Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1892 (2012)[1]
Final version

Crisis of transition to democracy in Egypt

Parliamentary Assembly

1. While the Parliamentary Assembly welcomes the election of the first civilian president in Egypt, following a ballot which, overall, was deemed to be free and fair, as a historical step in the country's transition to democracy, it is deeply concerned that this follows the dissolution of the recently elected parliament and the constitutional changes enacted by the Supreme Council of the Armed Forces (SCAF).

2. The newly elected president, who comes from the ranks of the Muslim Brotherhood, appears to enjoy the necessary legitimacy to initiate the badly needed reforms to build a civil administration free from the corrupt practices of the past and boost the Egyptian economy, which has suffered dramatically over the last year. The international community and Council of Europe member States could help in this respect, in particular by encouraging investments in the country.

3. The Assembly notes, however, that the newly elected president will first have to face the challenge of reassuring the Egyptian people, who long for security and stability and the chance to rebuild the country's economy, but who are, at the same time, deeply polarised. There is, in particular, a need to reassure the revolutionary movement, which fears the confiscation of the goals of the revolution by the military, on the one hand, and by the Islamists, on the other. The choices the new president will make in forming his government will be decisive in this respect.

4. The announcement of the election results on 24 June 2012, after a four-day delay, has given rise to some optimism today in the country and within the international community, in particular as it has obviated the fears of possible widespread violence.

5. However, the Assembly is deeply concerned about a series of recent developments which constitute real obstacles to a slowly emerging democracy in a country which has virtually no democratic experience.

6. The Assembly is, in particular, concerned about the dissolution of the parliament, following a ruling by the Constitutional Court on 14 June 2012, declaring the election of one third of parliamentarians on the single candidate list unconstitutional. The dissolution of parliament has thus erased the first parliamentary elections held in the post-Mubarak era, in which some 30 million people participated and which were deemed to be generally free and fair.

7. Moreover, an interim Constitutional Declaration adopted by the SCAF on 17 June 2012 granted the latter legislative powers until a new parliament is once again functioning and reinforced its own role in the drafting of the future constitution. The declaration stripped the president of the country of powers in the field of the budget and in foreign and defence policy, which will be retained by the military.

8. Whereas the lifting of the state of emergency on 31 May 2012 has been welcomed as a positive development, a decree issued by the SCAF on 13 June 2012 has given the military broad powers of arrest and detention of civilians for trial in military courts.

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1. Assembly debate on 28 June 2012 (25th Sitting) (see Doc. 12981, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Gardetto). Text adopted by the Assembly on 28 June 2012 (25th Sitting).

9. The Assembly thus notes that serious questions arise as to the future of the democratic transition in Egypt. A fundamental challenge lying ahead is what will be the design of the balance of powers in Egypt in the near future and, in particular, how the army will finally share power with the newly elected president and his future government, and when a new parliament will start functioning and resume its full legislative role.

10. At the same time, without doubting the legitimacy of the new president or underestimating the importance of his election, caution is called for regarding fundamental issues such as the role of women or of religious minorities in Egypt. Thus the question arises whether or not the Sharia will be recognised as a primary source of the law in the future constitution and, if so, how the Sharia can be reconciled with the principles of the rule of law and how the declared equality between men and women, Muslims and Christians can be effectively achieved.

11. The Assembly in particular deplores that the situation of Christian communities in Egypt has not improved with the Arab Spring and the fall of Mubarak, and that violence continues to be perpetrated against these communities as well as against other religious minorities. The Assembly thus calls on the Council of Europe member States to implement the measures listed in its Recommendation 1957 (2011) on violence against Christians in the Middle East. It asks them in particular to take into account the situation of Christian and other religious communities in their bilateral political dialogues and to promote a policy, at national and Council of Europe levels, which integrates the issue of the respect for the fundamental rights of Christian and other religious minorities in their relations with Egypt.

12. The Assembly notes in conclusion that the question of the new constitution is emblematic and that all crucial issues listed above must be tackled, in one way or another, in this fundamental text. In this respect, the Assembly underlines the important beneficial role which the Council of Europe could play, through its European Commission for Democracy through Law (Venice Commission), which has unique and internationally recognised experience in constitutional drafting.

13. The Assembly finally recalls its Resolution 1831 (2011) on co-operation between the Council of Europe and the emerging democracies in the Arab world, and reiterates its readiness to share its experience in the field of democratic transition with the Egyptian institutions, in order to facilitate the difficult political transition in what is the largest country in the Middle East.