



His excellency the Chairman of the Administrative Control Authority and the Vice-Chairman in a visit to (EACA)

Development of the Administrative Control Authority's Legislative Competence



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Law No. 54 of 1964 regulated the technical supervisory competence of the Administrative Control Authority; and its elements included researching and investigating the reasons for drawbacks in work and production, including the detection of defects in administrative, technical and financial systems, which impede the regular functioning of public bodies as well as proposing the means of preventing them. They also include following up the enforcement of laws and ensuring that the decisions, regulations and laws in force are adequate as well as detecting the administrative and financial irregularities and criminal offences committed by employees in the course of performing their duties or because of them. Add to these matters the detection and identification of the offences committed by non-civil-servants, aiming to impair the performance of job or public service duties as per the related regulating legal and procedural controls. More competences include investigating complaints and the issues discussed by the media concerning the Authority's work as well as providing the legally designated bodies with data, information and studies.

The Authority has played that role for consecutive decades and has acquired extensive experiences and capabilities through successive practices and the development of its work, while performing its examination and investigation duties in response to the requirements and circumstances of the different cases and issues handled by it.

The Surrounding Local and International Variables

Since the Revolution of 30 June 2013, the State has been interested in combating many crimes of international perspective and concern within the framework of cooperation with numerous international organizations and neighboring countries at the regional and international levels. The United Nations Convention against Transnational Organized Crime, signed in Palermo, Italy, in December 2000 has been considered a declaration of the international political determination and response to face the global challenge resulting from the spread of transnational crime, utilizing conclusive and cross-border law enforcement mechanisms.

Those criminal practices, which have caused international concern, include human trafficking crimes, monetary and human organs trafficking crimes as well as corruption and money-laundering crimes, of international nature, through the attempts of smuggling and legitimizing the involved money proceeds, as defined by the United Nations initiative known as the Stolen Asset Recovery initiative. (1) There is also the concern for combating illegal migration, because Egypt's location can be exploited as a destination or source for illegal migration, making it a transit State for illegal immigrants.

Legislative Development of the Authority's Work

Given the Political Leadership's concern for strengthening the Egyptian regional and international role regarding those practices, it has sought to find available expertise and mechanisms that can prevent them and play an effective role in combating them. The Authority's vision has coincided with this concern. The Authority's work has enabled it to deal with many cases of forgery, counterfeited documents, money-laundering crimes, foreign currency circulation offences and practices of the human and human organs trafficking crimes. The accordance of the two visions has led to mandating the Administrative Control Authority to deal with new types of crimes, through utilizing its investigation and interrogation capabilities as well as its ability to monitor and prosecute individuals and even organized networks. Law No. 207 of 2017, amending the Law of the Authority has been issued and Article 2 provides for the following:

"Detecting and controlling the crimes intended for obtaining or attempting to obtain any profit or benefit through impersonating a civil servant or a public office holder or abusing the name of a civil entity set forth in Article (4) of this Law. This includes the foreign currency crimes set forth in the Central Bank and the Banking and Monetary Law, promulgated by Law No. 88 of 2003 and its provisions; the crimes set forth in Law No. 5 of 2010 on the Regulation of Human Organ Transplantation and the crimes set forth in Law No. 64 of 2010 on combating human trafficking."

In 2017, the year of issuing the law amendment, the Authority handled many cases on committing human trafficking crimes in violation of the Regulation of Human Organ Transplantation Law. In fact, those criminal offences involved a number of incidents that constituted a form of human trafficking, such as exploiting some poor individuals' need and poverty and enticing them with money to give their organs to some patients who sought treatment through illegal organ transplants, constituting a crime of violating the Regulation of Human Organ Transplantation Law.



In addition, there were the criminals' attempts to circulate huge amounts of foreign currency outside the banking system violating the Regulation of Foreign Currency Circulation Law), with some of them constituting a money-laundering crime through trying to legitimize such money.

The Authority's efforts in taking actions regarding one of the cases related to forging official documents for Egyptians and refugees from some countries in the region to facilitate their illegal travel and migration resulted in the Authority's participation in combating illegal migration and seizing a number of gangs in different governorates after committing the crime of illegal foreign currency exchange. The number of those criminals amounted to 41 persons who were referred to the concerned court and were sentenced to imprisonment for periods ranging from three to fifteen years.

Those efforts, which complement the efforts of various concerned bodies and entities of the Egyptian State, contributed to gaining Egypt international recognition from many European countries as one of the positive practices in combating corruption. This recognition was manifested in many tributes in various forums and meetings of international organizations such as the European Council, the European Union and the meeting with Head of the European Border and Coast Guard Agency (Frontex) in the European Union held in Cairo, in June 2018. In addition to the criminal efforts, the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons and the Egyptian Ministry of Foreign Affairs exerted various efforts at the local, regional and international levels. This was done through establishing the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons in addition to activating and engaging in numerous initiatives as well as holding and participating in specialized conferences in the same field.

Role of the Authority in Combating Public Civil Servants

Money laundering crimes have an international nature, through the attempts of smuggling and legitimizing the proceeds of such crimes, as defined by the United Nations initiative known as the Stolen Asset Recovery Initiative.

(1) United Nations - General Assembly - Human Rights Council - Nineteenth session - Agenda Items 2 and 3 - Annual report of the United Nations Office of the High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.



Seizures of corruption cases detected by the Administrative Control Authority

Impersonation

The amendment contained in that Article concerning obtaining or attempting to obtain any profit or benefit by impersonating civil servants or public offices holders in civil bodies, or by abusing the name of any civil entity included in the Law, has been added to handling the widespread impersonation of civil servants or public offices holders and profiteering through it. This crime may be committed by people other than public servants, so this Article has extended the scope of the Authority's competence to cover anyone with whatever capacity who commits such crimes to face anyone who impersonates a civil servant for maintaining the public service reputation.

The Authority's Educational and Training Role

The amendments to Law No. 207 of 2017 contained an important educational dimension that must be highlighted, as per the stipulation of Article 2, paragraph (e), stating:

"Disseminating the values of integrity and transparency and raising societal awareness regarding the dangers of corruption as well as enhancing the means of collaboration to prevent it. In this regard, the Authority cooperates with all concerned bodies and the civil society organizations for this purpose."

Article 55 bis stipulates:

"A specialized body called the (Egyptian Anti-Corruption Academy) shall be established within the Authority, as one of the Authority's sectors and shall be affiliated to the Authority's Chairman."

The subsequent clauses from Article 55 bis (a) to Article 55 bis (h) have regulated the Academy's establishment objective as well as its training role, the way of holding its sessions and other activities, including holding symposiums, conferences and other scientific events as well as sending missions. They also addressed the formation and duties of Academy's board of directors as well as its administration elements, its financial resources and organizing their uses.

Since criminal and administrative responses to corruption represent contemporary temporal confrontation of the commission of corruption offences, the cultural and training role has an extending temporal and spatial impact. In fact, the dissemination of values and raising awareness are the main elements of preventing corruption that can help us to use the term "corruption prevention" duly. The fact that legal amendments include the articles on the establishment

The establishment of the Academy reflects clarity of the vision based on realizing that the criminal jurisdiction development should receive support together with the scientific and awareness aspects. The Administrative Control Authority has adopted this orientation through establishing the Egyptian Anti-Corruption Academy and expanding its activities with various goals and objectives at all levels.

of the Academy means that the development of criminal jurisdiction must be accompanied by awareness because they complete one another. The Administrative Control Authority has adopted this method through creation of the Egyptian Anti-Corruption Academy and expanding its activities with different purposes and goals at all training and cultural levels through holding specialized events. Moreover, the target groups of participants in the training process covered civil servants in the various State agencies as well as free participants who desire to join the Academy's courses such as non-civil-servants and private sector and NGOs affiliates.

Furthermore, the legislative development and its impact on the specialized control competence of the Administrative Control Authority coincided with structural and institutional development to be consistent with achievement of the desired goals.

Thus, supervisory work is based on two bodies for preventing and combating corruption at the central and regional levels, as well as the establishment of an information technology apparatus to benefit from databases and their effective uses in preventing corruption and supervisory units to support investment, competent cadres selection and leaders nomination. This also includes establishment of the Egyptian Anti-Corruption Academy, followed by the Center for Research and Studies and implementation of a postgraduate studies program for awarding (the Master's degree) in the fields of governance and anti-corruption, in addition to other aspects of structural and institutional development in the Authority. Having shouldered previous and current burdens, the Administrative Control Authority seeks to achieve the highest performance rates to fulfill its national duty with dedication, sincerity and complete readiness to assume any additional tasks for the sake of elevating our Nation and its position.