

Calls for Amending Bill on Protecting Whistleblowers, Witnesses and Experts in Egypt

In a step reflecting a notable development in the growing role of Egyptian civil society in demanding good governance and anti-corruption reforms, a number of civil society organizations (CSOs) launched the “National Campaign for the Collection of Signatures” requesting the Government to withdraw and amend the bill on the protection of whistleblowers, witnesses and experts. The bill was approved by the Council of Ministers on 19 February 2014, in preparation for sending it to the Presidency for promulgation, given that it is the interim President who enjoys legislative power until the next Parliament is elected.

Although expediting the issuance of this law in Egypt has and remains to be a pressing popular demand in Egypt; the CSOs behind the campaign find no need to rush its promulgation given a number of shortcomings contained in the law. Indeed, these CSOs consider that the law does not live up to citizens’ expectations in a country that has deeply suffered and continues to suffer from the scourge of corruption. The CSOs also find that the law does not reflect “a genuine and serious political will” to protect whistleblowers, witnesses and experts, and does not respond to the minimum international obligations that Egypt must fulfill in this regard.

The campaign members requested the Legislation Department in the Ministry of Justice and the National Independent Fact-Finding Committee tasked with gathering information and evidence – which have both overseen the formulation of the bill – to integrate a number of important issues that would help to reinforce the bill. Key issues include: integrating a clear definition of whistleblowers, witnesses and experts; identifying specific crimes and corresponding penalties; creating an independent body tasked with receiving complaints and reports and investigating them; assigning a role to civil society in serious cases (the campaign does not specify however the actions to be taken by civil society once it receives complaints and reports); and including clear mechanisms to file complaints and reports, such as the creation of hotlines and websites within the independent body or relevant government agencies.

The campaign members also consider that the bill should include a provision to ensure that the State takes preventive measures to protect the said groups, in addition to guaranteeing their right to compensation for the costs they incur as a result of reporting, complaining or witnessing, for the damage to their reputation, or for the loss of gains. According to them, the State should also commit itself to regularly publish information on complaints and reports, with the exception of personal data, including the number of received cases, rejected cases, accepted and investigated cases, magnitude of corruption cases and violations in both the public and private sectors.

It is to be noted that neither the bill nor the campaign which was signed by over 55 CSOs, have referred to the need to extend protection to the “victims” of corruption crimes, as stipulated by many relevant international conventions, including the 2003 United Nations Convention against Corruption (UNCAC) that the Arab Republic of Egypt ratified in 2005.

Source: UNDP's Regional Project on Anti-Corruption and Integrity in the Arab Countries