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*Permanent Mission of the Arab Republic of Egypt
to the United Nations Office, World Trade
Organization & International Organizations
in Geneva*



البعثة الدائمة لجمهورية مصر العربية
لدى الأمم المتحدة، ومنظمة التجارة العالمية
والمنظمات الدولية
في جنيف

URGENT

CHAN. 2015-038

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to OHCHR's note dated January 16th 2015 concerning the study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection, and implementation of the right to participate in public affairs in the context of the existing human rights law (Human Rights Council Resolution 27/24), has the honor to attach herewith the submission presented in this regard by the National Council for Women of the Arab Republic of Egypt. The Permanent Mission of the Arab Republic of Egypt expresses its wishes that the attached information provides a valuable contribution to the process of drafting the aforementioned Study.

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, 20 March 2015

Office of the High Commissioner for Human Rights
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Participation in the conduct of public affairs:

1. Do the constitution and/or other laws of your country provide for the right of individuals to participate in the conduct of public affairs? Please provide information on relevant legislation and constitutional provisions.

Yes, article (87) of the new constitution of Egypt states that "Participation of citizens in the public life is a national duty. Every citizen shall have the right to vote, run for elections, and express his/her opinion in referendums. The Law shall regulate the exercise of these rights. There may be exemption from the performance of this duty in certain cases to be specified by law". Furthermore, article (1) of Law No. (45) Of 2014, for regulating the Exercise of Some Political Rights states that "Every Egyptian, male or female, aged 18 shall exercise in person the following political rights: First, express their views in every referendum prescribed in the Constitution. Second, elect:

- President of the Republic
- Members of the House of Representatives
- Members of the municipal councils

Officers and members of the main, subsidiary and additional armed forces, as well as police officers and members, shall be exempted from performing this duty throughout their period of service in the armed or police forces."

Furthermore, according to the constitution women have the right to be elected and vote as article (180) of the constitution states "Every local unit shall elect a local council by direct and secret ballot for a term of four years. A candidate shall be at least twenty one (21) Gregorian years of age. The law shall regulate the other



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conditions for candidacy and procedures of election, provided that one quarter of the seats shall be allocated to youth under thirty five (35) years of age and one quarter shall be allocated for women, and that workers and farmers shall be represented by no less than 50 percent of the total number of seats, and these percentages shall include an appropriate representation of Christians and people with disability.” As for the parliament the expected number of women parliamentarians is 70 including the elected by the president.

2. What is the scope and content of the right to political and public participation as provided in national law?

According to the constitution, citizens have the right to practice their public and political rights as long as these practices do not violate the laws. Furthermore, the laws regulate the exercise of these rights; there may be exemption from the performance of these rights in certain cases specified by law. The constitution also determined a certain percentage for women and youth in local councils represented as 25% of seats for women, 25% for youth, workers and farmers not less than 50%, and a good representation for christians and people with disability.

3. How does the state guarantee that all individuals take part in the conduct of public affairs? Which concrete measures (including legislation) does the state take in order to enable the full and equal political and public participation by members of all groups? How does the state monitor and enforce legislation adopted to enable the full and equal political and public participation by members of all groups?

The constitution guarantee that all individuals take part in the conduct of public affairs. It also ensures the equality between men and women in all



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civil, political, economic, social and cultural rights as mentioned in article (11). Determination of 25% of seats for women, 25% for youth, workers and farmers not less than 50%, and a good representation for christians and people with disability in the local councils as stated in article (180).

- 4. To what extent are all individuals consulted during the legislative and policy-making processes? Please describe best practices or experiences of representative structures, processes or any other means to encourage participation prior to reaching a political decision.**

The legislative reform commission is responsible for preparing and discussing legal projects and decrees before they are issued by the president of republic or the prime minister. The commission held round-table discussions with different groups (parties – experts – media – etc...) before issuing any law to know their point of views concerning laws.

- 5. Are there any outreach efforts in place to effectively involve women, indigenous people, persons with disabilities, members of minorities and other groups requiring special attention in participatory processes?**

The National Council for Women (NCW) as national machinery for women in Egypt works on the advancement of the status of Egyptian women in different fields. NCW efforts to encourage women in the participatory process include the following:

- NCW is currently implementing awareness campaigns in the 27 governorates of Egypt to encourage women participate in decision making process.



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- NCW has established the political office as it aims to provide technical and logistical support for women candidates in the upcoming parliament, follow-up members of parliaments and provide full support during their work in the parliament.
- Issuance of 3 million National Identity Cards were issued for women on the local level all over the governorates as voters cannot vote without obtaining ID.
- Implementation of (4) training programs to prepare qualified candidates able to contribute in the parliamentary elections, the number beneficiaries reached 6314 men and women (92% Women and 8% Men).
- Held (46) awareness campaigns titled «Know your Constitution ... Choose your Candidate» targeted nearly 5110 women in rural to raise awareness about constitution.

Concerning people with disability, article (80) of the constitution includes "The State shall guarantee the health, economic, social, cultural, entertainment, sporting and educational rights of persons with disabilities and dwarves, strive to provide them with job opportunities, allocate a percentage of job opportunities to them, and adapt public facilities and their surrounding environment to their special needs. The State shall also ensure their exercise of all political rights and integration with other citizens in compliance with the principles of equality, justice and equal opportunities."



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Right to vote and to be elected:

6. **Is there universal and equal suffrage in your country? Are the rights of article 25b of ICCPR guaranteed by law? If yes, please make reference to such legislation.**

-Yes, paragraph (1) article (40) "The ballot shall be held under the full supervision of the Supreme Committee. This Committee shall form the sub-committees that oversee the voting and counting, headed by a member of the judicial entities and bodies. The member may assume the leadership of more than one sub-committee. The sub-committees are to be combined without separations, in one polling station that allows actual supervision.

- Paragraph (1) - article (42) of Law No. (45) of 2014, Law for regulating the Exercise of Some Political Rights states that "Ballot association is the building in which is the voting hall and the surrounding space. The head of the sub-committee determines this space, to facilitate the casting of ballot and ensure effective control over the ballot Association; until the accomplishment of the voting process with integrity and impartiality and without influence over voters."

7. **Which obstacles have been identified as preventing individuals from exercising the right to vote and which measure have been adopted to overcome them?**

Every citizen has the right to vote as long as he/she meets the legal criteria to vote. Article (2) of the of Law No. (45) of 2014, on the Issuance of Law for regulating the Exercise of Some Political Rights states the following:



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The following categories shall be - temporarily - deprived from the exercise of their political rights:

1-Those interdicted, during the period of their interdiction.
2- Those with psychological or mental disorders, during the period of their compulsory hospitalization in one of the psychiatric health facilities, in accordance with the provisions of the Psychiatric Health Care Act issued in Law no. 71 of 2009.

3 - Those sentenced definitively for committing one of the crimes set forth in the Decree - Law no. 344 of 1952 on the corruption of political life. The deprivation shall be for a period of five years from the date of the judgment.

4 -Those sentenced by the Court of Values to confiscation of their money. The deprivation shall be for a period of five years from the date of the judgment.

5 - Those sentenced definitively for committing the crime of tax evasion or for committing a crime stipulated in Article (132) of the Income Tax Act issued in Law no. 91 of 2005. The deprivation shall be for a period of five years from the date of the judgment.

6 - Those sentenced definitively to dismissal or the court decision upheld the dismissal, from the government's civil service, the public sector or the public enterprise sector, for an offense involving moral turpitude or breach of trust. The deprivation shall be for a period of four years commencing from the date of the judgment.

7 - Those sentenced definitively for committing one of the crimes of bankruptcy fraud or bankruptcy with negligence. The deprivation shall be for a period of five years following the month of bankruptcy.

8-Those convicted with a felony.

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9 - Those sentenced definitively to deprivation of liberty, for committing one of the crimes set forth in Chapter VII of this law.

10- Those sentenced definitively to imprisonment:

A - for committing the crime of theft, hiding stolen objects, swindling, breach of trust, bribery, forging or using forged documents, false testimony, suborning witnesses, issuing an uncovered check or evading the military and national service.

B - for committing one of the crimes set forth in Chapter IV of the Second Book on the embezzlement of and aggression on the public funds, and treachery; or in Chapter IV of the Third Book of the Penal Code concerning indecent assault and corrupting the morals.

The deprivation set forth in provisions (7, 8 and 9) shall not apply if the person has been rehabilitated or the execution of the sentence has been suspended, taking into account the provisions included in Part VIII of the First Book of the Penal Code concerning the conditioned suspension of implementation of provisions.

Moreover, one of the main obstacles preventing the Egyptian citizens to vote is the wrong cultural perceptions which are mainly focused in rural areas rather the urban ones. Therefore, certain measures have been taken to overcome these obstacles, such measures are:

- Awareness campaigns executed by the National Council for Women (NCW) to highlight the importance of political participation as the parliamentary elections are approached.

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-Issuance of 3 million ID cards for women on the local level over all governorates to help women take part in the participatory process.

8. Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages, that render them accessible to all? Please provide examples.

Information on voter registration and on the electoral process is available on all means of media (visual and audio). As for languages, the information is available in Arabic as it is the official language .

9. If voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?

-Paragraph (2) of article (87) of the constitution states that "The State shall be responsible for entering the name of each citizen in the voters database without request therefrom provided he/she satisfies the conditions for voting. The State shall also purge this database on a periodic basis in pursuance of the Law".

-Article (13-14-19) in chapter 3 of Law for Regulating the Exercise of Some Political Rights states the following:

▪Article (13) "All persons, male and female, having the right to exercise political rights shall be recorded in the voter registration database. However, a person who acquired the Egyptian citizenship by naturalization shall not be recorded in the voter registration database except after at least five years have passed since the citizenship was acquired."

▪Article (14) "The voter database shall be automatically recorded from the national ID data saved in the database of the Civil Status

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Authority of the Ministry of the Interior. It shall contain data on... eligible voters who have not been excluded for any reason from exercising their political rights throughout the year. This shall be carried out at the place and in the manner set forth in the executive regulations".

The national ID data stored in the database of the Civil Status Authority shall be considered the main source of the voter registration database.

▪Article (19) "Every person, whose name is unlawfully neglected in the voter database, or whose registration data is flawed, or who has regained eligibility to vote, or whose reason for ineligibility are expired, after the electoral register has been established is entitled to request that his/her name be registered or that his registration data be corrected.

Each voter whose name is registered in the voter database is entitled to request that the names of those who have been unlawfully neglected be registered, and the names of those who have been unlawfully registered be removed or to request that the registration data be corrected.

Such requests shall be submitted in writing throughout the year to the committee mentioned in article 20 hereof, and shall be registered in a special record according to the order of the submissions. Receipts shall be given to applicants."

In addition to this, audio and visual media campaigns are implemented before the elections to aware the citizens on the importance of reviewing and registering their names (if not registered) in the voters database.



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10. With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous people, first time voters, etc..) taken into account?

The Egyptian delegation in Geneva has expressed their non-compliance concerning article (2) and paragraph 5d – 5e of the adopted resolutions of the 27th Human Rights Council session as there is no accurate definition internationally recognized for indigenous people, minorities and members of other disadvantaged groups. As for women and persons with disabilities, the law does not prohibit any citizen from performing their right to be elected and to vote as long as they meet required criteria. Beside, special places to vote are made for elderly women and people with disability who needs assistance.

11. What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?

Article (2) of the of Law No. (45) of 2014, on the Issuance of Law for regulating the Exercise of Some Political Rights states the following:

“The following categories shall be - temporarily – deprived from the exercise of their political rights:

1. Those interdicted, during the period of their interdiction..
2. Those with psychological or mental disorders, during the period of their

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compulsory hospitalization in one of the psychiatric health facilities, in accordance with the provisions of the Psychiatric Health Care Act issued in Law no. 71 of 2009.

3 - Those sentenced definitively for committing one of the crimes set forth in the Decree - Law no. 344 of 1952 on the corruption of political life. The deprivation shall be for a period of five years from the date of the judgment.

4 - Those sentenced by the Court of Values to confiscation of their money. The deprivation shall be for a period of five years from the date of the judgment.

5 - Those sentenced definitively for committing the crime of tax evasion or for committing a crime stipulated in Article (132) of the Income Tax Act issued in Law no. 91 of 2005. The deprivation shall be for a period of five years from the date of the judgment.

6- Those sentenced definitively to dismissal or the court decision upheld the dismissal, from the government's civil service, the public sector or the public enterprise sector, for an offense involving moral turpitude or breach of trust. The deprivation shall be for a period of four years commencing from the date of the judgment.

7-Those sentenced definitively for committing one of the crimes of bankruptcy fraud or bankruptcy with negligence. The deprivation shall be for a period of five years following the month of bankruptcy.

8-Those convicted with a felony.

9 - Those sentenced definitively to deprivation of liberty, for committing one of the crimes set forth in Chapter VII of this law.



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10. Those sentenced definitively to imprisonment:

A – for committing the crime of theft, hiding stolen objects, swindling, breach of trust, bribery, forging or using forged documents, false testimony, suborning witnesses, issuing an uncovered check or evading the military and national service.

B – for committing one of the crimes set forth in Chapter IV of the Second Book on the embezzlement of and aggression on the public funds, and treachery; or in Chapter IV of the Third Book of the Penal Code concerning indecent assault and corrupting the morals.

The deprivation set forth in provisions (7, 8 and 9) shall not apply if the person has been rehabilitated or the execution of the sentence has been suspended, taking into account the provisions included in Part VIII of the First Book of the Penal Code concerning the conditioned suspension of implementation of provisions.”

12. What positive measures have been taken to ensure that women, members of minorities, indigenous people, persons with disabilities and members of other disadvantages groups are able to stand for elective office?

The members of the elective office (Supreme Committee for Elections) are formed according to article (4) of Law for regulating the Exercise of some political rights, “The Supreme Committee shall be set up under the chairmanship of the Head of Cairo's Court of Appeal and the membership of:



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The two most senior deputy heads of the Court of Cassation.
-The two most senior deputy head of the State Council.
-The two most senior heads of the Courts of Appeal, next to the Head of Cairo's Court of Appeal.

The supreme councils of the judicial bodies, abovementioned, shall select an alternate member, taking into consideration the seniority. The Supreme Committee for Elections shall assume a public juristic personality, and shall be based in Greater Cairo, represented by the head thereof.

The Egyptian delegation in Geneva has expressed their non-compliance concerning article (2) and 5d – 5e of the adopted resolutions of the 27th Human Rights Council session as there is no accurate definition internationally recognized for indigenous people, minorities and members of other disadvantaged groups.

13. What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with discrimination, harassment, and violations of their rights to freedom of opinion, expression, assembly and association?

The Egyptian constitution ensures on the equality between men and women in all fields and considered discrimination a crime punished by law.

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14. Please explain how possible interferences with the electors' will and with voter or candidate registration are avoided. Is undue interferences prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?

Article (65) paragraph 1&2 of the Law for Regulating the Exercise of Some Political Rights "The following shall be sentenced to jail for a period of not less than one year and not more than five years, and a fine of not less than ten thousand Egyptian pounds and not exceeding one hundred thousand Egyptian pounds:

First:

Whoever uses force or threat to prevent a person from voting in an election or referendum or to compel a person to vote in a certain way.

Second:

Whoever gives another person or offers or undertakes to give him a benefit for himself or for a third party in order to motivate him to refrain from voting or to vote in a certain way. The Chairman of the Supreme Committee shall have the right to nullify the votes resulting from such offense."

Furthermore, chapter (7) of the same law includes articles (56-73) about election crimes.

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Equal access to public service

15. What are the conditions for access to public service in your country? Do any restrictions apply? How is the requirement for equal access met?

Article (1) of public service law (law 76 for 1973) "Decision of the Minister of Social Affairs may be asked to young people of both sexes who completed levels of education, high school or any equivalent stage according to the law, or above-average education, or high education, who are increasing the need for the armed forces or those who are exempted from military service to work in the following areas:

1. Literacy classes
2. Nursing and health care
3. Advocacy in the field of family planning
4. To promote agricultural cooperative associations
5. Agricultural, health, social, cultural and political extension
6. Training in civil defense and emergency and relief work
7. Care of the families of fighters and martyrs
8. Units and factories and institutions production
9. Moral guidance and political confrontation and psychologic
10. Business Supply and decisions of the organization and exchange of consumer goods
11. Participate in the reconstruction of housing and factories, utilities and cities that get in the battles of war or as a result of disasters".

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16. How does the state ensure that recruitment processes used by government authorities and political associations are transparent, objective and reasonable? Which measures (e.g temporary special measures, quotas, etc) are in place to ensure the equal recruitment of women, minorities, persons with disabilities and members of other disadvantaged groups?

The state ensures on achieving equality between all citizens in all fields. Article (81) paragraph (1) "Every local unit shall elect a local council by direct and secret ballot for a term of four years. A candidate shall be at least twenty one (21) Gregorian years of age. The law shall regulate the other conditions for candidacy and procedures of election, provided that one quarter of the seats shall be allocated to youth under thirty five (35) years of age and one quarter shall be allocated for women, and that workers and farmers shall be represented by no less than 50 percent of the total number of seats, and these percentages shall include an appropriate representation of Christians and people with disability"

Other:

17. Please state if there are restrictions imposed on the rights contained in art.25 of ICCPR in your country. If so, how does the State ensure that these restrictions are non-discriminatory, exceptional and based on reasonable and objective criteria?

The Arab Republic of Egypt issued a declaration when signing the convention includes taking into consideration the provisions of Islamic



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Sharia. Other than this, there are no restrictions imposed on article (25) of ICCPR.

18. The full enjoyment of the rights protected in article 25 of ICCPR requires respect for the rights guaranteed in article 19,21 and 22 of ICCPR. In this regard, what legislation in place to ensure an independent and pluralistic media? Are journalists, human rights defenders and civil society organizations able to freely pursue their activities? Please provide information on restrictions to freedom of association, in particular the right to form and join associations concerned with political and public affairs? If there are any conditions to the exercise of their rights guaranteed in articles 19,21 and 22 of ICCPR, are they prescribed by law, necessary and proportionate?

-Concerning independent and pularistic media, article (70) of the Egyptian constitution stipulates on "Freedom of the press, printing and paper, visual, audio and electronic publication is guaranteed. Every Egyptian - whether being natural or legal, public or private person - shall have the right to own and issue newspapers and establish visual, audio and digital media outlets. Newspapers may be issued once notification is given as regulated by Law. The Law shall regulate the procedures of establishing and owning visual and radio broadcast stations and online newspapers."

-Article (73) of the constitution states "Citizens shall have the right to organize public meetings, marches, demonstrations and all forms of peaceful protests, without carrying arms of any kind, by serving a notification as regulated by Law. The right to peaceful and private assembly is guaranteed without need for prior notification. Security forces may not attend, monitor or eavesdrop on such meetings.

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- Article (75) "All citizens shall have the right to form non-governmental associations and foundations on democratic basis, which shall acquire legal personality upon notification. Such associations and foundations shall have the right to practice their activities freely, and administrative agencies may not interfere in their affairs or dissolve them, or dissolve their boards of directors or boards of trustees save by a court judgment. The establishment or continuation of non-governmental associations and foundations, whose statutes or activities are secretive or conducted in secret or which are of military or quasi-military nature is prohibited as regulated by Law."

-Article (76) "The establishment of syndicates and federations on democratic basis is a right guaranteed by Law. Syndicates and federations shall acquire legal personality, shall have the right to practice their activities freely, shall improve the level of efficiency among their members and defend their rights and interests. The State shall guarantee the independence of all syndicates and federations and their boards of directors may only be dissolved by a court judgment. No syndicate or federation may be established in the military or police agencies".

19. Please provide information on measures taken to ensure that information and education materials on human rights, in particular on rights and opportunities relating to participation in public and political affairs, are available and accessible to all.

Article (68) of the constitution states that "Information, data, statistics and official documents are the property of the People and the disclosure thereof from their various sources is a right guaranteed by the State for all citizens. The State is committed to provide and make them available to citizens in a

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transparent manner. The Law shall regulate the rules for obtaining them and terms for their availability and confidentiality; the rules for their deposit and storage; and the rules for and filing complaints against the refusal to provide them. The Law shall also impose penalties for withholding information or deliberately providing wrong information.

The State institutions shall deposit official documents with the National Library and Archives once they are no longer in use. The State institutions shall also protect, and secure such documents against loss or damage, as well as restoring and digitizing them using all modern means and instruments according to the Law.”

20. Please provide information on how your country ensures that its public institutions are accountable for their policies on public and political participation.

According to the constitution, article (87) states “Participation of citizens in the public life is a national duty. Every citizen shall have the right to vote, run for elections, and express his/her opinion in referendums. The Law shall regulate the exercise of these rights. There may be exemption from the performance of this duty in certain cases to be specified by Law.”

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