



General Assembly

Distr.: General
24 June 2019

English only

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 June 2019]

* Issued as received, in the language(s) of submission only.



Combating corruption

Introduction

Egypt continues its efforts to combat corruption through the legislative and constitutional framework, the persistence of the Egyptian judiciary to prosecute the corrupt, develop more strategies, in addition to the efforts of the control bodies and organizations. Therefore, Maat for Peace, Development and Human Rights takes the opportunity at the 41st session of the Human Rights Council to present Egypt's efforts in combating corruption and call for more support in order to develop anti-corruption frameworks, enact a set of laws and take measures to help continue the fight against corruption.

Constitutional and Legislative framework

The Egyptian legislation has developed a system of laws that combat corruption and regulate the work of bodies and agencies working in the field of preventing and combating corruption. Article 218 of the Constitution reads that "The state is committed to fighting corruption, and the competent control bodies and organizations are identified by law. Competent control bodies and organizations commit to coordinate with one another in combating corruption, enhancing the values of integrity and transparency in order to ensure sound performance of public functions, preserve public funds, and develop and following up on the national strategy to fight corruption in collaboration with other competent control bodies and organizations, in the manner organized by law."¹

Furthermore Article 68 of the Constitution states that "Information, data, statistics and official documents are owned by the people. Disclosure thereof from various sources is a right guaranteed by the state to all citizens. The state shall provide and make them available to citizens with transparency. The law shall organize rules for obtaining such, rules of availability and confidentiality, rules for depositing and preserving such, and lodging complaints against refusals to grant access thereto. The law shall specify penalties for withholding information or deliberately providing false information. State institutions shall deposit official documents with the National Library and Archives once they are no longer in use. They shall also protect them, secure them from loss or damage, and restore and digitize them using all modern means and instruments, as per the law."

In addition, the development of a legislative system that criminalizes many of the crimes of corruption referred in the UN Convention. The most important legislation is included in the Penal Code No. 58 of 1937 and its amendments, which contains a set of legal rules identifying the types of crimes and penalties established in relation to crimes of bribery, misappropriation and aggression on public funds and fraud crimes, in addition to many laws that combat corruption.²

Anti-Corruption Bodies

The degree of independence of bodies varies from a country to another. Egypt has more than one control body, the most important of which is the Administrative Control Authority (ACA), which is one of the external control bodies of the executive power and exercises its functions in accordance with Law No. 54 of 1964 and its amendments issued in 2018. It has the right to access and reserve the data and documents of the State institutions, it submits its reports to the President and the Parliament. Accountability State Authority is an independent body with a general legal personality, which is affiliated to the President, its President is appointed by Parliament. It aims to control the state funds and the funds of persons, assists the Parliament in carrying out its oversight functions, exercises types of

¹ <https://bit.ly/29WXTYZ> للاطلاع على دستور مصر لسنة 2014 انظر

² <https://bit.ly/2BrdH3P> للاطلاع على الإطار التشريعي كامل انظر موقع هيئة الرقابة الإدارية – الإطار التشريعي

control, such as financial control in both accounting and legal, and legal control of the decisions issued on financial irregularities, in addition to monitoring the performance and implementation of the plan.³

National Committee for combating Corruption, it has been established by the Prime Minister's decree No. 2890 for the year 2010, and amended by the Prime Minister's decree No. 493 for the year 2014. The Committee is undertaking a set of terms of reference, the most important of which are the formulation of a unified Egyptian vision expressed in international forums, following up Egypt's implementation of its international commitments to this Convention and other international conventions, coordination of participation in the work of the relevant conferences and its groups, evaluating the national legislation, regulations and decisions related to the prevention and fight of corruption and determining their adequacy and compatibility with the conventions and agreements ratified by Egypt.⁴

International cooperation in combating corruption

Egypt is undertaking international cooperation to fight corruption. The ACA has concluded several protocols for cooperation and exchange of experiences with several bodies in Arab and foreign countries, including: Armenia, China, Morocco, Romania, France, Uganda, Iraq, Thailand, Oman, Palestine, Algeria, Hungary, Tanzania, Sierra Leone and Vietnam. Also, it conducts relations, cooperation and training with other countries, including: Saudi Arabia, Kuwait, Jordan, Kurdistan, Sweden, Denmark, Britain, Hong Kong, Singapore, the United States and other countries of the world. Many international organizations contact the ACA as the core state entrusted with law enforcement in the fight against corruption is the most important: the United Nations Office against Drugs and Crime, the United Nations Development Program, the World Bank - Stolen Asset Recovery Initiative (StAR), the African Union, the European Union, the Organization for Economic Co-operation and Development and the International Criminal Police Organization - INTERPOL.⁵

Measures taken by Egypt to combat corruption

Combating corruption is one of the main issues for all the countries of the world, whether they are developed or developing countries. Corruption, in its various forms, is widespread in all countries, but in varying degrees in terms of the seriousness of the existing administrative, social, economic and political systems. Therefore, the Egyptian government has taken series measures to combat corruption. For instance, the National Anti-Corruption Strategy (2014-2018) has been developed, which focuses on improving the performance of government and administrative bodies, improving public services, establishing transparency and integrity principles, enacting anti-corruption legislation, raising the public awareness of its danger.

In December 2018, President Sisi launched the second phase of the National Anti-Corruption Strategy (2019/2022). This phase of the strategy included the most important challenges that emerged during the implementation of the first phase of the strategy, namely improving the performance of the governmental apparatus and improving public services. However, enactment of the Civil Service Law, the tables of the various jobs mentioned at the end of the law have not been activated, as well as the persistence of a number of poor public services, the failure to adopt an integrated system for the exchange of information between the electronic government bodies and relying on bilateral cooperation protocols instead.⁶

³ لمزيد من المعلومات عن اختصاصات وتاريخ الجهاز المركزي للمحاسبات انظر موقع الجهاز المركزي - لمحة تاريخية <https://bit.ly/2Gtc4X3> عن الجهاز

⁴ للاطلاع على اختصاصات اللجنة وصلاحياتها انظر هيئة الرقابة الإدارية - اللجنة الوطنية للتنسيقية <https://bit.ly/2VTGTtr>

⁵ لمزيد من المعلومات عن التعاون الدولي لمكافحة الفساد في مصر أنظر هيئة الرقابة الإدارية- التعاون الدولي <https://bit.ly/2GqjHNS>

⁶ ننشر نص الاستراتيجية الوطنية لمكافحة الفساد 2019-2022، اليوم السابع، 10 ديسمبر 2018.

The ACA has been able to control a number of corruption cases, the most prominent of which was the arrest of the head of the Zagazig Criminal Court in Sharkia Governorate, while receiving a bribe of 300 thousand pounds from two former members of the Parliament in exchange for commutation of the death sentence of an accused of murder, to life imprisonment (25 years), in a drug trafficking case. The State Security Prosecution ordered the judge to be held for four days pending investigation based on a video and audio recording, submitted by the ACA, proves the judge's receipt of a bribe from a relative of the accused in one of the cases before him. On September 18, 2018, the Cairo Criminal Court sentenced the judge to 10 years in prison and 5 years in prison for 3 other defendants.⁷

On January 14, 2018, the ACA announced the arrest of the governor of Menoufia and two businessmen for their involvement in corruption. The investigation has proved the governor's involvement in the allocation of a plot of land to two businessmen without legal basis, the calls between them has been monitored too, after obtaining permission from the Public Prosecution.⁸ On November 12, 2018, the Giza Criminal Court sentenced the governor to 10 years in prison and a fine of 15 million pounds for the charge of bribery and to exempt the other defendants from the penalty.⁹

In July 2018, the ACA announced the arrest of the head of the Customs Authority, who was charged with bribery in local and foreign currencies. He has obtained bribes from some customs agents in exchange for the smuggling of goods that are forbidden to be imported and without payment of customs duties. The Attorney-General ordered him to be held for four days pending investigation.

In spite of the efforts of the ACA, they are only "prosecution efforts". The government shall complete the integrated preventive system to combat corruption, which includes a number of axes, namely the administrative and institutional reform, a package of legislation, especially the Anti-Corruption Law, which is not implemented so far, and a number of other programs to separate the service provider from its recipients.¹⁰

Recommendations

Maat commends Egypt's efforts to combat corruption and, in support of its efforts, recommends:

To continue to combating corruption and issuing the Freedom of Information Act, in accordance with article 68 of the Egyptian Constitution.

To strengthen anti-corruption by disseminating all information on corruption cases.

The international bodies to support Egypt's efforts to combating corruption through technical assistance in the implementation of the National Anti-Corruption Strategy 2019-2022.

To request United Nations bodies to undertake international cooperation with Egypt to develop anti-corruption frameworks.

<https://bit.ly/2S8rALi>

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