

Draft of the Constitution of the Arab Republic of Egypt
Up to date as of 20 September 2012

Chapter 1: Fundamentals of the State.....	5
Article 1 Nature of the Arab Republic of Egypt	5
Article 2 Official Religion and Language	5
Article 3 The practice of Christianity and Judaism (<i>new</i>)	5
Article 4 Al-Azhar (<i>new</i>)	5
Article 5 Sovereignty of the people (alternative: sovereignty of Allah)	6
Article 6 Economic development.....	6
Article 7 Political parties	6
Article 8 Nationality	6
Article 9 The Divine Entity (<i>new</i>)	6
Article 10 Unity of the Egyptian Society	7
Article 11 Equality	7
Article 12 Values of society and of the family	7
Article 13 The protection of mothers and children	7
Article 14 Equality of women	7
Article 15 The protection of morals and heritage	7
Article 16 Workers' rights	7
Article 17 Civil servants.....	7
Article 18 Care of military veterans and their families	8
Article 19 Educational, cultural, social and health services.....	8
Article 20 Social and health insurance.....	8
Article 21 Education and allocation of resources	8
Article 22 Basic minimums of education	8
Article 23 Supervision over education institutions.....	8
Article 24 Religious education	9
Article 25 Eradication of illiteracy.....	9
Article 26 Care of educators	9

Article 27	Independence of academic research	9
Article 28	The promotion of science, art and literature	9
Article 29	Prohibition of civil ranks	9
Article 30	Organization of the national economy	9
Article 31	Natural Resources and socio-economic development.....	10
Article 32	The use of natural resources (<i>new</i>).....	10
Article 33	Role of employees in enterprises.....	10
Article 34	Agriculture	10
Article 35	Property.....	10
Article 36	Public properties	10
Article 37	Cooperative properties	10
Article 38	Private properties.....	11
Article 39	Nationalization	11
Article 40	Sequestration of funds	11
Article 41	Ownership of land	11
Article 42	Tax system	11
Article 43	Saving of Income	11
Article 44	<i>Waqfs</i> (religious endowments) (<i>new</i>)	11
Article 45	Collection of <i>zakat</i> (alms) (<i>new</i>).....	11
Article 46	Incorporeal national entities (<i>new</i>).....	12
Article 47	The protection of the Egyptian society (<i>new</i>)	12
Article 48	Sea coasts and river embankments (<i>new</i>)	12
Chapter 2: Public Freedoms, Rights and Duties		13
Article 1	Human Dignity.....	13
Article 2	Equality.....	13
Article 3	Personal freedom	13
Article 4	Procedural safeguards of accused and detained persons.....	13
Article 5	Treatment of detained persons	13
Article 6	State searches of homes	14
Article 7	Privacy	14

Article 8	Freedom of belief	14
Article 9	Freedom of thought and opinion	14
Article 10	Freedom of the media.....	14
Article 11	Right to own media outlets	14
Article 12	Crimes of publication	15
Article 13	Freedom of scientific research, and literary, artistic and cultural creativity	15
Article 14	Freedom of movement	15
Article 15	Migration.....	15
Article 16	Political asylum and refugees.....	15
Article 17	Right of assembly	15
Article 18	Right to form associations and political parties	15
Article 19	Right to establish syndicates, cooperatives and unions	16
Article 20	Freedom of access to information	16
Article 21	Military service	16
Article 22	Right to a healthy environment	16
Article 23	Duty to protect national security	16
Article 24	Duty to pay taxes.....	16
Article 25	Right to address public authorities	16
Article 26	Electoral rights.....	17
Article 27	Right to education	17
Article 28	Right to water, food, clothing and transportation	17
Article 29	Forced servitude.....	17
Article 30	Right to social insurance	17
Article 31	Special care for the disabled	17
Article 32	Freedom of bodily and psychological integrity and right to access emergency medical treatment.....	18
Article 33	Workers' right.....	18
Article 34	Protection of private properties and expropriation.....	18
Article 35	Rights of the child.....	18
Article 36	Equality and health services.....	19
Article 36 (bis)	Right to intellectual property and promotion of cultural and social services.....	19

Article 36 (bis 2) Development of the youth	19
Article 36 (bis 3) Physical Exercise	19
Article 37 Right to safe condition	19
Article 38 Medical testing	19
Article 39 Liability for the violation of rights and freedoms.....	20
Chapter 3: Sovereignty of the Law	21
Article 40 Sovereignty of the law.....	21
Article 41 Independence of the judiciary	21
Article 43 Punishment	21
Article 44 Rights of an accused	21
Article 45 Access to courts.....	21
Article 46 The right to legal representation	21
Article 47 Commencement of a criminal lawsuit	21
Article 48 Sentences	22
Article 49 Prison and rehabilitation	22

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Chapter 1: Fundamentals of the State

Article 1 Nature of the Arab Republic of Egypt¹

The Arab Republic of Egypt is a unified and sovereign State that shall not accept division. The Republic enjoys a democratic regime based on the principles of consultation, plurality and citizenship where all citizens are deemed equal in rights and duties. The Egyptian people are deemed part of the Arab and Islamic nation and are adamant about the sense of belonging thereto...²

Article 2 Official Religion and Language

Proposed text:

- Islam is the religion of the State and Arabic is the official language. The principles of Islamic Law are the main source of legislation and Al-Azhar is the final authority in the interpretation thereof.

Second proposed text:

- Islam is the religion of the State and Arabic is the official language. Islamic Law is the main source of legislation and Al-Azhar is the final authority in the interpretation of Islamic Law.

Article 3 The practice of Christianity and Judaism (*new*)³

Persons embracing Christianity and Judaism shall have the right to revert to their respective religious laws in matters relevant to personal affairs, the practice of religious (affairs) or (rituals), and the nomination of spiritual leaders.

Article 4 Al-Azhar (*new*)

¹Titles for each article have been included by International IDEA along with this translation solely for ease of reference. The article titles are not to be attributed to the authors of the draft constitution and should not be used to inform interpretation. The three main sections (titled 'Fundamentals of the State', 'Public Freedoms, Rights and Duties', and 'Sovereignty of the Law') have been translated from the original draft. This translation, for ease of reference, refers to these sections as chapters. The original draft restarts numbering the articles in chapter 2 but does not do so for chapter 3, an approach that this translation follows.

² The original version contains ellipses throughout the draft, which have been reproduced here. It is not entirely clear what these ellipses are designed to serve.

³ The use of the term "new" in the Arabic original is designed to indicate that the current version of the relevant provision was updated from an earlier version of the same document.

Al-Azhar is an independent Islamic authority, headquartered in Cairo, and responsible for the affairs of the Islamic nation and the world as a whole. The State shall, by virtue of the law, guarantee the provision of sufficient funds for Al-Azhar to attain these objectives.

The opinion issued by the Panel of Senior Scholars at Al-Azhar shall be the reference.....

Article 5 Sovereignty of the people (alternative: sovereignty of Allah)

Sovereignty shall be to no other than the people. The people are the source of all powers. The people shall exercise and protect this sovereignty and shall preserve the national unity as per the provisions stipulated under the Constitution.

Alternative proposal:

- Sovereignty shall be to no other than Allah who has bestowed such upon the nation for exercise. The people shall be the source of power.

Article 6 Economic development

The economy of the Arab Republic of Egypt shall be based on the development of economic activity and social justice, as well as guaranteeing the various forms of legal ownership and on maintaining the rights of all workers.

Article 7 Political parties

The political regime within the Arab Republic of Egypt shall, within the framework of the fundamentals of the Egyptian society prescribed under the Constitution, be based on party plurality. Political parties shall be governed by law. Citizens shall, upon notification, have the right to establish political parties in accordance with....

Article 8 Nationality

The Egyptian nationality shall be determined by law. No Egyptian citizen may be deprived of nationality and no authority may be given to change an acquired nationality unless within the limits of the law.

Article 9 The Divine Entity (*new*)

The Divine Entity is inviolable and shall not be prejudiced or subjected to any exposure. The same shall apply to the entities of the prophets and messengers of Allah as well as to the Mothers of the Believers and the Righteous Caliphs.

Note: it has been agreed that this article shall not be repealed or amended.

Article 10 Unity of the Egyptian Society

Egyptian society shall be based on unity and social solidarity with respect to the protection of lives, honor and funds, as well as sufficient social security to all citizens.

Article 11 Equality

The State shall, without discrimination, ensure that all citizens enjoy equal opportunities.

Article 12 Values of society and of the family

The family shall be the basis of society; and religion, morals and patriotism shall be the foundations thereof. The State and society shall preserve the identity of the family in terms of religion, ethics and values and shall ensure the cohesion, stability and protection thereof.

Article 13 The protection of mothers and children

The State shall ensure the protection of mothers and children, and shall give due care to children and youth and shall provide such with the relevant means necessary for the development of their capacities.

Article 14 Equality of women

The State shall guarantee harmonization between the duties of women towards the family and work within society. The State shall also guarantee equality between men and women in the political, social, cultural and economic arenas, without prejudice to the provisions of the Islamic Law.

Article 15 The protection of morals and heritage

The State shall, within the limits of the law and public order, be committed to safeguarding and protecting morals, promoting indigenous Egyptian traditions, promoting high levels of religious education, patriotism, historical and cultural heritage of the people, Arab morals and culture, and preserving monuments and nature reserves....

Article 16 Workers' rights

Work is a right, a duty and an honor and shall be guaranteed by the State and society. Distinguished employees shall receive appreciation from the State and society. No citizen shall be forced to work, except by virtue of a law for the performance of a public service and for a fair remuneration.

Article 17 Civil servants

Posts in public offices shall, in accordance with the terms stipulated by law and without any discrimination or intermediation, be available to all citizens. Any violation to the aforementioned shall be deemed an act punishable by law. Civil servants shall be responsible for serving the people and shall

receive the protection of the State. The State shall guarantee that civil servants perform the duties entrusted to them with respect to safeguarding the interests of the people....

Article 18 Care of military veterans and their families

The State shall guarantee the extension of due care to veterans of war, persons injured during or as a result of war, families of martyrs killed in the course of performing the national duty, and families of martyrs of and persons injured during the 25th of January Revolution. Persons injured in wars and during the 25th of January Revolution as well as the children and spouses thereof shall take priority over others with respect to employment opportunities.....

Article 19 Educational, cultural, social and health services

The State shall guarantee the availability of educational, cultural, social and health services and shall give due diligence to the provision of these services in villages, as well as in remote and disadvantaged areas on an easy and regular basis with a view to raising the standard of living therein.

Article 20 Social and health insurance

The State shall, in accordance with the law, guarantee the availability of social and health insurance services as well as the provision of disability, unemployment and social pensions to all employees in general and to employees with special needs in particular.

Article 21 Education and allocation of resources

Education is a right and a duty that shall be guaranteed by the State to all citizens. The State shall allocate sufficient resources for education and shall guarantee the quality and development thereof in such manner that satisfies the needs of society, serves developmental plans and fosters the sense of religious and national belonging. The State shall pay due attention to technical education and shall work on the development thereof.

Article 22 Basic minimums of education

Education in State-owned institutions shall, in all the various phases thereof, be free of charge. Learning shall be compulsory during the primary phase of education and the State shall further strive to make learning compulsory for the other phases of education.

Article 23 Supervision over education institutions

The State shall supervise over all forms of education during all the phases thereof. All educational institutions, public, private and civil, shall adhere to the State plan and objectives with respect to education.

Article 24 Religious education

Religious education and the Arabic language shall be fundamental courses in the curricula of all forms and phases of education. The State shall seek to Arabicize all subjects as a preliminary step towards Arabizing education in all the phases thereof. Universities shall commit to teaching the values and ethics necessary for various specializations.

Article 25 Eradication of illiteracy

The State shall commit to developing a comprehensive plan for the eradication of illiteracy and the elimination of the consequences thereof. All resources of the State and society shall be geared towards the implementation of the plan within a period of time specified by law.

Article 26 Care of educators

The State shall give due moral and professional care to educators, being the principal pillar for the success and attainment of the objectives of the education plan. The State shall guarantee that educators earn a decent living that maintains their dignity and that allows them to be devoted to the relevant sublime mission.

Article 27 Independence of academic research

The State and society shall guarantee the independence of universities and scientific research centers and shall ensure the freedom of research. The State shall also seek to develop universities and research centers, provide sufficient resources necessary for this, and develop ties between educational and research programs and the needs of society and of production. The State shall allocate a sufficient amount of.....

Article 28 The promotion of science, art and literature

The State shall promote science, art and literature and shall sponsor innovators and creators, protect their innovations and creations, and seek to apply such for the benefit of society.

Article 29 Prohibition of civil ranks

The institution of civil ranks shall be prohibited.

Article 30 Organization of the national economy

The national economy shall be organized in accordance with a comprehensive development plan that guarantees an increase in national income, fair distribution, a rise in the standard of living, elimination of unemployment, an increase in employment opportunities and correlation between wages and production. The plan shall also guarantee minimum wage rates and sufficiency for a better life.....

Article 31 Natural Resources and socio-economic development

The State and society shall give due care to production and shall seek to attain socio-economic development as well as preserve natural resources. The State shall maximize the utilization of and properly manage such resources heeding the right of future generations thereto.

Article 32 The use of natural resources (*new*)

No privilege may be granted with respect to the utilization of any natural resource or public utility unless provided for by law.

Article 33 Role of employees in enterprises

Employees shall have a share in the management of enterprises and the profits thereof. Employees shall, in accordance with the law, be committed to the development of production and the implementation of plans within the production units thereof. Sustention of factors of production is a national duty. Workers shall be represented in the boards of directors of public sector units within the limits of fifty.....

Article 34 Agriculture

Agriculture is a fundamental component of the national economy. The State shall seek to give due care to farmers and agricultural workers, as well as to the development of the main national agricultural crops. The State shall also seek to support agricultural cooperative societies and unions and to include farmers in the agricultural plan and enable them to manage the plans.

Article 35 Property

Properties shall be subject to the supervision of the people and the protection of the State. There are four types of properties: public property, cooperative property, private property and *waqf* (religious endowment).

Article 36 Public properties

Public properties are the property of the people and shall be represented in the properties of the State and of public legal persons. Public properties have sanctity and shall be protected and supported by all citizens in accordance with the law.

Article 37 Cooperative properties

Cooperative properties are the properties of cooperative societies and unions. The law shall guarantee the protection and self-management of societies and unions.

Article 38 Private properties

Private properties are represented in the properties of natural and legal persons. The social function of private properties shall be governed by law with respect to serving the national economy within the framework of the development plan, without deviation, exploitation or monopoly. The ways of using of private property may not come in contradiction with.....

Article 39 Nationalization

Nationalization shall be prohibited unless intended to serve public interest, in which event, nationalization shall be governed by law and shall be against compensation.

Article 40 Sequestration of funds

Public sequestration of funds shall be prohibited and private sequestration shall only be allowed by virtue of a judicial ruling.

Article 41 Ownership of land

Ownership of agricultural and non-agricultural land shall be governed by law with a view to ensuring the prevalence of social justice and the protection of national security, and to guaranteeing the protection of farmers and agricultural workers from exploitation.

Article 42 Tax system

The tax system shall be based on social justice.

Article 43 Saving of Income

Saving is a national duty that shall be protected, encouraged and regulated by the State.

Article 44 *Waqfs (religious endowments) (new)*

The State shall commit to reviving and encouraging the system of charitable *waqf* (religious endowment). *Waqfs* (religious endowments) as well as the means of establishment, management, investment and distribution of the dividends thereof upon beneficiaries shall be governed by law in accordance with the terms set by the owners of the *waqf* (religious endowment).

Article 45 Collection of *zakat* (alms) (new)

The State shall seek to establish a public institution mandated with the collection of *zakat* (alms) from persons commanded to pay *zakat* (alms) in accordance with the Islamic Law, taking into account that a specific percentage thereof shall be left to the *zakat* payers to be disposed of for the benefit of relevant family members. Collection of....

Article 46 Incorporeal national entities (*new*)

Incorporeal national entities shall receive reverence and respect and shall not be subject to contempt in accordance with the law.

Article 47 The protection of the Egyptian society (*new*)

The State and society shall seek to protect the unity, culture, civilization and language of the Egyptian society.

Article 48 Sea coasts and river embankments (*new*)

The State and society shall safeguard the sea coasts and river embankments of the Arab Republic of Egypt, deemed public properties, and shall seek to put an end to any encroachments thereupon.

Chapter 2: Public Freedoms, Rights and Duties

Article 1 Human Dignity

Human dignity is a right to which all persons are entitled. The society and State shall guarantee that human dignity receives respect and protection. No citizen may be subjected to contempt or humiliation.

Article 2 Equality

All citizens are equal before the law. All citizens share equal public rights and duties without any discrimination on the basis of gender, origin, ethnicity, language, religion, belief, opinion, social status and/or disability.

Article 3 Personal freedom

Personal freedom is a natural right that shall be guaranteed and inviolable.

Article 4 Procedural safeguards of accused and detained persons

With the exception of cases of flagrante delicto, no person may be arrested, searched, incarcerated, deprived of freedom in any way and/or confined unless by virtue of an order issued by a competent judge. Under all circumstances, the detainee or person placed under arrest shall, within a twelve-hour period, be informed by writing of the reasons for arrest and shall be referred to an investigating authority within a period of twenty four hours as of the time of the arrest. No investigation may be conducted with a detainee unless in the presence of the lawyer thereof; in the event of a failure to have representation, a lawyer shall be appointed. A detainee, a person placed under arrest, or any other person may file a grievance before court against the procedure taken to restrict the detained person's freedom. The right to file grievances shall be governed by law in such manner guaranteeing the resolution of the matter within a one-week period. Failure to do so shall entail the immediate release of the detainee. The State shall guarantee a fair compensation for individuals whose freedom has been violated without legal ground.

Article 5 Treatment of detained persons

Any person placed under arrest or incarceration and/or deprived of the freedom thereof in any way shall receive treatment maintaining their human dignity. Such person may not be subjected to intimidation, coercion and/or physical or mental abuse. No person may be detained or incarcerated unless placed in a humanly decent and healthy environment that is subject to judicial supervision. Any person responsible for the occurrence of any of the aforementioned shall be punished in accordance with the law. Any confession proved to have been made under any of the aforementioned circumstances or under threat with any of such shall be deemed null and void.

Article 6 State searches of homes

Homes have sanctities. No home may, except at times of danger and/or distress, be entered or searched unless under cases stipulated by law and by virtue of a justified warrant issued by the competent judge. The warrant shall define the place to be searched, the reason for searching and the time to do so. Persons present in the home will be notified prior to beginning the search.

Article 7 Privacy

Private lives of citizens have sanctities and shall be protected by law. Further, emails, wires, electronic correspondences, phone conversations and other means of communication also have sanctities. The confidentiality of such shall be guaranteed. Such means of communication may not be confiscated, inspected and/or monitored unless by virtue of a justified warrant issued by the competent judge and for a specific period of time in accordance with the provisions of the law.

Article 8 Freedom of belief

The freedom of belief and practice of rituals shall be ensured. The State shall guarantee the freedom to establish houses of worship for the purpose of practicing religious rituals as per the provisions of the law, and without any violation to public order.

Article 9 Freedom of thought and opinion

Freedoms of thought and opinion are guaranteed. Each individual shall have the right to express the thoughts and opinions thereof verbally, in writing, by illustration or through any other means of publication and expression.

Article 10 Freedom of the media

Freedoms of the press, printing, publication and all other media channels are guaranteed and censorship thereof shall be prohibited. Issuing ultimatums and suspending or confiscating newspapers through administrative means shall be prohibited. Exceptions may be made at times during which a state of war is declared where newspapers, publications and media channels will be subjected to limited censorship.

Article 11 Right to own media outlets

Freedoms of owning and issuing all kinds of newspapers by natural and legal persons are guaranteed upon notification. The establishment of radio and television broadcasting stations as well as digital media channels shall, without any restriction as to the freedom and independence thereof, be governed by law.

Article 12 Crimes of publication

No accusations may be made for crimes of publication through means other than direct allegation. Such crimes shall not be punishable by freedom-restricting punishments.

Article 13 Freedom of scientific research, and literary, artistic and cultural creativity

Freedoms of scientific research as well as of literary, artistic and cultural creativity are rights entitled to all citizens.

Article 14 Freedom of movement

All citizens are entitled to freely choose a place of residence and move within the country. All citizens are also free to leave the country and to return thereto. No citizen shall be obliged to stay in one specific place unless by virtue of a judicial order.

Article 15 Migration

All citizens are entitled to emigrate and to return to the country. Consequences of migration shall be governed by law.

Article 16 Political asylum and refugees

The State shall grant foreign individuals deprived in the countries thereof of the rights and freedoms guaranteed under the present Constitution the right to political asylum. Extradition of political refugees shall be prohibited.

Article 17 Right of assembly

Citizens shall, without a need for prior notice, have the right to assemble unarmed. No security personnel may attend the relevant private meetings. Citizens shall have the right to conduct public meetings, hold processions and stage demonstrations peacefully. The means of notification thereof shall be governed by law.

Article 18 Right to form associations and political parties

Citizens shall have the right to form associations and parties upon notification thereof in accordance with the law. The law shall not restrict the freedom of establishment of and the freedom of belonging to associations and shall not limit the activities or detract from the independence thereof. Associations and parties shall enjoy a legal personality and their boards of directors and administrations shall not be subject to dissolution unless by virtue of a judicial ruling.

Article 19 Right to establish syndicates, cooperatives and unions

Establishment of syndicates, cooperatives and unions shall be a right guaranteed by law. Syndicates, cooperatives and unions shall enjoy legal personality. The law shall govern the establishment thereof on a democratic basis with a view to raising members' standard of living, to defending their rights as prescribed by law and to enhance their service to society. Syndicates, cooperatives and unions as well as the boards of directors thereof may not be dissolved unless by virtue of a judicial ruling. Professional syndicates shall hold their members accountable for the conduct in practicing the relevant activities in accordance with moral and professional codes and controls. Crafts shall be regulated by the State in such manner that achieves the optimal participation thereof in society.

Article 20 Freedom of access to information

Freedom of accessing information, data, statistics and documents, regardless of the source and location thereof, is entitled to all citizens. The State shall commit to enabling citizens to enjoy such right, unhindered, and without being in contradiction with national security or violation of the sanctity of the private life. The law shall govern the procedures necessary for accessing such information freely, the means of filing grievances against persons who refuse to provide such information and the relevant punishment applicable on violators.

Article 21 Military service

Defending the nation and the grounds thereof is a sacred duty. Recruitment shall, in accordance with the law, be obligatory.

Article 22 Right to a healthy environment

Protection of the environment is a national duty. Each individual is entitled to live in a healthy and sound environment. The State shall commit to undertaking legislative, executive and other measures for the protection of the environment and the conservation of resources within the framework of protecting the rights of future generations.

Article 23 Duty to protect national security

All citizens shall maintain the national solidarity and protect the national security of the State.

Article 24 Duty to pay taxes

In accordance with the law, the payment of taxes and public expenditures shall be a duty.

Article 25 Right to address public authorities

All individuals shall have the right to address public authorities in writing and with a signature. Addressing authorities shall not be under the name of groups except for statutory bodies and legal persons.

Article 26 Electoral rights

The participation of citizens in the public life is a national duty. All citizens shall have the right to elect, run for elections and state opinion in referenda. The State shall, in the database of electors, include the names of citizens satisfying the conditions required for electing, without a need for a relevant request to be submitted. The State shall guarantee the soundness and impartiality of the election process. The practice of relevant rights shall be governed by law.

Article 27 Right to education

Each citizen is entitled to receive education that satisfies the set standards of quality. Education shall be compulsory during the primary phase and shall be free of charge during all phases. The State shall commit to providing basic education for adults. Education and scientific research shall receive special attention from the State with respect to the General State Budget. The State shall also undertake all necessary measures to include the other phases of education within the compulsory period. The State shall supervise over the entire educational process and shall seek to raise the standard and quality thereof, to expand on and encourage technical education and to guarantee the independence of universities and scientific research centers in such manner that brings education in line with the needs of society and of production.

Article 28 Right to water, food, clothing and transportation

Appropriate domiciles and comfortable means of transportation are the rights of every citizen. All citizens are entitled to clean water, healthy food and clothing. The State shall establish such rights for all citizens.

Article 29 Forced servitude

Enforced employment, slavery, trafficking of women and children and the sex trade are deemed acts punishable by law.

Article 30 Right to social insurance

The State shall guarantee the provision of social insurance services. Any citizen unable to support himself and/or the family thereof as a result of an inability to work, unemployment or seniority is entitled to social security that will guarantee sufficiency.

Article 31 Special care for the disabled

The State shall provide care for persons having special health, economic, social and psychological needs and shall provide relevant employment opportunities therefor. The State shall accommodate the social culture and public utilities to fit the needs of such persons.

Article 32 Freedom of bodily and psychological integrity and right to access emergency medical treatment

Health and physical as well as psychological integrity are the rights of all citizens and shall be guaranteed by the State free of charge for persons who are needy. The State shall, for all citizens, provide health care and health insurance within the framework of a unified health system. No person may, in cases of emergency or life-threatening situations, be deprived of medical treatment without the provision of an alternative. The State shall supervise over and monitor all health-related procedures, material, products, institutions and promotions and shall allow syndicates and civil society organizations to play an active role in such regard.

Article 33 Workers' right

Work is a right, a duty and an honor for all citizens. The State shall guarantee that all fair conditions of work are met on the basis of the principles of equality, justice and equal opportunity. Civil servants are at the service of the people. The State shall, without prejudice or mediation, guarantee the availability of public jobs to all citizens on the basis of competence. Any violation in such regard shall be deemed a crime punishable by law. No work shall be forcibly imposed on any citizen, unless by virtue of the law for the sake of the performance of a public job and against a fair recompense. All employees are entitled to fair wages, vacations, retirement and social insurance in accordance with the law governing such matters. The State shall guarantee the right of each employee to medical care, to protection against the hazards of work and to the satisfaction of occupational safety conditions in the relevant places of work. No employee may be discharged from work unless under the circumstances provided for by law and with sufficient guarantees. Peaceful strikes are a right and shall be governed by law.

Article 34 Protection of private properties and expropriation

(Discussion of this Article will be deferred until articles 35-38 are discussed)

The contents of private properties shall be protected. The law shall pay due care to private properties performing the social functions thereof and shall prohibit the imposition of any custodianship thereon unless by virtue of a judicial ruling. Private properties may not be expropriated unless for public welfare and against a fair compensation (in accordance with market prices) in accordance with the law. In the event an appeal is filed before a court, expropriation shall not be effected unless upon the issuance of a final sentence.

Article 35 Rights of the child

Each child shall, upon birth, have the right to an appropriate name, nationality, family care, basic nutrition, shelter, health services and emotional, cognitive and religious development. The State shall provide care and protection for children deprived of the family life. The employment of a child not having exceeded the age of compulsory education in a job not relevant for the age thereof shall be prohibited. The State shall guarantee the rights and rehabilitation of children of special needs and shall ensure the integration thereof into society. No child may be detained unless all other measures have been exhausted. Detention shall be for a limited period of time and in a place separate from the place of

detention of adults. The age and gender of the child shall be taken into consideration when being detained and legal aid shall be provided thereto.

Article 36 Equality and health services

The State shall commit to taking all legislative and executive measures to instill the principle of equality between men and women in the various fields of political, cultural, economic and social life as well as in all other fields, without prejudice to the rules of the Islamic Law. The State shall provide motherhood and childhood services free of charge and shall guarantee the provision of protection as well as of social, economic and health care to women and the right thereof to inheritance. The State shall guarantee coordination between the duties of women towards family and their work within society.

Article 36 (bis) Right to intellectual property and promotion of cultural and social services

The protection of intellectual property rights shall be guaranteed and the freedom of all forms of creativity shall be a right entitled to all citizens. The State shall advance the fields of science, arts and literature, shall sponsor innovators and creators, shall protect the innovations and creations thereof and shall apply such to the welfare of the society. The State shall take the measures necessary for the maintenance of the national cultural variation and heritage and shall seek to promote cultural and social services.

Article 36 (bis 2) Development of the youth

The State shall care for and rehabilitate children and youth and shall guarantee their full development spiritually, culturally, academically, physically, psychologically, socially and economically. The State shall also enable such children and youth to participate effectively in the political life.

Article 36 (bis 3) Physical Exercise

Exercising sports is a right entitled to all individuals. Institutions of the State and society shall discover and sponsor talented athletes. The State shall take all necessary measures to encourage the exercise of sports.

Article 37 Right to safe condition

Safety is a right entitled to all persons. The State shall guarantee the safety of all individuals living on its land. Eligible persons shall, by the State, be guaranteed the receipt of a fair compensation in the events of death or disability, in accordance with the provisions of the law.

Article 38 Medical testing

The human body is sacred. Trafficking of human organs shall be prohibited. No medical or scientific experiments may be conducted on a human body without certified consent.

Article 39 Liability for the violation of rights and freedoms

Any violation of any of the rights and freedoms guaranteed under the present Constitution shall be deemed a crime for which civil and criminal lawsuits shall not be subject to the statute of limitations. The State shall guarantee a fair compensation for victims of such violation.

Chapter 3: Sovereignty of the Law

Article 40 Sovereignty of the law

Sovereignty of the law shall be the basis of rule within the State.

Article 41 Independence of the judiciary

Independence of the judiciary and immunity of judges shall be two basic guarantees for the protection of rights and freedoms.

Article 43⁴ Punishment

Punishments shall be personal. There shall be no crime or punishment unless by virtue of the law. Punishments shall not be inflicted unless by virtue of a judicial ruling and punishments shall only be inflicted on acts committed subsequent to the date of issuance of the law.

Article 44 Rights of an accused

Any person accused of a crime shall be innocent until proven guilty in a legal trial in which the accused is guaranteed the right to present a defense. Any person accused of a crime shall have a lawyer present in the defense thereof. The law shall specify the misdemeanors for which the accused shall have a lawyer present. The State shall guarantee the protection of defendants, witnesses and accused persons.

Article 45 Access to courts

The right to litigate is ensured and guaranteed to all individuals. No administrative action or decision may be immune against judicial supervision... Individuals must be tried before the relevant jurisdiction, depending on the individual's own status. The establishment of exceptional courts shall be prohibited and no civilian may be tried before a military court.

Article 46 The right to legal representation

The right to defense in person or by proxy is guaranteed. The law shall provide financially challenged persons with the means to resort to court and defend the rights thereof.

Article 47 Commencement of a criminal lawsuit

Except for cases specified by law, no criminal lawsuit shall be filed unless by virtue of an order issued by a competent judicial entity.

⁴ The original draft does not contain an 'article 42'.

Article 48 Sentences

Sentences shall be issued and executed in the name of the people. Abstention from or obstruction of execution of a sentence by a civil servant shall be deemed a crime punishable by law. In such case, the person in favor of whom the sentence was issued shall have the right to file a criminal lawsuit directly before the competent court.

Article 49 Prison and rehabilitation

Prison is a house of disciplining, rectification and reformation. All acts in contradiction with human dignity and subjecting the human health to danger shall be prohibited. The State shall be responsible for the rehabilitation of convicts and the facilitation of a means to a good life therefor upon their release.

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