

**ARTICLES THAT RESTRICT THE FREEDOM OF EXPRESSION IN  
THE EGYPTIAN LAWS**

*Proposed Amendments*

Book: The Articles that Restrict Freedom of Expression in the Egyptian Laws –Proposed Amendments

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## **Introduction**

A Just judge and unjust law are better than unjust judge and just law.

Currently in Egypt and after the great revolution that was praised by the world, we deserve the just judge and the just law, which can't be achieved without the actual and the serious political will.

In order to regain the Egyptian independent judiciary, the Arabic Network for Human Rights Information presents this initiative of inventorying all the articles that restrict the freedom of expression in seven laws to achieve the just law.

The democratic country can't be sustained without freedom of expression which can't be sustained in the light of the harsh, flexible and highly generalizing articles. Such articles bring the word, opinion, criticism, gesture, acclaim and reference to the criminal courts in addition to the penalties that restrict the freedom of expression.

Why words are taken to courts!

This slogan used by the Egyptian journalists and bloggers for years. They have used it to refuse and condemn the repressive Mubarak's laws. In addition to the unjust trials conducted against critics, writers and bloggers. Despite the repression they have suffered, but they did not stop expressing their opinions and they defended their right to express political opinion and criticism.)

Currently, as we have an elected civilian president, reforming the legislative system became a critical need. Particularly, the laws related to the freedom of expression and the press which we consider to be a starting point to reform and develop the media in Egypt.

This study is a result of months of several meetings held between lawyers and researchers of ANHRI with some MPs. Some of these meetings were held in the parliament halls and some in ANHRI's headquarter. The meetings included long discussions (regarding amending the penal code articles related to the publishing cases).

By virtue of a court verdict, the parliament was dissolved and the discussions were stopped. But the violations against the freedom of expression did not stop. Therefore and until Egypt has a new parliament; it is very useful to expand the scope of the legal reforms and amendments to include all the articles related to the freedom of expression. Such articles are not just in the penal code but in other applicable laws.

This inventory of all the articles that restrict the freedom of expression and our proposed amendments, we present it as a diligence and an initiative. We do not claim it is the perfect or the accurate model, but it is a step in the path to a society that respects the freedom of expression, whatever escapade, accepts criticism, no matter how intense it is and welcomes creativity, whatever escapade.

We sought as possible, to avoid the penalties that restrict freedoms in relation with the publishing cases and freedom of expression. We have relied on one of the most significant judgments of the supreme constitutional court during the nineties, which have witnessed the worst authoritarian practices of the former Mubarak's regime. The said judgment is as follows:

*(While it is true that the correct results are the outcome of balancing among multiple opinions that are freely expressed. These opinions do not pick certain solutions, upon its sole discrete, from the public authorities and impose it by force. It is correct that the preventive nature of the penalty imposed by the state against who violates it's regime does not provide a sufficient guarantee to protect it. It is dangerous to impose restrictions on the freedom of expression that could lead to refraining people from practicing the right of freedom of expression. The path to the national safety lies in guaranteeing the equal opportunities for the open discussion, to face all forms of suffering – varied in its dimensions – and implements what the adequate from the solutions stemming from the public will. Therefore, it is logically and inevitably that the constitution shall be biased to the freedom of discussion and dialogue in all the matters related to the public affairs, even if they included severe criticism to the public officers. It is not allowed to anyone to silence a third party, even if it was supported by law. The force*

dialogue is a waste to the reason of the mind and freedom of creativity, hope and imagination. In any case the force generates awe between the citizens and the right to express their opinions, which could promote the desire to repress the freedom of expression. In addition to, it enhances the hostility of the public authority which opposes the freedom of expression which ultimately threatens the nation's security and stability)

Whereas the above-mentioned, criticizing the public officers – even if it was severe –remains enjoying the protection guaranteed by the constitution to the freedom of expression related to opinions without prejudice to the right content of this freedom or exceed the purposes of its establishment.

Case no. 42 of 16 judicial year the supreme constitutional court, on Saturday May 20, 1995.

**Therefore, replacing the penalties that restrict freedoms with fines or civil compensation will not violate the fact and the reason, but it is in line with the spirit of the law and to go along with the provisions of the judiciary and the Egyptian Constitution.**

**The Arabic Network for Human Rights Information**

**AN INVENTORY OF THE ARTICLES THAT RESTRICT FREEDOMS IN THE VARIOUS LAWS**

**Penal code:**

**Article no. 98 (f):**

Imprisonment for a period of not less than six months and not exceeding five years or a fine of not less than five hundred pounds and not exceeding one thousand pounds shall be the penalty inflicted on whoever exploits religion

in propagating; either by words, in writing or in any other means, any extreme ideas for the purpose of inciting strife, ridiculing or insulting a heavenly religion or its affiliated sect or damaging the national unity.

**The proposed amendment: a fine of not less than one thousand pounds and not exceeding five thousand pounds shall be the penalty inflicted on whoever intentionally insults or holds in contempt by any means of publications any of the religions or religious beliefs**

**Article no. 102:**

Imprisonment for a period not exceeding a year or a fine not exceeding 400 pounds shall be the penalty inflicted on whoever speaks out loudly or sing for the purpose of inciting strife.

**The proposed amendment: to be repealed.**

**Article no. 102 bis (2) .**

Imprisonment and a fine of not less than 50 pounds and not exceeding 200 pounds shall be the penalty inflicted on whoever intentionally broadcast news, releases or false news that disturb the public order, intimidate the people or damage the public interest.

Imprisonment and a fine of not less than 100 pounds and not exceeding 500 pounds shall be the penalty inflicted on whoever commits the said crime in the time of war.

The penalties stipulated in the first paragraph shall apply to whoever poses or obtains, by himself or through mediators, documents or publications that stipulate any of the stipulations in the abovementioned paragraph, if such documents or publications were prepared to be disseminated or be reviewed by the others. The same penalties shall apply on whoever possesses or obtains any of the printing, recording or publicity means, even temporarily to

print, record or broadcast any of the abovementioned.

**The proposed amendment: to be repealed.**

**Note: Article no. 188 is sufficient.**

**Article no. 133:** Imprisonment of a period not exceeding six months or a fine not exceeding 200 pounds shall be the penalty inflicted on whoever insults by reference or speech, or threatens an official officer, an investigation officer or any person assigned with a public service.

If the insult occurred against a judicial, administrative, council of the court or against any of its members during the hearing, the penalty shall be imprisonment for a period not exceeding a year and a fine not exceeding 500 pounds.

**The proposed amendment: to be repealed.**

**Note: Article no. 184 of the same law as amended later on.**

**Article no. 161:** The said penalties shall be inflicted on whoever commits violation by any of the prescribed methods in the article no. 171 against any of the (religions that their rituals that are exercised in public. The following shall fall under the provisions of this article:

First: printing or publishing a holy book, according to the people who practice its rituals publicly, that any of its texts were distorted deliberately and this distortion resulted in changes of its meaning.

Second: imitate a religious ceremony in public for the purposes of mocking or to be watched by the attendees.

**The proposed amendment: Whoever commits a violation by any of the methods prescribed in the article no. 171 against any religion or belief, the following shall fall under this article:**

**First: printing or publishing a holy book, according to the people of any**

religion, if any of its texts were deliberately distorted, in addition to confiscating the published material.

Second: to be repealed.

**Article no. 171:**

Whoever **incites**<sup>1</sup> a person or more to commit a felony or a misdemeanor through a public say, cry, act, gesture made by him in public or in writing, drawing, photos, symbols and whatsoever means of publicity or another method to make it public, is deemed to be a partner in committing the said crime and shall be subjected to the applicable penalties, if the said **incitement** resulted in the said felony or misdemeanor.

But in the case of the said incitement resulted only in the embarking to commit the crime, if the consequent agitation just embarking on the crime the judge shall applies the legal provisions in the punishment to proceed

The say or the cry deemed public, if it is conducted or repeated by a mechanical means in a public forum, public road, any other place accessible to the public, it is made public or repeated so that whoever in this road or place could hear it, it was broadcasted wirelessly or by any other means.

The act or gesture deemed public if it took place in a public forum, public road, any place accessible to the public or it took place where whoever been to this place or road could view.

Writing, drawing, photos, symbols and other public representation means, deemed public if it was distributed randomly on some number of people, presented so whoever been in the public road, or place could view or if it was sold or presented to be sold in any place.

**The proposed amendment: whoever incites a person or more to commit**

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<sup>1</sup> The word "incites" replaced by " solicits" and the word "incitement" is replaced by " solicitation", whenever provided in the article no. 171 of law no. 147 of 2006



felony or misdemeanor through a public say or act is deemed to be a partner in the said felony or misdemeanor and shall be punished by the penalties applicable if the said incitement resulted in the said felony or misdemeanor.

In public shall mean: the act, say, public cry, photography or writing if it was accessible by a wide audience without discrimination.

But in the case of the said incitement resulted only in the embarking to commit the crime, the judge shall apply the legal provisions related to the penalty on embarking.

**Article no. 172:** Whoever directly incites to the murder, burning and looting felonies by the methods prescribed in the foregoing article without a result shall be imprisoned.

The proposed amendment: Whoever directly incites to the murder, burning and looting felonies by any of the methods prescribed in the foregoing article and without a result shall inflict a fine not less than 5.000 pounds and not exceeding 10.000 pounds.

**Article 174:**<sup>2</sup> Imprisonment for a period not exceeding five years and a fine not less than 5.000 pounds and not exceeding 10.000 shall be the penalty inflicted on whoever commits any of the following by any of the foregoing methods:

First: incitement to overthrow the government regime applied in Egypt (...) <sup>3</sup>

Second (...) <sup>4</sup> promoting doctrines that aim to change the basic principles of the constitution or the status of the community by force or terrorization

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<sup>2</sup> As amended by law no. 93 of 1995

<sup>3</sup> (or to hate or to mock the said regime)

<sup>4</sup> Favoring

(.....)<sup>5</sup>

The same penalty shall apply on whoever encourages through the material or financial assistance to commit any of the crimes as set forth in the preceding two paragraphs without intending to directly involve in committing of the said crime.

**The proposed amendment: to be repealed.**

**Article no. 175:**

The same penalty shall be inflicted on whoever incites the soldiers through any of the above-mentioned methods to disobey or to the avoidance of any military duty.

**The proposed amendment: to be repealed.**

**Article no. 176:** Imprisonment shall be the penalty inflicted on whoever incites through any of the above-mentioned ways of discrimination on the basis of sect, sex, origin, language, religion and doctrine if the said incitement led to disturbing the public safety.

**The proposed amendment: an imprisonment or fine shall be the penalty inflicted on whosoever incites through any of the aforementioned methods of discrimination on the basis of sect, sex, origin, language, religion and doctrine.**

**Note: the aforementioned methods shall mean the methods and means stipulated in the above-mentioned article no. 171**

**Article no. 177:** The same penalties shall be inflicted on whoever incited other persons through any of the aforementioned methods to non-

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<sup>5</sup> (or any other illegal method)  
removed by law no. 147 of 2006

compliance to the laws.

**The proposed amendment: to be repealed.**

**Note: the same penalties shall mean the imprisonment penalties stipulated in the article no. 176. The aforementioned methods shall mean the methods and the means stipulated in the foregoing article no. 171.**

**Article no. 178:**

Imprisonment for a period not exceeding two years and a fine not less than 5.000 pounds and not exceeding 10.000 pounds or by either shall be the penalty inflicted on whoever publish, manufacture, possesses with the intention of trading, distributing, posting or presenting publications, manuscripts, drawings, advertisements, Images engraved or embossed, hand drawings, photographic or symbolic signs or any other objects and images if they were obscene material to the public decency.

**The proposed amendment: a fine of not less than 1000 pounds and not exceeding 5.000 pounds shall be the penalty inflicted on whoever publishes, possesses for the purpose of trading, distributing, renting, posting, presenting any publications, manuscripts, drawings, advertisements, photographic or images etched or patterned if they were promoting for the sex trafficking.**

**Article 178 bis II:** Imprisonment shall be the penalty inflicted on whoever makes or possesses for the purposes of the trading, distributing, renting, posting or presenting, images that could offend the country's reputation.

**The proposed amendment: to be repealed.**

**Article no. 179:** An imprisonment shall be the penalty inflicted on whoever insults the president of the republic by any of the aforementioned methods.

The proposed amendment: to be repealed.

The President of the Republic is a public official therefore the article related to the libel, defamation or insult of a public official shall be applied and referred to the article no. 184.

**Article no. 181:** Imprisonment or a fine not less 10.000 pounds and not exceeding 20.000 pounds shall be the penalty inflicted on whoever insults, by any of the aforementioned methods, a foreign king or a president.

The proposed amendment: to be repealed.

They shall be subject to article 184 as the public official.

**Note: the aforementioned methods shall mean the methods and means stipulated in the above-mentioned article no. 171.**

**Article no. 182:** A fine not less than 15.000 pounds and not exceeding 30.000 pounds or either, shall be the penalty inflicted by whoever insults by any of the aforementioned methods an approved foreign state's representative in Egypt due to matters related to performing his job.

The proposed amendment: to be repealed.

They shall subject to the public official Article no. 184.

**Note: the aforementioned methods shall mean the methods and means stipulated in the above-mentioned article no. 171.**

**Article no. 184:** Imprisonment and fine not less than 5.000 pounds and not exceeding 10.000 pounds or either, shall be the penalty inflicted on whoever insulted or libel by any of the aforementioned methods the people's assembly, Shura council, other regime bodies, military, courts, authorities or

public entities.

The proposed amendment: fine of not less than 5.000 pounds and not exceeding 10.000 pounds shall be the penalty inflicted on whoever insults by any of the aforementioned methods a public official, assigned to a public service, public figure, representative council, other regime, judiciary, executive and military bodies.

**Note: the aforementioned methods shall mean the methods and means stipulated in the above-mentioned article no. 171.**

**Article no. 185:** Fine not less than 15.000 pounds and not exceeding 20.000 pounds shall be the penalty inflicted on whoever insults a public official, a person in a representative capacity or assigned to a public service in relation to the conduct of the official's duty, representation or service without prejudice to applying the article no. 302 in case of a link was found between the insult and a defamation offend committed by the same defendant against the public official.

The proposed amendment: to be repealed.

**Article no. 186 :** Imprisonment for a duration not exceeding six months and a fine not less than 5.000 pounds and not exceeding 10.000 pounds or either, shall be the penalty inflicted on whoever undermines the position, prestige or powers of a judge in a lawsuit.

The proposed amendment: A fine not less than 10.000 pounds and not exceeding 20.000 pounds shall be the penalty inflicted on whoever undermines by any of the aforementioned methods the powers of the judge during the hearings of a lawsuit.

**Article no. 187:**

The same penalty shall apply to whoever disseminates, using the aforementioned methods, things that could affect the judges who are assigned to rule in a deliberated case before any of the judicial bodies in the country, in addition to, the judges, prosecutors or any other official who are assigned to conduct investigations or affecting the witnesses who may be called to testify in this case, investigation or other matters that may prevent a person from giving information to the authorities or influencing the public opinion in the favor of a party in the claim or investigation or against it.

The proposed amendment: The same penalty shall be inflicted on whoever publishes , using the aforementioned methods, things for the purposes of affecting the judges who are assigned to rule in a deliberated case before any of the judicial bodies in the country, judges, prosecutors or witnesses who may be called to testify in this case or investigation or for the purpose of preventing them from giving information to the judicial-staff to the favor of a party of the claim or investigations or against it.

**Note 1: The abovementioned penalties are the penalties stipulated in the article no. 186.**

**Note 2: The aforementioned methods shall mean the methods and means stipulated in the above-mentioned article no. 171.**

**Article no. 188:** Imprisonment for a period not exceeding one year and a fine of not less than five thousand pounds and not exceeding twenty thousand pounds, or any one of these penalties shall be the penalty inflicted on whoever publishes with ill will, by any of the foregoing methods, false news, data, rumors, fabricated or forged papers, or falsely attributed to a third party, if this resulted in disturbing the public peace, frightening the people, or causing harm and damage to the public interest.

The proposed amendment: A fine of not less than five thousand pounds and not exceeding ten thousand pounds shall be the penalty inflicted on whoever publishes with ill will by any of the foregoing methods, false news, data, or rumors, fabricated or forged papers or falsely attributed to a third party, if this caused harm and damage to a natural or moral person.

**Note: The aforementioned methods shall mean the methods and means stipulated in the above-mentioned article no. 171.**

**Article no. 189:** Imprisonment for a period not exceeding one year and a fine of not less than five thousand pounds and not exceeding ten thousand pounds or any one of these penalties shall be inflicted on whoever publishes by any of the foregoing methods, all that took place in the civil or criminal trials which the courts decided to hear in closed sessions.

No penalty shall be inflicted on the mere publication of the subject of the complaint, or the court judgment. However, in the court actions where no evidence shall be established on the issues constituting the subject of the claim, publishing the complaint or publishing the judgment shall be punished with the penalties prescribed in the first paragraph of this Article, unless publishing the judgment or the complaint has taken place upon the request of the complainant or his/her permission.

The proposed amendment: A fine of not less than five thousand pounds and not exceeding ten thousand pounds or any one of these penalties shall be inflicted on whoever publishes by any of the foregoing methods, all which took place in the civil or criminal trials which the courts decided to hear in closed sessions.

No penalty shall be inflicted on the mere publication of the subject of the complaint, the court judgment.

**Note: The aforementioned methods shall mean the methods and means**

**stipulated in the above-mentioned article no. 171.**

**Article no. 190:** In other than the cases subjected to provision of the previous article, the court, in view of the type of the facts of the deliberated case, may prohibit, in order to maintain the public order and morals, publishing proceedings, or judgment, wholly or partially, by any of the methods prescribed in Article no. 171, Whoever violates the foregoing shall be punished with imprisonment for a period not exceeding one year and a fine of not less than five thousand pounds and not exceeding ten thousand pounds or any one of these penalties.

**The proposed amendment:** In other than the cases subjected to the provisions of the previous article, the court, in view of the type of the facts of the deliberated case, may prohibit, in order to maintain the personal privacy, publishing the proceedings, or judgment, wholly or partially, by any of the methods prescribed in Article no. 171, Whoever violates the foregoing shall be punished with a fine not less than five thousand pounds and not exceeding ten thousand pounds.

**Article no. 191:** The same penalties shall be inflicted on whoever publishes by any of the foregoing methods, the proceedings that took place in the deliberations that held in closed sessions, or publishes with dishonesty and ill will, the proceedings of the public hearings in the courts.

**The proposed amendment:** to be amended as per the previous article.

**Article no. 192:** The same penalties shall be inflicted on whoever publishes in any of the aforementioned methods the discussions that took place in the closed sessions held at the People's Assembly or publishes with dishonesty



and ill will the discussions deliberated in the open sessions of the said Assembly.

**The proposed amendments: to be amended as per article no. 190.**

**Article no. 193:** Imprisonment for a period not exceeding six months and a fine of not less than 5 thousand pounds and not exceeding ten thousand pounds or either, shall be the penalty inflicted on whoever publishes the following in one of the aforementioned methods:

A) News concerning a criminal investigation if the Investigation Authority has decided to conduct it, in the absence of the litigants, or has prohibited diffusing anything thereof, in compliance with the public order, morals, or in order to disclose the facts; or

B) News concerning the investigations or pleadings in divorce, separation, or adultery cases.

**The proposed amendment: Fine of not less than 5 thousand pounds and not exceeding ten thousand pounds shall be the penalty inflicted on whoever publishes the following in one of the aforementioned methods:**

A) News concerning a criminal investigation if the investigation authority has decided to conduct it, in the absence of the litigants, or has prohibited diffusing anything thereof, in compliance with the personal privacy, or in order to disclose the facts; or

B) News concerning the investigations or pleadings in divorce, separation, or adultery cases.

**Article no. 200 bis:** Imprisonment for a period not exceeding six months and a fine not less than ten thousand pounds and the confiscation of the issued

editions shall be the penalty inflicted on the issuance of the newspapers in violation of the applicable provisions in the law.

**The proposed amendment: to be repealed. The provisions stipulated in the law on publications.**

**Article no. 200 bis A:** The legal person shall be responsible, jointly with any sentenced staff, for paying the compensations and damages related to the crimes committed by the legal person, whether it is a newspaper or other means of publication, it shall also be responsible to pay the financial penalties if the crime took place by the chief-editor or the responsible editor.

The responsibility of the chief-editor or his representative for supervising the publications shall be a personal responsibility

**The proposed amendment: None.**

**Article no. 201:** Any person, even if a clergyman who, during the performance of his position duties, delivers at a place of worship, or at a religious assembly, a speech comprising slander or vilification against the government, or against a law, decree, republican decree or any work of the public administration authorities, or who diffuses or publishes, by way of religious advices or instructions, a message comprising something of the foregoing, shall be deemed a slander offender and shall be punished with imprisonment and a fine of not less than five thousand pounds and not exceeding ten thousand pounds, or either penalty. If force, violence or threat is used, the penalty shall become imprisonment.

**The proposed amendment: to be repealed. The publication law shall be sufficient.**

**Article no. 302:** Whoever attributes to another, by any of the methods

prescribed in Article no. 171 of this law, matters which if they were true would necessitate inflicting on the person to whom they are attributed the penalties prescribed legally therefore, or necessarily lead to despising him among his fellow citizens, shall be deemed a slander offender.

However, traversing the works of a public official/civil servant, or a person having a public representative quality, or charged with a public service, will not fall under the provision of the preceding paragraph if the contestation occurs in good faith and does not exceed the duties of the position, representation or public service, provided that the accused shall establish the factuality of all work assigned thereto. His belief in the validity of that deed will not dispense with that requirement.

**The proposed amendment:** Whoever assigned to another, by any of the methods prescribed in Article no. 171 of this law, matters which if they were true would expose assignee to punishment by any of the penalties prescribed legally therefore, or will lead to despising him among his patriots and fellow citizens shall be deemed a slander offender.

**Article no. 307:** If a crime of those prescribed in Articles no. 182 to 185, 303 and 306 is committed by publishing in one of the newspapers or printed materials, the lower and upper limits of the fine penalty indicated in the said Articles shall be doubled.

**The proposed amendment:** to be repealed.

**Article no. 308:** If the vilification, insult, slander, or cursing perpetrated in one of the manners prescribed in Article no. 171, comprises an attack against the dignity and honor of individuals, or tarnishing the reputation of families, the penalty inflicted shall be that of imprisonment together with the fine, within the limits indicated in Articles no. 179, 181 , 182, 303, 306, and 307, also in case of publishing in a newspaper or printed material, the fine will not be less than half its maximum, and the period of imprisonment will not be

less than six months.

The proposed amendment: If the vilification, insult, slander, or cursing perpetrated in one of the manners prescribed in Article no. 171, comprises an attack against the dignity and honor of individuals, or tarnishing the reputation of families, the penalty inflicted shall be imprisoned for not less than six months and a fine of not less than ten thousand pounds and not exceeding twenty thousand pounds.

## **LAW NO. 96 OF 1996 ON REGULATING THE PRESS**

**Article no. 22:** An Imprisonment for a period not exceeding a year and a fine of not less than five thousand pounds and not exceeding ten thousand pounds or either, shall be the penalty inflicted on whoever violates the provisions of the two abovementioned articles.

**The proposed amendment:** This article shall be repealed as these crimes are punishable under articles 176 and 308 of the penal code

**Note:** The mentioned two articles in the abovementioned article are articles no. 20 and 21 of the press law, they stipulate the following:

**Article no. 20:** The Journalist committed to refrain from taking racist calls which implies the abuse of religions or to advocate hatred or challenge the faith of others or promotion of partisanship against or contempt for any of the sections of society.

**Article no. 21:** The journalist or others may not invade the private life of the citizens, in addition to, they may not address who work in the public work, persons who have the general prosecution capacity or assigned to a public services unless they are addressing matters closely relevant to their work and for the sake of public interest.

**Article no. 28:** If the correction were not conducted in the duration specified in the article no. 24 of this law, the one who refused to publish the said correction shall be imprisoned for a duration not less than three months and a fine of not less than one thousand pounds and not exceeding four thousand pounds or either.

The court is entitled, during the penalty of imprisonment or civil compensation, to order the newspaper, upon its own expenses, to publish the judgment in a daily newspaper in addition to be published in the same newspaper that has published the article or the news related to the subject of

the claim within a duration not exceeding 15 days or as of the date of notification if the judgment issued in absence. The said publishing shall not be done unless the judgment is final.

The proposed amendment: If the correction was not conducted in the duration specified in the article no. 24 of this law, the one who refused to publish the said correction shall be fined of not less than one thousand pounds and not exceeding four thousands.

The court is entitled, during the penalty of imprisonment or civil compensation, to order the newspaper, upon its own expenses, to publish the judgment in a daily newspaper in addition to be published in the same newspaper that has published the article or the news related to the subject of the claim within a duration not exceeding 15 days or as of the date of notification if the judgment issued in absence. The said publishing will not be done unless the judgment is final.

**Note: The mentioned article no. 24 provides the following:**

**Article no. 24: The chief editor or the responsible editor shall, upon the request of the concerned person, correct the mentioned facts or previously published statements in the newspapers within the following three days of receiving the corrections or in the first edition published of the newspaper in all of its publication, which should come first and in accordance with the dates of newspaper printing. The publishing shall be in the same place, with the same letters that the article, news and the newspaper material to be corrected.**

**The correction publishing shall be freed of charge if it did not exceed the space of the article or the published news. In case of exceeding twice the space, the newspaper is entitled to claim, from who request the correction, the fees related for the extra space in accordance with**

**prescribed fees of the advertising. The newspaper may refuse to publish it until collecting the said fees.**

**Article no. 41:** The pending imprisonment may not be conducted in the crimes committed by the newspapers unless the crime is stipulated in the article no. 179 of the penal code.

**The proposed amendment: to be repealed.**

**LAW NO. 76 OF 1970 ON THE FORMATION AND THE ESTABLISHMENT OF THE JOURNALISTS' SYNDICATE**

**Article no. 65:** Individuals may not engage in professional practices or perform press-related functions unless they are registered in the Syndicate rosters and upon an approval by the Arab Socialist Union.

**Proposed amendment: to be repealed.**

**Article no. 103:** Owners of newspaper organizations and the chairmen of the board of directories of the press organizations and news agencies are prohibited to hire, whether on a permanent or temporary basis, individuals, who are not registered in the rosters of either employed, affiliated or apprentice members. With the exception of the previous article, such press facilities may hire foreign reporters, only if necessary.

**Proposed amendment: to be repealed.**

**Article no. 115:** Without prejudice to any other stricter form of penalties or sanctions, journalists who violates the provisions of Articles (65) and (103) shall be subjected to a prison sentence for a term that may not exceed one year and/ or a penalty rate of no more than 300 Egyptian pounds. The revenue collections generated from such penalties and fines shall be transferred and deposited into the Pension Retirement and Subsidy Fund, at the Journalist Syndicate.

**Proposed amendment: to be repealed.**



## **LAW NO. 20 OF 1936 ON PUBLICATIONS**

**Article no. 26:** In penalties

Imprisonment for a period not exceeding six months and a fine of 20 pounds to 200 pounds or any one of these penalties shall be the penalty inflicted on whoever violates the provisions of the articles no. 11, 12, 13, 14 and 17.

The penalty related to entering the publication and newspaper, circulating or publishing it in contradictions with the provisions of articles no. 9, 10, 21 and 22 shall be the same as is above-mentioned penalties.

The issued judgment may stipulate on suspending the newspaper for duration; of 15 days, in case of it issued three or more a week, for a month if it is issued on a weekly basis or for a year in the other cases.

**Proposed amendment:**

**In penalties**

A fine of 1000 pounds to 5000 pounds shall be the penalty inflicted on whoever violates the provisions of the articles no. 11, 12, 13, 14 and 17.

The penalty related to entering the publication and newspaper, circulating or publishing it in contradictions with the provisions of articles no. 9, 10, 21 and 22 shall be the same as is above-mentioned penalties.

**Article no. 27:** The above mentioned penalties shall be inflicted on the editor-in-chief, editors-in-charges, the owner of the newspaper, who print and the publisher, if it exists, if they continue to issue the newspaper by the same or different name after the decision of suspension.

In this case, the suspension duration shall be doubled the duration stipulated in the above mentioned article and shall be added to the previous suspension duration.

**Proposed amendment: to be repealed.**

**Article no.29:** A fine not exceeding 100 piaster and an imprisonment for a duration not exceeding a week or any one of these penalties shall be the penalty inflicted regarding any other violations related to this law.

In case of violation to the provisions of article no. 2, the judge may close the printing press.

**The proposed amendment:** A fine not exceeding 1000 pounds shall be the penalty inflicted regarding any other violations related to this law.

## **LAW NO. 121 OF 1975**

### **ON THE PRESERVATION OF THE OFFICIAL DOCUMENTS OF THE STATE AND THE ORGANIZATION OF THEIR PUBLICATION**

**Article no. 3:** Without prejudice to any more severe penalty which may be specified by any other law, an imprisonment and a fine not exceeding one thousand pounds or any one of these penalties shall be the penalty inflicted on whoever contravenes the provisions of article no. 2.

If the offender gained benefit or profit from the crime he was sentenced to, an additional fine will be inflicted equal to the value he gained as a benefit or profit.

In all cases the materials of the crime shall be confiscated.

**The proposed amendment:** a fine not less than one thousand pounds and not exceeding five thousand pounds shall be the penalty inflicted on whoever contravenes the provisions of article no. 2.

If the offender gained benefit or profit from the crime he was sentenced to, an additional fine will be inflicted equal to the value he gained as a benefit or profit.

**Note:** the above-mentioned article no. 2 provides that:

**Article no. 2:** Whoever has access, due to work or responsibly, or obtain unpublished documents related to the above mentioned documents in article no. 1 or photocopies of them, may not publish the whole or part of the content of the said documents without the authorization of the council of the ministries upon the request of the appropriate minister.

## **LAW NO. 82 OF 1982 STATISTICS AND CENSUS**

**Article no. 1** The following shall replace article no. 4 of law no. 35 of 1960 on Statistics and Census:

**Article no. 4:** Imprisonment for a period not less than a month and not exceeding six months and a fine of not less than one hundred pounds and not exceeding five hundred pounds or any one of these penalties shall be the penalty inflicted on:

- 1- Whoever violates the confidentiality of the statistical data or discloses; any of the individuals data, industrial, or commercial or other work methods secrets that he/she has access to them due to working in statistics and census.
- 2- Whoever obtains by fraud, threat, illusion or by any other means any confidential data or information regarding statistics and census or whoever attempts to commit the same
- 3- Whoever deliberately impedes any of the statistics and census work established by the technical body or whoever caused the said impedance
- 4- Whoever knowingly publishes incorrect statistics, census or poll results
- 5- Whoever refrains from giving the data requested or knowingly give incorrect data

Whoever did not provide the data within a week as of the prescribed date, without proving that the reason of the delay was beyond his will, shall be deemed an abstainer.

**The proposed amendment: a fine of not less than one thousand pounds and not exceeding five thousand pounds shall be the penalty inflicted on:**

- 1- Whoever violates the confidentiality of the statistical data or discloses; any of the industrial, commercial or whatsoever secrets that he/she has access to them due to working in statistics and census.
- 2- Whoever obtains by fraud, threat, illusion or whatsoever means any

confidential data or information regarding statistics and census or whoever attempts to commit the same

3- Whoever deliberately impedes any of the statistics and census work the technical body or whoever caused the said impedance.

4- Whoever knowingly publishes incorrect statistics, census or poll results

5- Whoever refrains from giving the data requested or knowingly give incorrect data

Whoever did not provide the data within a week as of the prescribed date, without proving that the reason of the delay was beyond his will, shall be deemed an abstainer.

**Note: this law contains only this article, therefore, it shall be repealed and draft a new law stipulates the amendments**

# **LAW NO. 10 OF 2003 ON TELECOMMUNICATION REGULATION**

**Article 21:** It is prohibited to establish or operate Telecommunication Networks, provide Telecommunication Services, by-pass international telephone calls or announce any of these without obtaining a license from the NTRA in accordance with the provisions of this Law and its executive resolutions.

However, no license shall be required to be obtained from NTRA to establish or operate a Private Telecommunication Network that does not use radio telecommunication systems.

The licensed Operator shall notify the NTRA of the Private Networks established on his Infrastructure.

The NTRA resolutions regarding licenses shall be published in the Official Gazette or any of the widespread daily newspapers at the expense of the licensee, provided that publishing includes all licensing conditions.

**The proposed amendment:** It is prohibited to establish or operate telecommunication networks, provide telecommunication services, by-pass international telephone calls or announce any of these without obtaining a license from the NTRA in accordance with the provisions of this Law and its executive resolutions.

However, no required license have to be obtained from NTRA to establish or operate telecommunication networks, or provide telecommunication services for third parties, if these were for the non-profits purposes.

The licensed operator shall notify the NTRA of the private networks established on its infrastructure.

The NTRA resolutions regarding licenses shall be published in the Official Gazette or any of the widespread daily newspapers at the expense of the licensee, provided that publishing includes all licensing conditions.

**Article no. 44: It is prohibited to import, manufacture or assemble any telecommunication equipment without a license from the NTRA according to the standards and specifications approved by it.**

**The NTRA shall obtain consent from the Armed Forces, the National Security Authority and the Ministry of Interior before importing, manufacturing, assembling, possessing or using for its favor and before it grants authorizations to the units of the administrative authorities of the State including ministries, authorities, municipal administrative units and organizations, entities, companies of all types, individuals and others, with respect to telecommunication equipment specified by a resolution from the Minister of Defense in coordination with National Security Entities.**

Provisions of the first paragraph shall not apply to equipment used in radio and television broadcasting of the Radio and television Union provided that the union shall obtain the consent mentioned in the second paragraph in accordance with the provisions stated therein.

**The proposed amendment: It is prohibited to import, manufacture or assemble any telecommunication equipment without a license from the NTRA according to the standards and specifications approved by it.**

**The NTRA shall obtain consent from the Armed Forces, the National**

Security Authority and the Ministry of Interior before importing, manufacturing, assembling, possessing or using for its favor and before it grants authorizations to the units of the administrative authorities of the State including ministries, authorities, municipal administrative units and organizations, entities, companies of all types, individuals and others, with respect to telecommunication equipment specified by a resolution from the Minister of Defense in coordination with National Security Entities Provisions of the first paragraph shall not apply to the equipments used in radio and television broadcasting of the Radio and Television Union provided that the union shall obtain the consent mentioned in the second paragraph in accordance with the provisions stated therein.

Provisions of the first paragraph shall not apply to the equipments used in amateur frequencies, amateur satellite or the Wi-Fi

**Article no. 45:** Terminal equipments of the types approved by the NTRA, radio and television receiving equipment approved by the Radio and Television Union may be allowed without obtaining license from the NTRA, if accompanied by a person coming from abroad for personal usage.

The provision of the foregoing clause shall not apply to other radio telecommunication equipment except those specified by the NTRA after obtaining consent from the Armed Forces and National Security Entities.

The proposed amendment: Terminal equipments of the types approved by the NTRA, radio and television receiving equipment approved by the Radio and Television Union may be allowed without obtaining license from the NTRA, if accompanied by a person coming from abroad for personal usage.

The provision of the foregoing clause shall not apply to other radio telecommunication equipment except those specified by the NTRA after obtaining consent from the Armed Forces and National Security Entities.



Provisions of the first paragraph shall not apply to the equipments used in amateur frequencies, amateur satellite or the Wi-Fi

It is prohibited to use a Frequency or a Frequency Band without obtaining a license from the NTRA. The NTRA shall specify the conditions and rules for granting such licenses. The rules and procedures necessary to be followed in applying for the license shall be announced.

The license shall be issued within a period not exceeding 90 days from the date of submission of all necessary documents with due consideration to the requirements of the Armed Forces and National Security Entities.

The licensee shall only use a Frequency or a Frequency Band in accordance with the license conditions. In case of breach of such conditions, the NTRA shall have the right to cancel such license.

Provisions of this Article shall not apply to Frequency Bands exclusively allocated by the International Telecommunication Union for services provided by the Radio and Television Union.

Provisions of this Article also shall not apply to the existing networks used by the Radio and Television Union for transmission and distribution of its radio and television programs.

**The proposed amendment: It is prohibited to use a Frequency or a Frequency Band without obtaining a license from the NTRA. The NTRA shall specify the conditions and rules for granting such licenses. The rules and procedures necessary to be followed in applying for the license shall be announced.**

The license shall be issued within a period not exceeding 90 days from the date of submission of all necessary documents with due consideration to the requirements of the Armed Forces and National Security Entities.

The licensee shall only use a Frequency or a Frequency Band in accordance with the license conditions. In case of breach of such conditions, the NTRA shall have the right to cancel such license.

Provisions of this Article shall not apply to Frequency Bands exclusively allocated by the International Telecommunication Union for services provided by the Radio and Television Union.

Provisions of this Article also shall not apply to the existing networks used by the Radio and Television Union for transmission and distribution of its radio and television programs.

Provisions of this paragraph shall not apply to frequencies allocated by International Telecommunication Union to amateur, amateur satellite or Wi-Fi.

**Article no. 52:** It is prohibited to possess, install or operate any Radio Set within the State except after having the consent of the NTRA and in accordance with the terms and conditions it specifies.

The provision of the previous clause shall not apply to radio and television broadcasting sets of the Radio and Television Union which operate within the Frequency Spectrum Band exclusively allocated for such purpose.

In such case, the Radio and Television Union shall notify the NTRA of the possession, installation or operation of the aforementioned sets.

The proposed amendment: It is prohibited to possess, install or operate any Radio Set within the State except after having the consent of the NTRA and in accordance with the terms and conditions it specifies.

The provision of the previous clause shall not apply to radio and television broadcasting sets of the Radio and Television Union which operate within the Frequency Spectrum Band exclusively allocated for such purpose.

In such case, the Radio and Television Union shall notify the NTRA of the possession, installation or operation of the aforementioned sets.

Provisions of this paragraph shall not apply to frequencies allocated by International Telecommunication Union to amateur, amateur satellite or Wi-Fi

**Article no. 53:** The NTRA shall determine and announce the fees for licensing of Frequency or Frequency Band usage for various Radio Telecommunication Services. All frequency spectrum users shall be abide by such fees.

**Provisions of the previous clause shall not apply to Frequency Bands exclusively allocated by the International Telecommunication Union for Radio and Television services.**

**It shall neither apply to the existing Radio and Television Union networks used for program transmission and distribution**

Provisions of the previous clause shall not apply to Frequency Bands exclusively allocated by the International Telecommunication Union for amateur communication, amateur satellite or Wi-Fi.

The proposed amendment: The NTRA shall determine and announce the fees for licensing of Frequency or Frequency Band usage for various Radio Telecommunication Services. All frequency spectrum users shall be abide to such fees.

Provisions of the previous clause shall not apply to Frequency Bands exclusively allocated by the International Telecommunication Union for Radio and Television services.

It shall neither apply to the existing Radio and Television Union networks used for program transmission and distribution

Provisions of the previous clause shall not apply to Frequency Bands exclusively allocated by the International Telecommunication Union for amateur communication, amateur satellite or Wi-Fi.

**Article no. 64:** Telecommunication services operators, providers, their employees and users of such services shall not use any telecommunication services encryption equipment except after obtaining a written consent from each of the NTRA, the Armed Forces and National Security Entities and this shall not apply to encryption equipment of radio and television broadcasting.

With due consideration to inviolability of citizens private life as protected by law, each operator and provider shall, at his own expense, provide within the telecommunication networks licensed to him all technical potentials including equipment, systems, software and communication which enable the Armed Forces, and National Security Entities to exercise their powers within the law. The provision of the service shall synchronize in time with the availability of required technical potentials. Telecommunication Service Providers and Operators and their marketing agents shall have the right to collect accurate information and data concerning users from individuals and various entities within the State.

The proposed amendment: Telecommunication Services Operators, Providers, their employees and users of such services shall not use any telecommunication services encryption equipment except after obtaining a written consent from each of the NTRA, the Armed Forces and National

Security Entities and this shall not apply to encryption equipment of radio and television broadcasting.

Article proposed: Article no. 64 bis

Each operator and provider shall, at his own expense, provide within the telecommunication networks licensed to him all technical potentials including equipment, systems, software and communication which enable the Armed Forces and National Security Entities to exercise their powers within the law. The provision of the service shall synchronize in time with the availability of required technical potentials.

With due consideration to inviolability of citizens private life as protected by the constitution, each operator and provider shall not be allowed to access, monitor or confiscate communication of whatever kind without a reasoned judicial order and for a limited period in accordance with the provisions of the law.

**Article no. 65:** The NTRA shall, in cooperation with the Armed Forces and the State concerned entities, prepare a prior plan for the operation of Telecommunication Networks to be implemented during natural and environmental disasters and periods of general mobilization according to the provisions of Law No. 87 of 1960 regarding general mobilization and any other cases related to national security. Such plan shall be updated periodically in order to secure defense and national security. The operators

and telecommunications service providers shall commit themselves to implement such plan.

**The proposed amendment:** The NTRA shall, in cooperation with the Armed Forces and the State concerned entities, prepare a prior plan for the operation of Telecommunication Networks to be implemented during natural and environmental disasters and periods of general mobilization according to the provisions of Law No. 87 of 1960 on general mobilization. Such plan shall be updated periodically in order to secure defense and national security. The operators and telecommunications service providers shall commit themselves to implement such plan.

**Article no. 67:** The State competent authorities shall the power to subject to their administration all telecommunication services and networks of any operator or service provider and call operation and maintenance employees of such services and networks in case of natural or environmental disasters or during declared periods of general mobilization in accordance with the provisions of Law No. 87 of 1960 or any other cases concerning national security.

**The proposed amendment:** to be repealed.

**Note: Article no. 65 of this law shall be sufficient and shall be referred to the emergency law in case of application.**

**Article no. 68:** Obligations of telecommunication services operators or providers shall be reduced to the extent any of their obligations has been affected, directly or indirectly, as a result of executing the provisions of Articles (65) and (67) hereof.

Telecommunication operators and providers shall have the right for suitable indemnity for the damages liable to occur as a result of subjecting the telecommunication services in application subject to the provisions of Article (67) of this law.

The proposed amendment: Obligations of telecommunication services operators or providers shall be reduced to the extent any of their obligations has been affected, directly or indirectly, as a result of executing the provisions of Articles (65) hereof.

**Article no. 74** Whoever waives his radio frequency usage license before obtaining the NTRA approval shall be liable to a penalty of imprisonment to prison for a period of not less than three months and a fine of not less than twenty thousand pounds and not exceeding one hundred thousand pounds, or either penalty. In addition such license shall be revoked.

The proposed amendment: Whoever waives his radio frequency usage license before obtaining the NTRA approval shall be liable to a fine of not less than twenty thousand pounds and not exceeding one hundred thousand pounds, or either penalty. In addition such license shall be revoked.

**Article no. 76:** Without prejudice to the right for suitable indemnity, a penalty of imprisonment and a fine not less than five hundred pounds and not exceeding twenty thousand pounds or either penalty shall be inflicted on whoever:

1. Uses or assists in using illegitimate means to conduct telecommunication correspondence.
2. Premeditatedly disturbs or harasses a third party by misusing telecommunication equipment.

The proposed amendment: Without prejudice to the right for suitable indemnity, a fine not less than five hundred pounds and not exceeding twenty thousand pounds shall be inflicted on whosoever:

1. Uses or assists in using illegitimate means to conduct telecommunication correspondence.
2. Premeditatedly disturbs or harasses a third party by misusing telecommunication equipment.

**Article no. 81:** A penalty of imprisonment and a fine of not less than ten thousand pounds and not exceeding one hundred thousand pounds shall be inflicted on whoever violates any of the provisions of article (64) of this law.

The court shall, in addition, pass a ruling temporarily suspending the license pending provision, by the violator, of the equipment, systems, and telecommunication software and programs referred to in that article.

The proposed amendment: A fine of not less than ten thousand pounds and not exceeding one hundred thousand pounds shall be inflicted on whoever violates any of the provisions of article (64- 64 bis) of this law.

**Article no. 82:** A penalty of imprisonment shall be inflicted on whoever violates the summons orders prescribed in article (67) of this law.

The penalty shall be imprisonment if the crime takes place in time of war or in the cases for which general mobilization is declared according to the provisions of law no.87 of 1960 on general mobilization.



In all cases, the court shall pass a ruling of temporarily suspending the license pending execution, by the violator, of the summons order issued to him.

The proposed amendment: to be repealed.

## **LAW NO. 430 OF 1955**

### **ON ORGANIZING CENSORSHIP ON MOVIES, MAGIC LANTERNS SLIDES, SONGS, PLAYS, MONOLOGUES, DISCS AND RECORDING TAPES**

**Article no. 1:** The visual and audio materials, whether performed live, installed, recorded; on tapes or discs, or whatsoever of the technical means, shall be subjected to the censorship to protect the public order, morals and the high interests of the country.

**Proposed amendment: to be repealed.**

**Article no. 2:** Any of the following acts that are related to the visual and audio materials, may not be performed without obtaining permits from the Ministry of Culture:

First: Filming, recording, copying, or converting the said visual and audio materials for the purpose of exploitation;

Second: Performing, displaying or broadcasting the mentioned in a public place.

The conditions and situations of the above mentioned public place shall be set by virtue of a decision of the prime minister.

Third: Disturbing, renting, circulating, selling, offering for sale, the said visual and audio materials.

**Proposed amendment: Any of the following acts that are related to the visual and audio materials, may not be performed without obtaining permits from the Ministry of Culture:**

**First: Filming, recording, copying, or converting the said visual and audio materials for the purpose of commercial exploitation;**

Second: Performing, displaying or broadcasting the said in a public place commercially.

Third: Renting, circulating, and offering for sale the said visual and audio materials.

**Article no. 9:** The censorship authority may withdraw, by virtue of a reasoned decision; any permits issued at any time in case of new circumstances arise that required the said withdraw. The censorship authority may return the permits after, upon its own discrete, amending, adding, and removing without collecting fees.

The proposed amendment: The censorship authority may withdraw, by virtue of a reasoned decision; any permits issued at any if new circumstances arise that required the said withdraw. The censorship authority may return the permits after amending, adding and removing without collecting fees.

**Article no. 10:** Fees shall be imposed on whatever subjected to the censorship in accordance with this law. A decision of the Minister of National Guidance (currently the Minister of Culture) in agreement with the Minister of Finance and Economy shall be issued to determine the fees related to examine the materials that need to be permitted, grant the permit and its renewal the same.

The proposed amendment: Any audio or visual material is required to obtain a permit in accordance with this law and the decisions of the minister of culture in agreement with the Minister of Finance and Economy shall be issued to determine the fees related to grant the permit and its renewal the same.

**Article no. 15:** An imprisonment of a period not exceeding two years and a fine of not less five thousand pounds and not exceeding ten thousand pounds or any one of these penalties, shall be the penalty inflicted on whoever violates the provisions of Article no. 2 of this law. The fine penalty may not be suspended.

**Proposed amendment:** A fine of not less five thousand pounds and not exceeding ten thousand pounds shall be the penalty inflicted on whoever violates the provisions of Article no. 2 of this law.

**Article no. 16:** An imprisonment for a period of not exceeding one year and a fine not less than one thousand pounds and not exceeding two thousand pounds or any one of these penalties shall be the penalty inflicted on whoever violate the provisions of the articles no. 7, 8 bis and 18 bis. This conviction of violation the article no. 8 shall (revoke) the permit.

**Proposed amendment:** A fine not less than one thousand pounds and not exceeding two thousand pounds shall be the penalty inflicted on whoever violates the provisions of the articles no. 7 and 8 bis.

**Article no. 17:** A judgment of closing the public place for a period of not less than a week and not exceeding a month in addition to confiscating the tools, machines and equipments that were used in the committing the violation, may be issued in the circumstances stipulated in the abovementioned two articles.

After filing the required report, may stop the filming, recording, displaying, performing, broadcasting or selling via the administrative ways a long with seizing the subject of the violation. In this condition the case shall be brought before the district material court in which the public court exists in its district within a week at maximum as of the date of stopping and the court shall issue its judgment quickly.

**Proposed amendment: to be repealed.**

**Article no. 20:** The censorship authority shall issue its rule regarding the requests of obtaining or renewing permits related to the materials that were not subjected to the censorship or permitted by the appropriate authorities before the enactment of this law within 6 months as of the date of its enforcement. These materials may be displayed, performed, offered for sale or sold as long as the censorship authority did not ban any of the said acts during this period. In this case the displaying, performing, broadcasting or selling shall be stopped until giving a rule regarding the permit request.

**The proposed amendment: to be repealed.**

**Conclusion**