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Egypt: Draft Constitution Leaves Wide Scope to Limit Rights

The Centre for Law and Democracy is today releasing its analysis of the provisions in the draft Egyptian Constitution that protect freedom of expression, information and the media, as the days tick down to the constitutional referendum scheduled for 15 December. Although the draft contains reasonably solid positive protections for freedom of expression, it leaves the scope for restrictions wide open, subject only to the “Principles of Islamic Sharia”. Providing strong constitutional protection for freedom of expression is essential if democracy is to be established in Egypt.

“The draft Constitution contains some encouraging provisions, such as a guarantee of freedom of expression using any medium, recognition of the right to information and a shift away from licensing of newspapers,” said CLD Executive Director Toby Mendel. *“But the draft signally fails when it comes to constraining the ability of the State to restrict freedom of expression where, instead of a clear and modern test based on necessity in line with international standards, there are references to principles deriving from one religious tradition and a range of general political, social and economic goals.”*

Some of the more serious problems cited in the Analysis are that the draft Constitution:

- protects only the right to impart, but not to seek and receive, ideas;
- fails to clarify that the right of access applies to information held by public bodies;
- fails to establish a clear obligation on the State to grant licences for commercial and community stations to broadcast over the airwaves;
- envisages legal regulation of the establishment of Internet media;
- envisages restrictions on freedom of expression being justified by reference to the Principles of Islamic Sharia and a range of social goals; and
- imposes a number of broad and problematical direct restrictions on freedom of expression, including by prohibiting “insult or abuse” of religious messengers.

It is imperative that at least the more serious of these problems be addressed. We call on the authorities to revise these provisions before the Constitution is adopted.

The Analysis is available at: <http://www.law-democracy.org/live/egypt-draft-constitution-leaves-wide-scope-to-limit-rights/>.

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