

# Studies and Researches

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## Principles of Human Rights and the Egyptian Constitution

**Councilor Sanaa Khallil**  
**Former Assistant to the Minister of**  
**Justice for Human Rights Sector**

The Constitution in Egypt is considered the highest document within the framework of the national legal system. Given the legal nature of the constitution as a social contract between the State and citizens, and the only document issued by a referendum, the successive Egyptian constitutions have focused on principles of human rights and fundamental freedoms set forth in the international conventions and provided these principles the highest level of protection as constitutional texts superior to any other legislative instruments.

### **Motivation to deal with the principles of human rights and fundamental freedoms within the framework of the Constitution**

Attributed to its great civilization and distinguished history over thousands of years, accompanied by values and ideals of prophets, messages and three heavenly books, Egypt has made and formulated its unique national identity. Additionally, being a member of the United Nations since its establishment and then, of the League of Arab States in 1945, Egypt is qualified to be one of the countries that participated seriously in the preparation and drafting of the Universal Declaration of Human Rights issued by the United Nations on 10 December 1948 and signed by Egypt at the time of issuance. This reflects Egypt's recognition of the importance of such international instrument that marks the beginning of the work at the international arena and is considered the culmination of the practical action of the United Nations Commission on Human Rights to achieve the UN goals set forth in Article I of the Charter of establishment and will, inevitably, lead to the focus and synergy of international efforts in order to make a success and achieve the objectives.

In line with Egypt's national vision, legal system as well as culture and civilization that can be represented in its endeavors and efforts to support human rights issues over history, Egypt has already bounded by a number of international human rights conventions that were in force at that time, such as the four Geneva Conventions and the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention Related to the Status of Refugees and the two International Labor Organization Conventions against Forced Labour (1930 and 1957), the Convention against Slavery and its Supplementary Conventions and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and other international conventions which were intended for enforcement such as the Convention on Racial Discrimination.

Principles of human rights and fundamental freedoms have been crystallized



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through those practical pillars and intellectual and logical premises that have been stipulated in the constitution that contains rights and provides guarantees in case of violation and also safe havens for human rights defenders by granting those persecuted the right to political asylum to Egypt.

At the same time, Egypt's consistent national vision confirms the extent to which the principles of human rights and fundamental freedoms are enjoyed in Egypt and the extent they are reflected in constitutional provisions that provide concrete guarantees rather than any other legislative instruments within the Egyptian legal system.

### **Legal Implications of the Incorporation of Human Rights Principles into the Egyptian Constitution**

Have enshrined in the Egyptian Constitution, principles of human rights and freedoms, according to the Egyptian legal system, enjoy legal advantages and impacts. Egypt is committed to implementing its international obligations derived from its accession to international and regional human rights instruments through including all rights and freedoms, among them the right to development and the right to the environment, to the Constitution of 2014. This inclusion grants the constitutional protection to these human rights and freedoms and contributes to keep up with modern constitutions that contain all precious values agreed upon by the international community and thus, it became an inevitable path and an irreplaceable choice through which not only all international relations and national legislations were formulated, but also the refinement and improvement of human nature by condemning any behavior contrary to those principles and freedoms so as to reach the desired goals of the human society.

Egypt has been keen to provide for these rights and freedoms in the constitution and granted them special guarantees in line with the international conventions that set forth observation and monitoring mechanisms to follow-up the implementation of these rights at the national level, with taking into consideration the collaboration of the State institutions and the relevant national mechanisms as follows:

- The need for the effective communication with the international community and the regional and international human rights mechanisms as well through the submission of periodic reports before these mechanisms and the responses to inquiries or questionnaires related to them to manifest the great development of the constitutional document which was the result of the revolutions of the Egyptian people in 2011 and 2013, along with the emphasis of the progress achieved on ground in respect to legislations and judiciary. Besides, the reports shall emphasize any national obstacles or difficulties that hinder the process of implementation, with the clarification of means and schemes of mitigation to overcome these obstacles.
- The preparation or amendment of the national legislations to keep up with the provisions of the constitution, especially those relevant to the enforcement of rights and freedoms at the national level. This is topped by the need to criminalize acts of crimes and to determine the appropriate penalties, along with the completion of establishment of national mechanisms targeting to bridge the legislative gap in this regard.