

report

**Description of the main bodies that prevent
corruption**
On the information related to the eleventh
session of the working group on prevention



The organisational structure of the State includes the following anti-corruption bodies:

1. Internal Oversight Bodies in the administrative apparatus units of the State:

These bodies are embedded in the administrative organisation of the administrative apparatus units of the State and are responsible for monitoring performance.

2. Specialized Oversight Bodies:

a. Central Auditing Organisation (CAO): It is an independent body with public corporate personality.

1. Main Terms of Reference:

- a. Financial oversight, in terms of income and expenditure, of the units of the administrative apparatus of the State and local government units, bodies, parties, unions, and federations. It audits the closing accounts of these units as well as the final accounts of the general State budget.
- b. Monitoring and assessment of the performance of the units under the supervision of the CAO and the extent to which they have achieved their objectives, as well as the follow-up of the implementation of planned projects and the situation of loans and grants.
- c. Consideration and review of decisions issued by the entities under its supervision to detect financial irregularities.

2. Powers / legal powers:

- a. Examination of all records, books, and documents and participation in inventory of warehouses and stores.
- b. Guidance through the review of the decisions made with respect to financial irregularities and the accountability of defaultees.
- c. The right to refer to disciplinary trial in the event of financial irregularities.
- d. Appeal decisions or judgements issued by disciplinary bodies with respect to financial irregularities.

b. Units and entities of the Finance Ministry (financial oversight bodies):

Main terms of reference / competencies:

1. Represent the Ministry of Finance before ministries, departments, and agencies and conducting financial oversight before disbursement.
2. Participate in the preparation of draft planning budgets.
3. Oversee the implementation of approved budgets and all action committees on contracts or agreements that entail rights or obligations that the administrative authority must fulfil.
4. Follow up the implementation of contracts and obligations, as well as account balances.

f. The General Department of Public Funds Crimes (Interior Ministry):

1. Main Terms of Reference:

- a. Combating public funds crimes.
- b. Combating bribery and trading in influence.
- c. Combating fraud and forgery.
- d. Combating money-laundering offences.
- e. Combating illegal gain crimes.
- f. Combating crimes relating to currency, smuggling, and all new crimes affecting the national economy.

2. Powers / legal powers:

Its terms of reference are governed by the law of the police force. Since it is a judicial control authority, its activity is also governed by the Code of Criminal Procedure. Its members have the powers of judicial officers.

g. The National Security Department at the Interior Ministry:

1. Its main terms of reference include the fight against corruption, money laundering and terrorist financing.
2. Its terms of reference are governed by the law of the police force. Since it is a judicial control authority, its activity is also governed by the Code of Criminal Procedure. Its members have the powers of judicial officers.

h. The Anti-Money Laundering / Combating the Financing of Terrorism (AML / CFT) Unit:

The AML/CFT Unit was established under the Anti-Money Laundering Law promulgated by Law No. 80/2002. Its main responsibilities include:

1. Make mandatory for various financial institutions to adopt specific policies to deal with their customers, to ensure the full provision of information / clarifications on any internal / external transactions / transfers.
2. Make mandatory for financial institutions to disclose financial transactions and transfers that are not based on a legitimate basis or justification, and that are suspicious.
3. Examine suspicious transactions / transfers in coordination with the financial investigation units of foreign countries and conduct appropriate investigations thereon in coordination with the competent authorities.
4. Communicate the findings of the examination to the investigating authority to take action.
5. Request for provisional measures to be taken by the investigating authorities.
6. Develop customer due diligence and other relevant rules, regulations and procedures for combating money-laundering, and verify, in coordination with regulatory authorities, that financial institutions, non-financial professionals and businesses comply with them.
7. Request the information, data and statistics necessary for the unit to fulfil its responsibilities, from government supervisory authorities, financial institutions,

professionals, non-financial businesses, and any other parties involved in the fight against money laundering and terrorist financing.

8. Coordinate with judicial authorities and any other competent authority with regard to taking the necessary legal procedures to trace or freeze funds resulting from crimes of money laundering or its proceeds or seizure thereof.
9. Establish and prepare the means to verify the compliance of all financial institutions, non-financial professionals and businesses subject to the supervision of the Unit in the matter of combating money laundering and the financing of terrorism with the rules and regulations established in this regard, including the development of rules, controls and procedures related to combating money laundering and the financing of terrorism.
10. Establish and develop means to coordinate with all authorities involved in the fight against money laundering to prepare and update the national assessment of the risks of money laundering and the financing of terrorism and request any information, data or statistics necessary for the preparation or updating of the assessment.

i. Egyptian General Authority for Non-Banking Financial Supervision:

1. Main Terms of Reference:

- a. Grant licenses to practice non-bank financial activities.
- b. Provide and disseminate information on non-bank financial markets.
- c. Establish the necessary controls to ensure competition and transparency in the provision of non-banking financial services.
- d. Protect the rights of traders in non-bank financial markets.

2. Powers / legal powers:

- a. Inspect all entities authorized to engage in non-bank financial activities and markets.
- b. All powers necessary to achieve the objectives of the Authority set out in Law No. 10/2009 on Non-Banking Financial Markets and Instruments.

3. General oversight body (Administrative Control Authority):

a. Overview of the Administrative Control Authority:

It is an independent body that exercises all forms of administrative, financial and criminal control and is responsible for combating administrative corruption in the Arab Republic of Egypt.

b. Pursuant to Law No. 54/1994 and its amendments, the Administrative Control Authority is mandated to carry out the following tasks:

1. Study and investigate the causes of deficiencies in work and production, including the detection of defects in the administrative, technical and financial systems that impede the regular functioning of the public bodies and propose ways to avoid them.
2. Follow up the implementation of the laws and ensure that the decisions, regulations and rules in force are adequate to achieve their objective.
3. Disclose administrative and financial irregularities and criminal offences committed by employees in the exercise of their duties or because of them.

4. Detect and confront offences committed by persons other than employees, which are intended to harm the performance of public office or service, subject to the written permission of the Public Prosecution before taking action.
5. Examine complaints submitted by citizens about violations of laws or negligence in the performance of job duties and their proposals to improve services and the regularity of work and speed of completion.
6. Study and examine press reports and investigations of complaints about neglect, negligence, mismanagement or exploitation, as well as various media reports in these areas.
7. Detect and confront crimes stipulated in Law No. 5 of 2010 regarding the regulation of human organ transplants.
8. Detect and confront crimes stipulated in Law No. 64 of 2010 regarding combating human trafficking.

Its responsibilities also include:

- Assist the administrative apparatus of the State, public bodies, and the public business sector in investigating holders of senior management positions and candidates for the award of medals and decorations.
- Examine cases of illegal gain pursuant to the law on the management of illegal gain and on the basis of the decisions of investigative bodies.
- Conduct investigations into financial transactions suspected of involving money laundering while coordinating and exchanging information with the Anti-Money Laundering Unit at the Central Bank.

Forms of cooperation between anti-corruption bodies:

1- The National Coordinating Committee for the Prevention and Combating of Corruption:

a. Overview and composition:

The National Committee for Combating Corruption was established by Prime Minister's Decision No. 2890 of 2010, as amended. It is composed of: the Prime Minister, as chair, the Minister of Local Development, the Minister of Planning, Follow-up and Administrative Reform, the Minister of Justice, the Minister of Social Solidarity, the President of the Administrative Prosecution Authority, the Head of the Administrative Control Authority, and representatives of the Ministry of the Interior, the Ministry of Foreign Affairs, the General Intelligence Directorate, the Central Auditing Organisation, the Anti Money Laundering and Terrorist Financing Unit, the Public Prosecution, and the Illegal Gain Department.

b. Terms of reference and powers:

The terms of reference of the Committee include:

1. Ensure the effective enforcement of the provisions of international and regional conventions relating to the fight against corruption.
2. Formulate a unified Egyptian vision expressed in international forums.
3. Follow up Egypt's implementation of its international obligations arising from UNCAC and other international agreements, and coordinate participation in relevant conferences, teams, and groups emanating from them.
4. Periodically assess national legislations, regulations, and decisions related to the prevention and combating of corruption and determine their adequacy and compatibility with the provisions of international agreements signed by Egypt.

2- The National Sub-Coordinating Committee for Preventing and Combating Corruption:

a. Overview and composition:

The Coordinating Sub-Committee for Combating Corruption stemming from the National Coordinating Committee for Combating Corruption was set up by Prime Minister's Decision No. 1022 of 2014, as amended. It is composed of the Head of the Administrative Control Authority, as Chair, and representatives of the Ministry of the Interior, the Ministry of Local Development, the Ministry of Planning, Follow-up and Administrative Reform, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Justice, the Public Prosecution, the General Intelligence Directorate, the Administrative Control Authority, the Central Auditing Organisation, the Administrative Prosecution Authority, the Anti-Money Laundering and Terrorist Financing Unit, and the Illegal Gain Department.

b. Terms of reference and powers:

The Sub-Committee is entrusted with many tasks, including:

1. Develop and follow up the implementation of the National Anti-Corruption Strategy.
2. Establish the most appropriate procedures and mechanisms for coordination between government oversight agencies to share information and experiences among them.
3. Receive reports on acts of corruption, establish facts on perpetrators, and study all aspects of corruption at the units of the administrative apparatus of the State.
4. Propose the most appropriate solutions to eliminate all forms of corruption and make recommendations for promoting the culture of integrity and transparency in society.
5. Prepare training plans, programmes, and workshops to enhance the capacities of the persons responsible for preventing and combating corruption and coordinate between State agencies to prepare unified training plans relating to the prevention and combating corruption to ensure their effectiveness.
6. Study international experiences relating to the methods of combating corruption and modern administrative systems.

7. Develop recommendations to enhance integrity and transparency in society and raise awareness among citizens of different communities about the dangers of corruption.

3- The Panel of National Experts:

a. Overview and composition:

The Panel of National Experts was established by a decision of the Head of the Administrative Control Authority in his capacity as Head of the National Coordinating Sub-Committee for Preventing and Combating Corruption from which it stems. It is composed of representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Public Prosecution, the General Intelligence Directorate, the Administrative Control Authority, the Administrative Prosecution Authority, and the AML / CFT Unit.

b. Terms of reference and powers:

It is entrusted with many tasks, including:

Prepare reports on Egypt's fulfilment of its international and regional obligations relating to the fight against corruption and participate in review work carried out by the Arab Republic of Egypt as part of its obligations stemming from the United Nations Convention against Corruption and the Arab Convention against Corruption.

4- State Land Recovery Committee:

a. Overview and composition:

The President of the Republic issued Decree No. 75/2016 establishing the State Land Recovery Committee chaired by the Assistant to the President of the Republic for National and Strategic Projects. The committee is composed of the Minister of Local Development, the Assistant to the President for Security and Counter-Terrorism Affairs, and representatives of the Ministry of Justice, the Ministry of Defence, the Ministry of Finance, the General Intelligence Directorate, the Administrative Control Authority, the Real Estate Publicity Department, and the Egyptian Survey Authority.

b. Terms of reference and powers:

The committee makes an inventory of all State land that is grabbed and recovered, prepares reports on shortcomings that led to the grabbing of State land, notify investigation bodies of relevant crimes that are misappropriations of public funds, and notify every competent authority so that it recovers the dues it lost as a result of these crimes.

4- The National Coordinating Committee against Money Laundering and the Financing of Terrorism:

a. Overview and composition:

The Prime Minister issued Decision No. 63/2005 establishing the National Coordinating Committee against Money Laundering and the Financing of Terrorism, which includes representatives of Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Social Solidarity, the Public Prosecution, the National Security Authority, the Administrative Control Authority, the Central Bank, the Financial Supervisory Authority, the AML/CFT

Unit, the Egyptian Banking Institute, the Egyptian Customs Authority, and the Ministry of Industry and Trade.

b. Terms of reference and powers:

Coordinate national efforts to combat money laundering and terrorist financing offences and implement relevant laws, rules, and regulations.

5- The National Committee for the Recovery of Funds and Assets:

a. Overview and composition:

The President of the Republic issued Decree No. 28/2015 establishing and organising the National Committee for the Recovery of Funds and Assets Abroad headed by the Prosecutor General, and whose members include representatives of the Illegal Gain Department, the International and Cultural Cooperation Division of the Ministry of Justice, the Head of the Board of Trustees of the AML/CFT Unit, the Vice-President of the State Lawsuits Authority, the Central Bank of Egypt, the Ministry of Foreign Affairs, the Ministry of Finance, the International and Arab Criminal Police Unit, the General Intelligence Directorate, the National Security Agency, the General Department of Public Funds Crimes Investigation, and the Administrative Control Authority.

b. Terms of reference and powers:

1. Represent the State before relevant parties in foreign countries and international organisations for the recovery of funds and assets abroad, and before foreign courts and international arbitration bodies. In this regard, it may take all necessary measures to maximize the benefits of relevant international, regional, and bilateral agreements and conventions ratified by Egypt.
2. Develop a national strategy for the recovery of funds and assets smuggled abroad and mechanisms for the implementation and follow-up of the implementation of this strategy.
3. Take necessary legal and administrative procedures, submit requests on behalf of the Egyptian State to the competent authorities in foreign States and international and regional public and private entities, for the purpose of detecting, tracing, and freezing of assets and proving the right of the State to recover them and to follow up on them.
4. Exchange of information on criminal and financial investigations and judicial information with relevant authorities in the countries from which the recovery is requested and request information from relevant authorities.
5. Receive requests for conciliation submitted by defendants recorded on freezing lists abroad or their attorneys at any stage of the criminal proceedings.
6. Receive requests for the removal of names from freezing lists abroad and the termination of judicial assistance submitted by defendants or their attorneys benefiting from acquittal orders or final decisions for dismissal of proceedings.
7. Take appropriate action with foreign countries regarding the recovery of funds and assets in accordance with applicable laws and regulations in those countries.

6- The Supreme Committee for Legislative Reform:

The President issued Decree No. 209/2017 establishing the Supreme Committee for Legislative Reform headed by the Prime Minister and whose members include representatives of several ministers, law enforcement agencies, lawyers. Its terms of references include developing government legislative policy, preparing and considering bills, and presidential and prime minister decrees that need to be adopted or amended pursuant to the Constitution.

Description of the measures taken to disseminate knowledge about the prevention of corruption and deal with complaints from citizens concerning corruption:

A number of systems have been set up to facilitate the reporting by civil servants and citizens to the relevant authorities of acts of corruption through many hotlines, websites, social networks, fax and mobile phone numbers, or dedicated offices called 'Compliant Reception Offices' of 'Citizens Service Office' at all regulatory bodies or in some units of the administrative apparatus of the State.

Examples include:

- 1) The Administrative Control Authority set up a website (www.aca.gov.eg) and opened a hotline (16100), a fax number (0222915403), and Citizen Service Offices at all governorates of the Republic to receive reports and complaints of civil servants and citizens.
- 2) The Ministry of the Interior receives complaints and reports of corruption incidents electronically by e-mail (fasad@amwall.gov.eg) and through telephone numbers (27921395 and 27921396).
- 3) The Administrative Prosecution Authority assigned a hotline (16117) for speedy reporting of complaints to the Administrative Prosecution. Any person may use it to submit any report regarding any violation or waste of public funds. In addition, the official page of the Administrative Prosecution in social media is used to receive complaints from citizens. Guidelines governing work at the Administrative Prosecution Authority give these complaints particular importance, and require the competent prosecution to contact the complainant immediately and communicate with the administrative body to address the causes of complaints and settle disputes, if possible, before referring them to investigation. For this purpose, the Administration Prosecution Authority has set up a complaint unit and devoted an email address to receiving complaints regarding any incident or violation at: shakwa@ap.gov.eg. Complaints can also be delivered by hand to the headquarters of the Administrative Prosecution Authority or at the Inspection Department.

- 4) It is possible to communicate reports to the Public Prosecution directly instead of transmitting them to the police. Besides, there is a specialized prosecution, the Supreme Public Funds Prosecution, which has comprehensive jurisdiction in the country. Besides, there are Public Funds Prosecutions at every appeals prosecution throughout Egypt.
- 5) The Information and Decision Support Centre of the Council of Ministers devoted two websites: www.idsc.gov.eg and www.shakwa.eg, a hotline (16528) called the government complaints portal, and a page on social networks called 'Ijabi' to receive reports on corruption facts.
- 6) Conduct of public perception surveys on the spread of corruption in multiple sectors through the following:
 - A. Establishment of annual perception index of administrative corruption in 2016 in Egypt in coordination with the Centre for Information Support and adoption of a decision by the Council of Ministers in accordance with an international method to assess the level of awareness of administrative corruption in the State.
 - B. A survey was conducted on a random sample of citizens, corporate managers, and experts (11,600 citizens, 580 companies of most sectors, and 15 experts from various economic, political, and social areas). The participants were chosen on the basis of experience and professionalism.
 - C. The survey questionnaire forms were prepared for the above categories on the basis of the results of the index. A detailed report was prepared for governorates and ministries, including recommendations for officials and mechanisms for the implementation of recommendations to reduce corruption in the country.
- 7) It was plan to establish 2 think-tanks specialized in anti-corruption studies and produce 6 analytical researches during the 4 years of the national anti-corruption strategy 2019-2022. The first anti-corruption think-tank is already established in the Central Auditing Organization during 2019.

Description of measures to ensure that anti-corruption bodies can assess their own effectiveness:

The National anti-corruption strategy 2019-2022 was designed in a way that facilitate its assessment. Every objective contains a number of executive procedures related to a specific key performance indicator. Using those KPIs the technical secretariat of the sub-coordinating committee for Preventing and Combating Corruption to publish annual reports.

Reports prepared by the bodies that prevent corruption, notably on their effectiveness:

- 1- The Central Auditing Organisation prepare an annual report and submit it to the concerned entities.
- 2- The administrative control authority submits an annual report on the effectiveness of anti-corruption efforts to the concerned entities, the authority also publishes several reports of its efforts to enhance public awareness.

External reports on the effectiveness of the bodies that prevent corruption:

The parliament discusses the outcomes of the implementation of the national anti-corruption strategy. The responsible of the technical secretariat of the sub-coordinating committee for Preventing and Combating Corruption attend in the parliament and discuss with parliament members the reports of the implementation of the strategy in order to determine the good practices and the main concerns.

Surveys of the extent of public knowledge about the prevention of corruption:

- 1- Egypt conduct annually the public perception surveys on the spread of corruption in multiple sectors through the following:
 - a. Establishment of a perception index of administrative corruption in 2016 in Egypt in coordination with the Centre for Information Support and adoption of a decision by the Council of Ministers in accordance with an international method to assess the level of awareness of administrative corruption in the State.
 - b. A survey was conducted on a random sample of citizens, corporate managers, and experts (11,600 citizens, 580 companies of most sectors, and 15 experts from various economic, political, and social areas). The participants were chosen on the basis of experience and professionalism.
 - c. The survey questionnaire forms were prepared for the above categories on the basis of the results of the index. A detailed report was prepared for governorates and ministries, including recommendations for officials and mechanisms for the implementation of recommendations to reduce corruption in the country.
- 2- The public perception survey on the anti-corruption efforts was conducted for the first time in 2019 to measure public awareness of the national anti-corruption efforts.

Description of laws, policies and procedures ensuring the independence of the bodies that prevent corruption notably those aligned with the

“Jakarta Statement on principles for anti-corruption agencies”:

The Constitution provides for the legal framework for the independence and administration of anti-corruption bodies for the effective performance of their duties and their protection from any illegal influence and the procedures for appointing their heads and the guarantees of their independence and the protection of their members, thus ensuring impartiality and independence, as follows:

1. Article 215 of the Constitution of 2014 reads: “Independent bodies and regulatory agencies are identified by law. These bodies and agencies have legal personality, and technical, financial and administrative independence, and are consulted about draft laws and regulations that relate to their fields of operation. These bodies and agencies include the Central Bank, the Egyptian Financial Supervisory Authority, the Central Auditing Organisation, and the Administrative Control Authority.”

2. Article 216 of the Constitution reads: “For the creation of each independent body or regulatory agency, a law is issued defining its competencies, regulating its work and stipulating guarantees for its independence and the necessary protection for its employees and the rest of their conditions, to ensure their neutrality and independence. The President of the Republic appoints the heads of independent bodies and regulatory agencies upon the approval of the House of Representatives with a majority of its members, for a period of four years, renewable once. They cannot be relieved from their posts except in cases specified by law. The same prohibitions apply to them that apply to ministers.”

3. Article 184 of the Constitution provides for the principle of the independence of the judiciary. The Public Prosecution is an integral part of the judiciary in the Egyptian constitutional system in accordance with Article 189 of the Constitution.

4. Article 179 of the Constitution reads: “The law regulates the manner in which governors and heads of other local administrative units are selected, and defines their mandate.”

b - The legislation governs the working environment of the supervisory bodies to ensure their independence in the field of preventing and combating corruption, including the following:

1. Article 1 of the Central Auditing Organisation Law No. 144/1988, as amended by Law No. 157/1998, stipulates that the Central Auditing Organisation is an independent body with legal personality.

2. Article 1 of Law No. 54/1964 and its amendments reorganising administrative control stipulates that Administrative Control is an independent body.

3. Article 3 of Law No. 80/2002 promulgating the Anti-Money Laundering Law, as amended, provides that an independent Unit of a special nature shall be established at the Central Bank of Egypt to combat money laundering and terrorist financing.

It should be noted that the laws and regulations of the aforementioned bodies and organs govern the procedures for appointing their heads and their rules and procedures for

appointing and selecting their members through general rules. They also provide for their financial and material resources.

Description of the material resources, specialized staff, and training facilities for staff:

Egypt established the national anti-corruption academy in the same time of the launch of the national anti-corruption strategy 2019-2022. The academy aims for providing specialised courses for anti-corruption bodies' cadres and for raising community awareness of the importance of preventing and combating corruption. It should be noted that the national anti-corruption strategy planned the training of 500 of anti-corruption cadres in the national anti-corruption academy affiliated to the administrative control authority.

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