Parliament without people!
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Position paper on the necessity of making the Egyptian parliament sessions available publicly on television and the internet

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Executive summary:

As the newly-elected House of Representatives (lower house of parliament) held its first meeting in January 2021, AFTE reiterates the necessity of broadcasting the parliament sessions publicly, as per Article 120 of the Constitution which states that the sessions shall be held in public. The sessions should be also available on the parliament’s website in audio, visual and print formats for the public.

This will administer the people's right to knowledge and strengthen the national memory by making the archive of the parliamentary sessions available on the parliament’s website. This archive could extend as much as possible to include the documents of parliamentary life in Egypt which spans over nearly two hundred years since the establishment of the High Council in 1824 during the era of Muhammad Ali Pasha.

This paper coincides with the start of sessions of the newly-elected parliament. It also comes five years after former Parliament Speaker Ali Abdel-Al decided on 11 January 2016 to stop the live broadcasting of parliamentary sessions.

Broadcasting parliamentary sessions and making them available for the public is an inherent right to knowledge as well as a right to access information. Making the parliamentary sessions available on the internet is a digital right for citizens, which goes in line with the government’s drive towards digitalization and making information available on the internet. This drive has materialized in many projects, mainly including the Egyptian Knowledge Bank, which was established in January 2016 as "one of the most important and largest national knowledge projects in the field of education and scientific research in Egypt's modern history".¹

¹. Egyptian Knowledge Bank, map of Egypt projects; last visited on 31 January 2021, https://egy-map.com/project%D8%A8%D9%86%D9%83-%D8%A7%D9%84%D9%85%D8%B9%D8%B1%D9%81%D8%A9-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A-%28EKB%29%E2%80%8E
Background:

Since the outbreak of the Egyptian revolution in January 2011, the pace of following up the proceedings of parliament sessions and the people’s interaction with these sessions have changed for several reasons. The ban on access to the sessions and the lack of transparency come on top of these reasons, something which results in the absence of a genuine community dialogue regarding the citizens’ participation in overseeing their elected representatives and following up the course of parliamentary discussions as well as the process of drafting legislation.

The ban on the broadcast of parliament sessions has caused the Egyptian legislative authority, represented in the House of Representatives, to fail in fulfilling its commitment to Article 68 of the Egyptian Constitution, which states: “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.”

At the end of 2015, several Egyptian newspapers reported that the House of Representatives at the time was not to broadcast its sessions live, but it would rather broadcast selected video clips, in an attempt to preserve the parliament's prestige. On 11 January 2016, the then Parliament Speaker Ali Abdel-Al decided to suspend the live broadcast of parliament sessions.²

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² After AFTE set a precedent in challenging the parliament’s decisions, lawsuit filed at the Supreme Administrative Court regarding the broadcast of parliament sessions, published on 20 May 2020, last visited on 31 January 2021, link: https://afteegypt.org/law_unit/2018/05/09/15151-afteegypt.html
The parliament’s prestige does not tolerate publicity!

Publicity is the basic rule, not the exception, according to Article 120 of the Egyptian Constitution, which stipulates that “the sessions of the House of Representatives shall be held in public”. However, the sessions may be held in secret - which is supposed to take place for exceptional reasons - “at the request of the President of the Republic, the Prime Minister, the Parliament Speaker, or at least twenty MPs, then the parliament decides by a majority of its members whether the debate in question takes place in a public or a closed session”.

During the parliament’s term from 2015 to 2020, the constitutional article was ignored in various ways. The broadcast of sessions was completely stopped and journalist Rana Mamdouh was prevented from entering the House of Representatives building to do her work as a parliamentary reporter. Other journalists were also banned from entering the parliament building for their criticism of the performance of the parliament and its speaker.

Perhaps the former speaker of parliament abused the powers granted to him by Article 396 of the House of Representatives’ bylaws issued under Law No. 1 of 2016, which stipulates that “places shall be allocated for representatives of newspapers and various media outlets and for the public in the balconies of the parliament to watch the parliament’s sessions, and the parliament speaker shall set the rules and procedures for approving entry to these balconies”. These rules, however, turned into one rule, which is unjustified ban.

On the other hand, the House of Representatives’ bylaws stipulate in Article 333 that the House of Representatives shall make the minutes of the session available to the MPs within 15 days of the session. However, the bylaws did not clarify any mechanism for archiving the minutes and making them available to citizens.

3. Al-Shorouk, "journalist" banned from entering parliament; Sources: Another list on the way, published on 4 October 2016, last visited on 31 January 2021, link: https://www.shorouknews.com/news/view.aspx?cdate=04102016&iid=e3a0cd-86d0-45c8-b8fd-d3aca7db4a30
AFTE filed a lawsuit at the Administrative Judiciary Court against the parliament speaker’s decision on 11 January 2016 to stop the live broadcasting of parliament sessions. In its lawsuit, AFTE asked for obliging the House of Representatives to broadcast its sessions, in addition to launching a specialized website to periodically post and archive the parliament sessions and minutes, thus allowing the public to get access to them.

The State Commissioners Authority (SCA) completed its report, which was supposed to guide the Administrative Judiciary Court, nearly a year after AFTE filed its lawsuit. In its report, the SCA agreed with AFTE that the suspension of broadcasting the parliament sessions was an administrative decision that had nothing to do with the parliament’s legislative and parliamentary work.

The SCA’s report added: “The law gives the right to the House of Representatives to hold its sessions in secret in some cases, which clearly indicates that it is the House of Representatives that assesses these cases under certain circumstances and at certain times. Moreover, the procedures and decisions taken within the House of Representatives shall be published in daily newspapers and broadcast in various media outlets. Thus, the parliament decisions would be disclosed to the public, and this is what matters in this regard. Also, some excerpts from the sessions shall be broadcast, in order to support the idea that the point is not to make the sessions public, but rather to present their results to the public. Publicity is one of the principles that have a great deal of relativism and flexibility, which may – for some – be confined to the press, or – for others – to what is shown on television screens, broadcast on the radio or circulated on the internet.”

In light of the ban on journalists to carry out their work in parliament for fear of criticism, and the reason for the House of Representatives to suspend the broadcast

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of its sessions to preserve its prestige rather than to keep the information confidential for some reason, for example, AFTE believes that its demands stated in the lawsuit are clear and cannot be replaced with solutions that impart a false sense of respect for Article 120 of the Constitution regarding the publicity of parliament sessions.

Publicity of parliament sessions is a constitutional right

Where can citizens get information from? The number of blocked websites has increased, reaching at least 127 websites. Moreover, the House of Representatives controls the amount of information that reaches citizens about the legislative and oversight process, and limits it to publishing the results only for fear of criticism or in order to preserve its prestige. Thus, citizens find themselves without a genuine source of information.

AFTE believes that using the internet as a means of publicity will be a great progress in making information available, and will reflect the government’s credibility with regard to respect for the law. Accordingly, AFTE stresses the need to meet two basic demands. The first is to broadcast the parliament sessions, as was the case when the sessions used to be broadcast on the Sawt al-Shaab (People’s Voice) TV channel, which was launched in January 2012. This can be replaced by live streaming on the internet, as is the case in several countries such as Kenya, the United Kingdom, and Australia.

The second demand is to make the minutes of the parliament sessions available to the public. In this regard, the SCA’s report concluded that “there is no [constitutional] text requiring the parliament speaker to do so [make the minutes available to the public].”

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Thus, the report turned the demand down. So, AFTE stresses that the launch of a specialized website to archive the parliament sessions will not only enhance publicity, but will also preserve the memory and conscience, especially since there is nothing preventing the sessions to be available to the public. The minutes can be revised and some sentences can be deleted in the event that an MP requests the removal of such sentences that are deemed inappropriate. This would preserve the parliament’s prestige, and at the same time preserve the citizens’ right to knowledge and follow-up.9

Conclusion and recommendations

AFTE welcomes the broadcasting of the first session of the newly-elected House of Representatives10. It stresses the need to respect the citizens’ constitutional right to knowledge, by making the data and information related to the parliament available through continuing to broadcast all public sessions, not only the opening one. AFTE stresses that its demand to broadcast parliament sessions is universally recognized.

AFTE calls on the newly-elected lawmakers not to follow the same previous method that tends to withhold information. It urges them to adhere to the parliament’s bylaws and to allow journalists to carry out their work inside the parliament without restrictions. More than 80 journalists were previously banned from practicing their work as parliamentary reporters11. In the event that the new parliament continues to abstain from broadcasting its public sessions, it will then confirm that it has begun to establish blackout without real reasons.

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