 50**

The law shall determine judiciary authorities and their functions, organize the way of their formation, define conditions and procedures for the appointment and transfer of their members.

#### **Article 51**

The law shall regulate the military judiciary, and define their competences in the framework of the principles in the Constitution.

#### **Article 52**

Sessions of courts shall be made in 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.

#### **Article 53**

Armed Forces which shall belong to the people. Their duty shall be to protect the country, its territorial integrity and security. No organization or group may establish military or para-military formations.

**Defending the motherland is a holy duty. Military recruitment is mandatory as per the law.** The law shall stipulate the terms of services and promotion in the Armed Forces.

#### **Article 54**

A council shall be established, the National Defense Council, to be presided by the President of the Republic, which shall undertake the examination of the matter pertaining to the methods of ensuring the safety and security of the country.

The law shall prescribe its other competences.

#### **Article 55**

Police Authority shall be a statutory civil body. The Police Authority shall perform its duty in service of the people, maintain peace and security for citizens, maintain order, public security and morality in the manner prescribed by the law.

#### **Article 56**

**The Supreme Council of Armed Forces handles the administration of the State. For that end, it may exercise the following powers:**

- 1. Legislation.**
- 2. Approving the State public policy, public budgeting and overseeing its implementation.**
- 3. Appointment of appointed members at the People's Assembly.**
- 4. Calling on the People's Assembly and the Shura Council for its ordinary session and calling it off, and calling for an extraordinary session and calling it off.**
- 5. Issuing of laws or vetoing them.**
- 6. Representing the State in and outside the Country, conclusion of international conventions and agreements which shall be part of the legal system of the State.**
- 7. Appointment of the Prime Minister, his Deputy and Ministers and relieving them of their posts.**
- 8. Appointment of civic and military officials, political representatives and relieving them of their posts as per the law, as well as accreditation of political representatives of foreign states.**
- 9. Pardoning or reducing a penalty; whereas general amnesty shall require a law.**
- 10. Other powers and jurisdictions of the President of the Republic as per laws and regulations.**

**The Council may delegate any of its powers to its President or any of its members.**

#### **Article 57**

The Ministerial Cabinet, Ministers and Executive Authority; each on its side, specially the Cabinet shall undertake the following jurisdictions:

- 1. Lay down the public policy of the State, control its implementation in collaboration with the Supreme Council of Armed Forces in accordance with laws and Presidential decrees.**
- 2. Direct, coordinate and follow up the works of the ministries, their affiliated organs, and the public organizations and corporations.**
- 3. Issue administrative and executive decisions in accordance with the laws and decrees, and supervise their implementation.**
- 4. Prepare the draft laws and decrees.**
- 5. Prepare the draft general budget of the State.**
- 6. Prepare the overall plan.**
- 7. Contract and grant loans in accordance with the rules of the Constitution.**
- 8. Supervise the implementation of laws, maintain State security and protect the rights of the citizens and the interests of the State.**

#### **Article 58**

During the term of his office, the Minister shall not practice a self- employed or any commercial, financial or industrial enterprise, nor buy or rent any State property, or lease or sell to or barter with the State any of his own property.

#### **Article 59**

**The President shall, after consulting the Ministerial Cabinet, proclaim the State of Emergency as per the law. Such proclamation must be submitted to the People’s Assembly within the following seven days so that the Assembly may take a decision thereon. In case the proclamation is done when the People’s Assembly is not in session, the Assembly should be called for convening immediately taking into account the previously stated date. In case of the dissolution of the People’s Assembly, the matter shall be submitted to the new Assembly at its first meeting. A majority of the People’s Assembly members shall approve the proclamation of the State of Emergency.**

#### **Article 60**

**The non-appointed members of both the People’s Assembly and the Shura Council shall convene in a joint session called for the Supreme Council of Armed Forces within six months of their election to elect a constituent body of a hundred members to hand proposing a new constitution for the country within six months of the formation of the body. Within fifteen days of its preparation, the proposal shall be presented to people in a referendum. The constitution shall be enacted as of the date of announcing the People’s agreement to it.**

#### **Article 61**

**The Supreme Council of Armed Forces shall continue to exercise the jurisdictions stipulated in this declaration until the People’s Assembly and Shura Council take over their duties, and until a President of the Republic is elected and taking over his duties; each on their due times.**

#### **Article 62**

**All laws and regulations made prior to this declaration are in effect; and may be cancelled or amendment as per the rules and procedures in this declaration.**