

# THE STATE ADMINISTRATIVE APPARATUS

## **RESPONSIBLE ENTITIES:**

- » Ministry of Planning & Economic Development
- » Ministry of Justice
- » The Cabinet



CHALLENGE	RECOMMENDATION
<p>Contradictory laws and conflicting administrative decisions.</p>	<p>Review and revamp all relevant laws, decrees, and regulations in order to reduce administrative burden and accelerate work processes. In this regard, it is important to promptly constitute the Supreme Council for Administrative Development, which should have clear powers to address the challenges related to the legal and regulatory framework, and eliminate any existing inconsistencies, contradictions, and overlaps; this effort should be carried out in collaboration with the Central Agency for Organization, Administration and the Administrative Control Authority.</p>
<p>The lack of flexibility needed for the timely implementation of new projects, as well as weak organizational capacity across the state apparatus.</p>	<p>Adopt the recommendation of the Administrative Control Authority regarding the need for new projects to employ different organizational and administrative systems, which are much more flexible and capable than those stipulated in the Economic Zones of a Special Nature Law No. 83 of 2002, and the Investment Law No. 8 of 1997.</p>
<p>Despite the passage of the Civil Service Law and its Executive Regulations, to date, jobs in the state's administrative apparatus, have not been restructured.</p>	<p>Ministry of Administrative Development* should promptly finalize the plan to restructure the jobs in administrative apparatus of the state.</p>

*\* In the 2019 cabinet portfolio reshuffle, the Prime Minister was put directly in charge of the administrative reform portfolio.*

Amend Article 8 bis of the Criminal Procedure Code to read as follows: «For crimes stated under Article 116 bis (a) of the Penal Code, no criminal case may be filed except through the Public Prosecutor or the Attorney General. If the employee is one of the employees of the entities specified in paragraphs (a and b) of Article 119 of the Penal Code, the criminal case may not be filed except with the approval of the competent minister, who the employee falls under his authority, or the approval of the prime minister if the perpetrator of the crime was the minister or his deputy». This amendment will enable the state body where the employee works to exercise their inherent right to approve the initiation of criminal proceedings in crimes of unintentional harm committed by employees falling under their authority.

Add a new article in Chapter V of Book Two of the Penal Code, to read as follows: «A sentence of imprisonment for not less than a month and not exceeding a year, or a fine of not less than LE 1,000 and not exceeding LE 50,000 shall be imposed on every employee who willfully and without justification refrains from performing work duties which constitute part of his job after it has been proved that they fall within his job competence and within the limits of his discretionary authority, and that the duties are in full compliance with the law and his action resulted in obstructing the execution of any decree, issuing a license, concluding contracts or agreements, or any other measures that impede any investments; the punishment will be imposed if refraining from carrying out the duties is intended to harm the interest of a natural, a legal person, or public interest.”

Amending the text of Article 115 of the Penal Code, to read as follows: “Every public employee who obtained or tried to obtain for himself, or obtained or tried to obtain for others, without a right, a profit or gain connected with the carrying out any duty of his office, if this was based on a previous agreement between them, shall be punished by imprisonment at hard labor; and shall be punished with imprisonment or a fine in other cases.” Amending the article by adding “.... he shall be punished with imprisonment or a fine in other cases” closes a loophole, which allowed public employees to escape punishment if it was not possible to prove that there was a pre-arranged agreement between the parties.