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Human Rights and Development Observatory



## **Legislative Environment for the House of Representatives Elections 2020**

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## **Introduction:**

The upcoming parliamentary elections are the thirteenth electoral period since the January 25 revolution, and the turnout has varied. The highest participation rate in the 2011 representatives' house elections was 54%, while the lowest was in the 2012 Shura Council elections (12.75%). There are many reasons for citizens to participate in general, the most prominent of which are the specificity of each election separately, its political context, its importance, whether it is related to the choice of parliament, the president, or a constitutional referendum, and the intensity of electoral campaigns that urge citizens to participate, the aspiration to exercise citizenship rights in light of guarantees of election integrity, such as full judicial supervision with the concept of a judge for each box - to be applied until 2024 - and relying on the national number to prove the identity of the voter, which reduced the errors contained in the voter database, such as the inclusion of wrong names or the dead, and the desire to achieve stability and defend the national state, support the state in the fight against terrorism, secure election headquarters and don't allow the use of violence or spoil the electoral process, and support the state's efforts in several aspects such as digging the new Suez Canal and establishing the new administrative capital, providing treatment for patients with C virus, improving the electricity service, taking care of the energy file, establishing a new road network, a project to plant one and a half million acres, the political will to confront corruption, strengthening social protection programs, and launching a project for homeless children to help street children and provide them with a dignified residence in the institutions of the Ministry of Solidarity, allocating outlets and cars roaming the governorates selling goods at reduced prices to meet the high prices, establishing developmental projects, fish farming projects in the northern delta and east of the canal, the social housing project, providing a number of housing units for slum residents, providing soft loans for young people from banks at reduced interest,

holding youth conferences, and establishing The National Academy for the Rehabilitation and Training of Youth, the creation of a climate to attract investment, and the construction of a balanced foreign policy that promotes the national interest. In addition to paying attention to the parliamentary representation of Christian citizens, women, youth, workers, farmers, people with disabilities, and Egyptians abroad. The announcement of the National Elections Authority came to invite voters to vote to choose their representative in the new House of Representatives for the next five years to confirm the stability of state institutions and push the state towards establishing the rules of democracy, in the footsteps of countries challenging the practice of the democratic process. It is incompetent to enter the House of Representatives, which represents the Egyptian people, and the positive and effective participation of Egyptians is the only guarantee for creating a parliament that expresses the Egyptian street.

Especially in light of the fact that the last parliament issued a huge number of legislations that work for the benefit of the country and the citizen and had a direct positive impact on the citizen, as the general reading in the parliamentary performance during the past five sessions indicates the parliament's practice of legislation and oversight towards major societal issues that Egypt faced during this precise period of its history is considered the most prominent legislation approved by the Council and some of these legislations are : Decisions on laws that were issued before its convening (341 out of a total of 342), the internal regulations of the Council, the draft law on building churches, investment, combating illegal immigration, and increasing pensions, civil service, institutional regulation of the press and media, sports, amending the laws of criminal procedures and appeal procedures before the Court of Cassation and terrorist entities, amending some provisions of the capital market law, consumer protection, the Upper Egypt

Development Authority, and the rights of people with disabilities, amending the inheritance law, combating information technology crimes, the National Press Authority, the National Media Authority, comprehensive health insurance, establishing a fund to honor the martyrs, victims, missing persons and casualties of war, terrorist and security operations and their families, establishing the Supreme Council for Combating Terrorism and Extremism, amending the Income Tax Law, amending some provisions of the Supply Law and the Law on the protection of market Competition and the prevention of monopolistic Practices, amending the Real Estate Tax Law, Amending the Mineral Resources Law, Amending the Law Regulating Gas Market Activities, Amending the Law on Practicing the Medical Profession, Amending the Law Regulating Universities, amending the law on combating drugs and regulating their use and trafficking, amending the law on weapons and ammunition, the law on reconciliation in building violations, regulating the practice of civil work, the law regulating the use of non-cash payment methods, the law establishing the internal and international land transport organization, the law establishing a science, technology and innovation funding authority and a proposal The constitutional amendments that took place in 2019, which we will present in detail in this report.

### **First: The legal framework regulating the candidacy stage:**

The legal framework regulating the upcoming parliamentary elections is based on five main pillars:

#### **1. Law regulating the exercise of political rights :**

This law deals with the right to vote and who is entitled to exercise political rights, the voter database, how to register and review it and correct errors, determine the electoral domicile, controls for advertising in elections and referendums, the use

of government media, controls on media coverage and opinion polls, and the role of civil society organizations. And materials for organizing the referendum and election, how to vote and count the votes, the voting of Egyptians abroad, and the announcement of the results, judgment to disqualify the candidate, grievances regarding polling and counting procedures, and election crimes. The law was amended by Resolution No. 140, amending some provisions of Law No. 45 of 2014, Law No. 46 of 2014, and Law No. 198 of 2017 regarding the National Elections Authority.

## **2. House of Representatives Law:**

It deals with the composition of the Council and the number of members, the method of distributing seats between the individual and list systems, the division of electoral districts, the appropriate representation for some Egyptians, the necessity of continuing the electoral capacity, the term of membership, the conditions and procedures for candidacy, electoral symbols, the presentation of lists and names of candidates, the organization of appeals against them, and the right to vote. Obtaining voter data, waiving and amending lists, vacancy of a candidate's place, the quorum for winning the election, vacancy of an elected member's place, controls for selecting members appointed by the President of the Republic, determination of membership validity, and rights and duties of members of the House of Representatives, other provisions of the law also included a set of separate provisions related to the independence of the Council's budget, its internal regulations, and the assumption of the Council's powers in cases of dissolution. According to what was approved in the April 2019 constitutional amendments, the law was amended by making fundamental changes in terms of replacing the National Elections Authority with the Supreme Committee, the number of seats allocated to women, becoming no less than a

quarter of the total number of parliament seats, and the division of electoral districts. The 2019 constitutional amendments stipulated taking into account Fair representation of the population and governorates, and the equal representation of voters as stipulated in the 2014 constitution was omitted, appropriate representation for some Egyptians. The constitution stipulates the appropriate representation of some groups in the first parliament to be elected after its approval, leaving the freedom for the legislator to choose between its continuation or being satisfied with its application in the parliament elected in 2015, while the new constitutional amendments expressly stipulate the continuation of adequate representation for workers and farmers, youth, Christians, persons with disabilities, and Egyptians residing abroad in the House of Representatives.

The law was amended by Presidential Decree No. 141 of 2020 to become The House of Representatives is composed of 568 members who are elected by direct secret public suffrage, provided that at least 25% of the total number of seats is allocated to women, and the President of the Republic may appoint a number of members in the House of Representatives. No more than 5%, according to the controls stipulated in this law. The election of the House of Representatives is 284 seats in the individual system, and 284 seats in the absolute closed list system, and parties and independents are entitled to run in each of them.

### **3. Quorum winning the election:**

The law of the House of Representatives stipulated winning an absolute majority, which means obtaining 50% +1 of the valid votes given in the electoral district. This is in both the individual and the lists. If this is not achieved, a run-off election is held between the lists or the candidates with the highest votes. In the run-off, the candidate with the highest number of votes wins. Some believe that the requirement of an absolute majority to win is necessary to ensure the existence of

a mass base for the winning list or candidate, while others believe that conducting the run-off if the individual candidate or list does not obtain an absolute majority will stress the voters and may be reluctant to go to the election again on the part of the state and cost the state a lot of money To spend on run-offs on the other hand, and accordingly it is suggested that a simple majority win.

#### **4. The necessity of continuing the electoral capacity :**

The law stipulated for the continuation of membership in the House of Representatives that the member retain the capacity on the basis of which he was elected. Membership shall be forfeited by a decision of the House of Representatives by a two-thirds majority of the members of the House. Although this article guarantees a measure of the deputy's credibility before his electors and preserves the parliament's form without prejudice to the percentages of representation of each party, it neglects to mention the reasons that call the member to change his capacity or affiliation. In practice, it happened in the current parliament that some deputies changed their party affiliations and no measures were taken to revoke their membership. This may be due to the difficulty of providing the required majority, and what also calls for reconsideration of the condition for the continuation of the electoral capacity is that it was mentioned in the law of the House of Representatives, but the constitution did not provide for it in the reasons for dropping membership.

### **Second: medical examination**

The National Elections Authority, headed by Counselor Lashin Ibrahim, Vice President of the Court of Cassation, issued Resolution No. 57 of 2020 regarding

medical examinations for people with disabilities seeking candidacy in the House of Representatives elections.

The decision included conducting the necessary medical examinations and analysis to run for the Parliament elections during the period from 10 to 26 September.

The General Administration of Specialized Medical Councils at the Ministry of Health undertakes to sign the medical examination for the applicant for membership of the House of Representatives from people with disabilities and submits a request to sign the medical examination in accordance with the procedures stipulated by the Minister of Health Resolution No. 594 of 2020.

### **Third: Civil society organizations following up on the elections:**

The Supreme Elections Committee issued decisions that ensure that public organizations in the field of election follow-up, human rights and democracy support are allowed to follow up on the upcoming parliamentary elections. This follow-up includes all monitoring and observation of all procedures for candidate registration, electoral campaigning, polling, counting and announcing the election result in accordance with the terms of acceptance of organizations approved by the Committee, while allowing organizations those who obtained previous permits from not applying again, namely:

1. To be declared in accordance with Law No. 84 of 2002 and its Executive Regulations and in accordance with Law 70 of 2017, which was canceled in 2019 by Law 149 of 2019 due to the lack of the regulation and the failure of civil associations and institutions to reconcile their status according to the provisions of the new law so far.
2. To be of good reputation, known for impartiality and integrity
3. To have previous experience in the fields of election follow-up



4. The application submitted by the organization wishing to follow up on the parliamentary elections shall be accompanied by a true copy of the decision to declare the organization or association, and a recent certificate issued by the competent ministry stating that it continues to carry out its activities and does not violate the laws and regulations. And that its activities are related to the areas of monitoring elections, human rights, and supporting democracy.

#### **Fourth: The legislative environment before the House of Representatives and the most important laws it issued during its session:**

During five legislative chapters, the House of Representatives approved a large number of important laws that serve the citizen, including the Civil Service Law, the Traffic Law, and the Anti-Terrorism and Money Laundering Law.

In 2014, the Council approved the President's Decision by Law No. 10 of 2014 regarding presidential elections, some provisions of the Supreme Constitutional Court Law, and amendments to some provisions of the Anti-Money Laundering Law, as well as a law amending some provisions of Law No. 99 of 1987 determining the salary and allowances of the President of the Republic.

A law on the national flag, anthem and peace was approved, and some provisions of Law No. 396 of 1956 regarding prisons were amended, amid objections from the Salafi Al-Nour Party deputies to the law.

The total number of laws issued before and after the adoption of the constitution amounted to more than 380 laws, and the number of decisions in 340 laws since the adoption of the constitution in January 2014.

In 2016, the House of Representatives succeeded in approving the general policy of the state and the general plan for development, passing 334 laws issued during the transitional period, working the internal regulations of the House of Representatives, and performing its legislative role throughout the first session.

The House of Representatives also approved the draft civil service law, after taking into account the amendments received from the State Council to the draft law related to controlling the legal wording and taking into account legislative consistency. It also approved a draft law to increase pensions by 10% as of July 2016 with a minimum of 125 pounds and a maximum of 323 pounds, With the approval of two-thirds of the members of the Council, for both civilians and military, while the draft law approved the President of the Republic's decision to draft a bill to amend some provisions of the Law on Retirement, Insurance and Pensions for the Armed Forces promulgated by Law No. 90 of 1975, and the Council voted on it by roll call, especially since this law was implemented with effect. Retrograde and considered complementary to the Constitution.

The amendment included granting the President of the Republic the right to extend the service of the rank of major general after reaching the age prescribed for retirement in this rank for a period of 4 years instead of two years.

The House of Representatives also approved the President of the Republic's decision to draft a law amending some provisions of Law No. 143 of 1994 on civil status. The amendments included an increase in the maximum fees for requesting copies of records and assigning civil status. The Council also approved Presidential Decree No. 394 of 1954 in the matter of weapons and ammunition. Extending the law on the participation of the armed forces in protecting and securing vital and public facilities for a period of 5 years.

The parliament approved the President's decision, a draft law amending some provisions of the Police Authority Law, promulgated by Law No. 109 of 1971, as the amendments aimed at restoring job discipline and achieving deterrence through disciplinary sanctions and excluding those who prove their inability to positively integrate with discipline rules, work systems and security policies. Which is based mainly on achieving a balance between the requirements of security and respect for the rights and freedoms of citizens.

The Parliament also issued a decision on a draft law amending some provisions of Law No. 46 of 1978 regarding achieving tax justice, and Presidential Decree No. 25 of 2016 regarding the amendment of some categories of customs tariffs.

The House of Representatives finally approved a government bill to amend the Penal Code and a bill that would increase the penalty for Female Genital Mutilation (FGM), with a minimum of five years' imprisonment and no more than 7 years. A draft amendment to some provisions of the Irrigation and Drainage Law, the establishment of the Agricultural Solidarity Fund, the establishment of the Contractual Agriculture Centre and the amendment of some provisions of Law No. 31 of 1966 to establish the Agricultural Trade Union were also approved.

In 2017 and 2018, the House of Representatives passed a package of important laws and projects, the most prominent of which was the amendment to the Civil Status Act, which requires government service providers to obtain national number data for beneficiaries, as well as the Comprehensive Health Insurance Law and the Terrorist Entities Identification Law.

The Council also passed the inheritance law and standardized the punishment imposed on those who deliberately refrain from handing over one of the heirs their legitimate share of inheritance, as well as passed the draft amendment to the law

on demonstrations, and regulating the right to peaceful demonstrations, public meetings, processions and peaceful meetings. In addition to the Disability Protection Law, which stipulates that non-discrimination on the grounds of disability or its type, effective equality in the enjoyment of all human rights and fundamental freedoms, failure to carry out any action or practice contrary to the provisions of these charters, and respect for their freedoms to exercise their own choices and independent will.

Also one of the most important achievements of parliament in 2018 was the important event for parliament that for the third time he participated in the approval of the cabinet reshuffle. The first time the House of Representatives participated in approving the cabinet reshuffle was September 6, 2016. The second time, when the House of Representatives approved a cabinet reshuffle on February 14, 2017, which included nine portfolios and 4 deputy ministers, Engineer Sherif Ismail, prime minister, participated in the session.

In two years, there were 700 bills, led by the new universal health insurance, and the House of Representatives succeeded in passing laws in the face of high prices, including a bill granting a special allowance to state workers who were not addressed to the Civil Service Act, an exceptional cost allowance, as well as an increase in pensions and the amendment of some provisions of social insurance laws, such as the adoption of a percentage of funds balances, private accounts and units of a special nature of the State Treasury.

The current House of Representatives also approved a government bill on the National Election Authority, amended some provisions of Law No. 5 of 2010 on the regulation of organ transplantation, amended Decree No. 25 of 1929 on personal status, and amended some provisions of Law No. 68 of 1976 on the control of precious metals and valuable stones.

The Council also approved 172 laws, mostly in the field of promoting the Egyptian economy, social protection of citizens, youth advancement, the maintenance of its security and the capabilities of the country, and the most important laws passed by parliament in 2019, the Law of the National Council for Persons with Disabilities, the Law on the Regulation of the Federation of Egyptian Industries and Chambers, the Law on Social Insurance and Pensions, the Law on the Exercise of Civil Action, the increase in pensions, the laws granting allowances to those who address the Civil Service Law and those who are not addressed to it, as well as the Law of the Authority for the Financing of Science and Technology, the Law on the Establishment of the Upper Egypt Development Authority, the Law on the Establishment of Technological Universities, the Election Act for Elders and Deputies and the current Electoral District Act.

As illustrated above, the number of laws passed by the Council was mostly related to the life of the citizen directly, especially with regard to economic laws, including the Civil Service Law, which is one of the most important axes of the administrative reform plan aimed at creating an efficient and effective administrative body characterized by transparency, justice and accountability - as it represents the engine for the development of the country as a whole because the new law also aims to make a significant shift in the mechanisms of the work of the administrative body, as well as put an end to corruption and administrative problems.

The amendment of the police law also had a significant impact on the citizens and their sense of the role of the current House of Representatives, especially with regard to the law's reference to the need to respect the human rights situation of all citizens, where the philosophy of law relied on maintaining officers working in all security sectors and securing their functional status and maintaining the

confidentiality of the information available to them through their security work in addition to the adoption of a number of rules and controls in force in the police service and correcting certain conditions, in support of the national security sector, including this. The sector is private from the rest of the ministry because of its connection to national security and its activity is linked to special procedures that require it to be emptied into governing legal texts in compliance with the considerations of procedural legitimacy, and to achieve flexibility in the performance of its competences in order to meet the security requirements at the current stage. The law also came to recognize the preservation of the Egyptian state and the achievement of citizen security, which is one of the most important priorities that the political leadership attaches great importance to, especially in light of the threats and tensions that the region is going through in addition to confronting terrorism and organized crime with high efficiency with the support of the competent agencies, including the national security sector.

The new law to end tax disputes was also introduced for a period of 6 months, during which the relevant committees will examine tax grievances and disputes before the courts, or tax appeal committees of the Tax Authority, in a way that gives the private sector a greater role in economic development and gives financiers a new opportunity to agree with the tax administration to end disputes, at the administrative stage, without waiting for long tax proceedings by resorting to the courts, in a way that contributes to the rapid stability of the legal centers of these financiers, and obtaining the right of the State. The law also decided to reduce the due delay by 30% for financiers in agreement with the tax administration to end disputes before appeals are issued.

The amendment of the inheritance law also came to achieve the great importance of publishing the community peace, where the law passed the penalty of

imprisonment for at least 6 months and a fine of at least 20 thousand pounds and not more than 100 thousand pounds or one of these penalties, for anyone who refrained from handing over one of the heirs his legitimate share of inheritance, or withheld a bond confirming a share of the inheritance, or refrained from handing over that bond if requested from any of the legitimate heirs. In particular, the withholding of inheritance on females in some villages in Upper Egypt continues and this law has had an active role in protecting the rights of women from male over-the-other countries, especially in the poorest and most educated areas.

Passing the Comprehensive Health Insurance Law has also had a good impact on the citizens, which confirms the continuation of the state's policy towards improving the level of health of citizens, which is a social solidarity system, through which high quality medical services are provided to all groups of society without discrimination, and the state, through this system, takes care of those who are unable , and the family is the coverage unit and the system includes an integrated package of diagnostic and therapeutic services, and allows the beneficiary the freedom to choose a health service provider. It reduces personal spending by citizens on health services and reduces poverty due to disease. It contributes to the fair pricing of medical services and the patient's access to service without resorting to additional procedures.

The system also aims to reduce poverty and disease rates and focuses on providing full medical protection to the entire family, in exchange for contributions to able families, while for the families who are unable, the public budget bears the financial burden of health coverage on behalf of those families.

The legislator also passed several laws concerning women, the most important of which is the law that increases the penalty for female circumcision, which

approved the increase in the penalty for those who perform FGM, by imprisonment for at least 5 years and not more than 7 years, after the punishment in the law before the amendment was to imprison for a period of not less than three months and not more than two years or a fine of not less than 1,000 pounds and not more than 5 thousand pounds.

The latest amendment also provided that anyone who requested female circumcision and was circumcised as stipulated in article 242 bis of the Act shall be sentenced to at least one year's imprisonment and not more than three years' imprisonment. According to the latter amendment, FGM was defined as "partial or complete removal or injury to any external genitalia without medical justification. At the end of the amendments, the law passed the punishment of those who perform FGM, and circumcision entails a permanent impairment or death by aggravated imprisonment.

With regard to women, amendments to the so-called Harassment Law provided greater protection for women from harassment during previous periods and stipulated that "the accused will be punished with a minimum of six months' imprisonment and a fine of at least 3,000 pounds, not more than 5,000 pounds or one of these punishments, anyone who has been subjected to others in a public or private place or is subjected to sexual or pornographic matters, suggestions or insinuations or insinuations. Whether by reference, by word or by any means, in The penalty is imprisonment for at least one year and a fine of at least 5,000 pounds and not more than 10,000 pounds, and one of these penalties if the act is repeated by the offender through prosecution and tracing of the victim including wired or wireless communications.

In the case of return, the penalties of imprisonment and fine are doubled at their minimum and maximum. Article 306 bis states: Sexual harassment is considered



if the offence under article 306 bis (a) of this Law is committed with the intention of obtaining a benefit from the victim of a sexual nature, and the offender is punishable by at least one year's imprisonment and a fine of at least 10,000 pounds and not more than 20,000 pounds or one of these penalties.

If the offender, who is stipulated in the second paragraph of article (267) of this Act, has functional, family or study authority over the victim, exerts any pressure that circumstances allow him to practice, commits the crime of two or more persons or at least one of them carries a weapon, the penalty shall be imprisonment for at least two years, not more than five years, and a fine of at least 20,000 pounds and not more than 50,000 pounds. The heavy punishment had a good result on women moving in the streets as well as supporting them to participate in various constitutional entitlements.

### **Reasons and solutions for poor elections turnout:**

There are some reasons that limit participation and may be unintended, such as lack of interest in politics, laziness and preoccupation with the requirements of daily life, the belief that his voice will not make a difference and there is no leave on election and referendum day, personal reasons such as illness or ageing and difficulty in movement or the husband's lack of consent to the wife's participation, or an intentional reluctance such as suffering from high prices and inflation, and limited satisfaction with state institutions, and the state of public services and facilities such as education and health ...etc.

The limited impact of development returns and national projects on improving living life, the belief in the futility of participation, the weakness of the elite and the inability to produce political figures capable of communicating with citizens, lack of real competitiveness, and negative media messages towards non-

participants and accusing them to the point of betrayal. Accordingly, state institutions, parties and political forces must move from now on if we want to increase citizen participation in the upcoming parliament elections by focusing on several factors as follows:

1. Informing citizens of the importance of participation and guarantees of integrity, the role of parliament in its chambers, and how to exercise the right to vote through balanced and professional information messages
2. Shedding media light on the performance of the current parliament in vital files affecting the life of the citizen and the importance of activating that performance through the next parliament.
3. Building trust between the citizen and the parties to the electoral process to feel the usefulness of participation and the importance of his voice.
4. Communicating with citizens through parties moving outside their headquarters and holding mass conferences.
5. Formulating a vision of public policies capable of addressing the problems of citizens proposed by parties and committed to them in their party platforms and parliamentary performance.

In conclusion, different institutions must move quickly to prepare for the upcoming parliamentary elections if we wish a successful electoral process based on a tight legal framework balanced between citizens' political rights and duties, and a political climate that promotes participation, integrity, transparency and equal opportunities among all parties to the electoral process and informs citizens of their rights. It is necessary to have a community dialogue and a deep debate between the various forces and parties to find out their views and proposals on the 2020 parliamentary elections.