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# The coming parliament and social justice legislations

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# **The coming parliament and social justice legislations**

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The concept of social justice is not just a concept that is linked to economy in its technical sense, yet it has as well political dimensions, one of the most important dimensions is spreading the spirit and culture of peaceful coexistence among citizens, that citizens without the feeling of justice among themselves, the society cannot be in a state of stability, which in turn affects all various classes.

The concept of economic and social justice in its legal framework is based on searching for legislations that hinder achievement of social justice in Egypt, and perhaps the most important determinants addressed to maintain a kind of social justice system, including maintaining a system that ensures justice participation in growth making, and equal distribution of the fruits of growth and restorative justice.

Perhaps the most important social justice themes in legislative terms are those based on achievement of:

- Access to opportunities for fair skills acquisition.
- The ability to exploit acquired skills fairly.

This requires legislations that guarantee achieving a group of economic and social rights, housing, food and social guarantee, Suitable work, and health. These are legislations that cover aspects of availability, accessibility, and the ability to freely evaluate them to ensure their effectiveness.

The range of legislations that guarantee fair access to markets to ensure that everyone can benefit from in a just way of skills that accumulate through rights, for instance, working on legislations to regulate bankruptcy, the law of freedom of trade unions and the law of transparency of information.

Hence, the legislative philosophy should be integrated and harmonious; this paper addresses the fundamental side and the aspect of economic justice:

**1. Transparency of state budget:** we cannot ensure real economic justice without a clear direction towards availability of information about public spending and public revenue to the public so that they can control public spending and follow it-up. Law number 53 of 1973 on the state budget – the Basic Law which regulates the procedures related to the public budget - is still protecting confidentiality of public budget documents and nor the government or the parliament is required to publish or otherwise make available any of the reports, but explains in its articles 30 and 32 that the Accountability State authority is only binding to submit his report on the final account to the Parliament, the Ministry of Finance, and the ministry of Economy and Foreign Trade.<sup>1</sup>

The Executive Regulation of Law number 53 of the year 1973 on the state budget, in Article 191 obliges, "the Accountability State authority to submit a report on the results and the final accounts contained the state's public budget to the Ministry of Finance within two months from the date of receiving the final account " without any obligation of publishing it in the media or availability for the public in any form.

Yet the Accountability State authority Act number 144 of 1988 that was amended by Law number 157 of 1998 - such as the public budget law – obliges Accountability State authority in Article 18 to send comments on the final account of the public budget to the President, the Parliament, and Ministry of Finance only, and the same article of the same law states that the report of the authority to monitor implementation of the plan and evaluate the performance is only sent to Parliament and stakeholders without any mention or obligation to make it available to citizens, which requires further amendment.

There is legislative insufficiency, though there are number of international conventions and agreements that oblige Egypt to make official information available to citizens (who are the Constitutional owner of it). Egypt signed in late 2003; the United Nations Convention against

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<sup>1</sup> Article no. 32 of Law no. 53 of the year 1973, on the State's public budget.

Corruption that was ratified by the President and the Parliament in 2004 and went into effect in December 14, 2005. In the text of the Convention, many of the articles that emphasize the obligation of States Parties in the Convention to take procedures related to the promotion of transparency, yet the agreement explicitly states in Article 13 "A" and "B": "to enhance transparency in decision-making processes and to promote the contribution of the people" and "Ensuring that people actually get the information."

As for the International Covenant on Civil and Political Rights, that was ratified by Egypt states in Article 11 that everyone has the right to seek various forms of information", and Article 9 of the African Charter on Human and Peoples' Rights, ratified by Egypt also affirms the right of everyone to have access to information.

In spite of the presence of all these conventions agreements that Egypt is committed to on providing access to information and encourage the contribution of people in decision-making processes by enhancing transparency and access to knowledge, yet the legislative structure for the issue of access to public information in general and transparency of the budget in particular is still deprecating.

**2. Encouraging all kinds of cooperatives:** As for cooperatives to perform their role, there should be enhancement of the popular character of cooperatives as far as their disposal of the dominance of government agencies and as far as being subject to the free will from the very moment of its inception until the suspension of its activities, and that requires:

- Reconsideration of the current relation between government agencies and cooperatives.
- Establishment of cooperatives should not be with the permission an administrative agency and they should work with no interference, what hinders the management of their affairs, and not to decide their dissolve or ceasing their activities as a punishment, and not to replace cooperatives with government agencies.
- Freedom of cooperative decision making without the intervention of any third party.
- Supporting cooperative grassroots units to be a strong foundation for democratic development of the cooperative construction.
- Supporting the popular institutional identity of cooperatives as civil organizations that reflects management of their members.

The applicable cooperative sector laws, law number (28) of 1984 on the General Union of Cooperatives, Law number (109) for the year 1975 on consumer cooperation, Law number (110) for the year 1975 on the productive cooperation, Law number 122 of 1980 that was amended by Law number (122 ) for the year 1981 on agricultural cooperation and Law number (14) for the year 1981 on the housing cooperation and Law number 123 of 1983 on water resources cooperatives and General Union of Cooperatives; all these legislations need a comprehensive review, based on deepening internal democracy of cooperatives through the insistence on realization of internal democratic mechanisms that ensure democratic relations among members, and confirm optional and freedom to join cooperatives and withdraw from them, and the right of a member to nominate for cooperative leadership positions election of candidates and voting on decisions without derogation of this right by the administrative agency, members shall be free to set their own regulation, and emphasis on the rule of one vote per member, and through recording meetings of the general assemblies and contribution of its members, and setting guarantees for circulation of cooperative leadership positions to end the rigidity of elite leadership and creating new leaders.

Existing cooperative legislations are longer appropriate for cooperatives to perform an active role in development under the new circumstances, and there is a consensus on the need to amend these legislations to make substantial modifications to ensure that it shall enable cooperatives to operate its developmental role freely and effectively, with an emphasis on their nature as civil organizations and through:

- Issuance of a unified and flexible legislation is limited to general principles and leaves for each cooperative sector setting its main system.
- Issuance of a unified legislation that allocates its first chapter to general principles, and allocates a separate section for each cooperative sector.
- Make substantial modifications in the existing legislations in line with the orientations of supporting democracy and elimination of obstacles by stating that cooperatives are the only responsible for determining rules and procedures of their work, and the relation with government agencies so that they are relations of cooperation without overlapping of roles, with guaranteeing freedom of decision-making to cooperatives, and that the cooperative shall have first opinion in determining the amendments to legislations.

**3. A clear system of social safety nets as an integral part of social protection:** there must be a legislation that demonstrates all social security programs and is based upon integration in order to be covering all aspects of the fight against poverty, the Law number 30 of the year 1977 that was amended by Law number 88 of the year 1996 on Social Security still suffers from lack of clarity of its articles on targeting by programs, and does not provide any criteria to ensure inclusion of all causes of poverty and all poverty groups, and community monitoring over the distribution of pensions to those who deserve it.

It is possible to develop an integrated conception of social protection programs classified in four types of interventions:

- **Protective interventions:** represented in the social safety net programs, including non-covalent cash transfers to the chronic poorest, who do not and will not be able to work and earn, represented in the social security pensions and temporary pensions for families in poverty. For the first type, social security pensions, international experience has unanimously agreed that the value of this pension is defined as a percentage of the minimum wage as is the case in Brazil, or specify a certain amount that is installed for a period not more than five years, provided that the minimum is one-third of the average per capita annual GDP as is the case of Bolivia, or determines the amount to cover a certain percentage of the poverty gap in the targeted group, as is the case in South Africa. As for the temporary pension targeting poorer families, this shall be temporary.
- **Preventive measures:** The importance of this type of interventions has emerged in light of the writings of the second generation of the theories of welfare state, which dealt with the impact of not having security measures for fragile groups from the risk of deterioration of justice in the distribution of income and endangering fragile groups for chronic poverty. Without these preventive programs, the poor depends on personal mechanisms, including avoiding high risk production even with high incomes, and selling saved assets in periods of prosperity, these temporary strategies to avoid the risk is not without costs to the poor and the most vulnerable; where they lead to less efficient asset management, what results in a decline in the average permanent income.
- And then these programs include social insurance programs for fragile groups in addition to systems of health insurance and temporary support programs. the value of the temporary support transfers is determined through a function is based on measuring the gap between what the family needs to meet their basic needs including education, health care and the current income which is the case in the Albanian experience, or by blocking the gap between the minimum annual wage in the state and total household income after falling in poverty risks as is the case of Estonia, Ukraine and Indonesia.

- **Promotive measures:** aiming to improve the real incomes and capabilities through micro-credit programs, school feeding programs, and conditional cash transfers.

**4. Labor law:** the proposed drafts of labor law are still greatly unfair to workers as it included articles that will facilitate the issue of the worker's dismissal more than the current law, as well as reducing rights of the worker in cases of unfair dismissal, as well as the reduction of workers' rights in the event of death, and retirement; in addition the law put restrictions on the right to training, organization and negotiation.

**5. Competition and anti-monopoly law:** it is the Law number 3 of the year 2005 and its amendments that its articles still not possible to enforce sanctions on the monopolist, in addition, sanctions themselves are considered to be weak.

**This requires a reform group in the following legislation:**

<b>Legislations that should be amended</b>	<b>Tendency in the amendmen</b>
Budget Act No. 53 of 1973	<ul style="list-style-type: none"> <li>- Compatibility with transparency.</li> <li>- Application of Programs budget.</li> <li>- Support planning from the bottom up.</li> </ul>
<p><b>Applicable Laws of the cooperative sector:</b></p> <ul style="list-style-type: none"> <li>- Law No. 28 of 1984 on the General Union of Cooperatives.</li> <li>- Law No. (109) for the year 1975 on the consumer cooperation.</li> <li>- Law No. (110) for the year 1975 on the productive cooperation.</li> <li>- Law No. 122 of 1980, amended by Law No. (122) for the year 1981 on agricultural cooperation.</li> <li>- Law No. (14) For the year 1981 on the housing cooperation.</li> <li>- Law No. 123 of 1983 on water resources cooperatives, General Union of Cooperatives.</li> </ul>	Facilitate funding and establishment.
Law No. 30 of 1977, amended by Law No. 88 of 1996 on Social Security.	Move towards the creation of a complete system of social protection, rather than the narrow programs with unclear demographic target.
Unified Labor Law No. 12 of 2003	To ensure full workers' rights according to what has been approved by the International Labor Organization.
Law of Protection of Competition and prevention of monopolistic practices No. 3 for the year 2005	More powerful implementation mechanisms in the market.