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possibility of establishing an Ombudsman in Egypt

**A Comparative Study
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1.Abstract

This article will explore the implementation of the Ombudsman system in Egypt and examine whether such a system is necessary. Egypt already has numerous supervisory, judicial, and regulatory bodies committed to combating corruption, promoting transparency, and ensuring integrity within governmental operations.

In this context, Egypt established the Unified Governmental Complaints System in 2017 to address citizens' grievances and reduce administrative corruption. While this system has achieved some progress, it still requires significant reforms to enhance its effectiveness and ensure it fully achieves its objectives.

Therefore, this research aims to develop the Unified Governmental Complaints System by introducing new mechanisms inspired by the approaches of Ombudsman institutions. In this regard, the study will explore the Ombudsman system by presenting two distinct models.

On one hand, the first model is the parliamentary Ombudsman, exemplified by the Scandinavian systems, such as Sweden, which is regarded as a pioneer in this field, and Denmark, which further developed the Swedish model and played a significant role in its widespread adoption.

On the other hand, the second model is the governmental Ombudsman, represented by the Latin systems. A notable example of this model is the "Mediator" in France. In 2011, French law was amended to grant the Mediator additional responsibilities and powers, resulting in its renaming to the "Defender of Rights."

2.Introduction

The Swedish parliament established the first Ombudsman institution in 1809 to oversee the king, his office, and the courts of Riksdag.¹

Although the institution of the Ombudsman started 1809, it began to spread outside Scandinavia in the 1960s².

In 1919, Finland was the first country to introduce the concept of the Ombudsman in its republican constitution. Denmark played a significant role in popularizing the institution of the Ombudsman by creating a new legal framework that served as a model for other countries.³

Some scholars have referred to the Ombudsman as "being in fashion," "By the 1990s, the Ombudsman institution had become a necessary and integral part of governance in most countries."⁴

The ombudsman system improves transparency, democracy, and good governance in government. The global experience of this institution has proven its effectiveness in upholding the rule of law while balancing the legislative, executive, and judicial branches of power.⁵

Without a democratic system in place, achieving positive outcomes is challenging. Effective collaboration between the government and its institutions forms the foundation of a successful Ombudsman system.⁶

In 1974, the International Bar Association formulated the first definition of the ombudsman. "An office provided by the constitution or by action of the legislature or Parliament and headed by an independent high-level public official who is responsible to the legislature or Parliament, who receives complaints from aggrieved persons against government agencies, officials and employers or who acts on his own motion, and has power to investigate, recommend corrective actions and issue reports."⁷

¹ Kucsko-Stadlmayer, Gabriele. *European Ombudsman-Institutions : A Comparative Legal Analysis Regarding the Multifaceted Realisation of an Idea*. New York : Springer, 2008,P 1

²Reif, Linda C., *The Ombudsman, Good Governance, and the International Human Rights System*. Martinus Nijhoff Publishers, 2004, P1

³ Kucsko-Stadlmayer, p1, [previous reference](#)

⁴ Karim, Sheikh Mohammad Towhidul. "The Ombudsman Act 1980: Redressing Administrative Grievances in Bangladesh." *International Journal of Law and Management*, vol. 60, no. 1, 2018, P172

⁵ Chobanyan, Marinna. *The Role of the Institution of Ombudsman in Strengthening the Protection of Human Rights and Freedoms in Armenia, Moldova, and Ukraine*. Awarded Master's Thesis, Yerevan State University, 2016/2017. Global Campus Open Knowledge Repository, P2

⁶ Džanić, Selma, and Erasmus Universiteit Rotterdam Faculteit der Sociale Wetenschappen. Ombudsman as Promotor of Good Governance. Erasmus Universiteit, 2006, Pi

⁷ International Handbook of the Ombudsman. Vol. 1, Edited by Gerald E. Caiden. (Westport, Conn.: Greenwood Press, 1983, P44

Wong and Yuen have established criteria for the qualities that an ombudsman should possess. These criteria include visibility, independence, accessibility, and sufficient authority to investigate as well as provide effective remedies⁸.

The ombudsman must be a highly reputable individual because the institution has very limited coercive powers, and the persuasive abilities of its leader are crucial.⁹

The Ombudsman derives their authority from being appointed by or reporting to one of the main organs of the state, typically the chief executive or parliament.¹⁰

A traditional court system alone cannot provide a complete solution to address the structural problems. Even the best legal system cannot solve these issues.¹¹

The Ombudsman uses procedures that are fast, inexpensive, informal, and free of charge, making it very flexible and easy for the public to reach out.¹² However, the Ombudsman cannot make, change, or repeal laws, issue binding decisions, or compel entities to implement their recommendations¹³.

This research seeks to explore whether Egypt, despite having multiple regulatory, judicial, and supervisory bodies, would benefit from implementing an Ombudsman system and developing a Unified Governmental Complaints System, inspired by successful models in Scandinavian countries and the Latin system.

2.1 Problem Analysis

Although Egypt has numerous organizations tasked with combating corruption, promoting transparency, and ensuring governmental accountability, the current system may lack the agility and comprehensive oversight necessary to address the complexity of modern administrative processes. The central question this research addresses is: Is the implementation of an Ombudsman system essential for Egypt to enhance transparency, protect citizens' rights, and maintain governmental integrity?

This question stems from the observation that many governmental systems struggle to keep up with the increasing administrative demands, leading to inefficiencies and a lack of public trust. **Without an independent mechanism** like the Ombudsman, which has

⁸ Wong, Wilson, and Raymond Yuen. "The Ombudsman in Hong Kong: Role and Challenges under the Transformation of Governance in the Post-1997 Era." *Asia Pacific Law Review*, vol. 17, no. 1, 2009, p123

⁹Hertogh, Marc. "The Policy Impact of the Ombudsman and Administrative Courts: A Heuristic Model." *The International Ombudsman Yearbook: Volume 2, 1998, 1999*, p14

¹⁰Ayeni, Victor O. "The New Face of a Global Expansion." *Workshop 1: The Ombudsman as Human Rights Defender*, 9th IOI World Conference, 10 June 2009, p5

¹¹Chen, Mai. "New Zealand's Ombudsmen Legislation : The Need for Amendments after Almost 50 Years." *Victoria University of Wellington Law Review*, 2010, p728,729

¹²Wieslander, Bengt., *The Parliamentary Ombudsman in Sweden*. Bank of Sweden Tercentenary Foundation, 1994, p 5.

¹³Gadlin, Howard. "The Ombudsman: What's in a Name?" *Negotiation Journal*, vol. 16, no. 1, 2000, p48

proven effective in balancing the powers of government while offering a transparent complaint mechanism, can Egypt truly advance its democratic principles and governance?

2.2 Research Objectives

The main objectives of this research are to:

- Developing Egypt's Unified Governmental Complaints System and enhancing it with new capabilities to enable it to perform its functions effectively.
- Analyze the **Scandinavian Parliamentary Ombudsman** model, focusing on **Sweden and Denmark**, as well as the **Latin system** model particularly the **Defender of Rights in France**.
- Examine how the **Ombudsman system** addresses administrative corruption and improves public trust in governance.
- Assess the current Egyptian system's ability to fulfill the roles of transparency and accountability and identify areas where an Ombudsman system could be beneficial
- Propose a **comprehensive framework** for the implementation of an **Ombudsman system** in Egypt, tailored to the country's unique administrative and political landscape

2.3 Importance of the Study

This study is essential because it not only explores **international best practices** but also adapts them to the Egyptian context, potentially providing **innovative solutions** to longstanding issues of governmental oversight. By evaluating the effectiveness of established Ombudsman systems, this research aims to offer practical recommendations for enhancing Egypt's **complaints mechanism**, fostering **accountability**, and ultimately contributing to the **development of a modern state** that respects its citizens' rights and upholds democratic governance .

2.4 Methodology of the Study

This study adopts a comparative approach to examine the competencies and functions of the Ombudsman institution. Additionally, a comparative analysis will be conducted between the Ombudsman systems in Denmark, Sweden, and the Defender of Rights in France. This analysis aims to provide a deeper understanding of how different models enhance governmental accountability while building public trust.

By integrating both qualitative and comparative research methodologies, this study aims to provide a comprehensive examination of the Ombudsman system's effectiveness in promoting good governance, particularly in the Egyptian context. This multifaceted approach will allow for a nuanced exploration of the challenges and opportunities associated with implementing an Ombudsman system in Egypt.

2.5 The Study Plan

This study is structured into three main sections:

1- The Unified Government Complaints System in Egypt

This section examines the current structure, objectives, and effectiveness of the Unified Government Complaints System in Egypt. It highlights the system's achievements, challenges, and areas requiring improvement to meet citizens' needs and enhance administrative accountability.

2-Developing the Unified Government Complaints System: A Comparative Study of Appointments, Budget, and Legal Safeguards in Ombudsman Legislation

This section focuses on proposing reforms to improve the appointment processes, budgetary provisions, and the handling of complaints—ensuring their confidentiality—within the Unified Government Complaints System. Drawing on comparative analyses of Ombudsman institutions in Sweden, Denmark, and France, it aims to recommend measures to ensure transparency, independence, and adequate funding for the system.

3-Developing the Unified Government Complaints System: A Comparative Analysis of Competencies and Procedures in Ombudsman Legislation

This section explores ways to enhance the scope of competencies and operational procedures of the Unified Government Complaints System. By examining the best practices from Ombudsman institutions in other jurisdictions, it provides recommendations for improving the system's procedural efficiency and its ability to address and resolve complaints effectively.

This division ensures a comprehensive and systematic analysis, paving the way for actionable reforms to strengthen The Unified Government Complaints System in Egypt.

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3. The Unified Government Complaints System in Egypt

In Egypt, there have been attempts to establish a system similar to the Ombudsman, inspired by European countries.

٣,١ The complaints system in Egypt prior to 2017

First, a complaints office was established in 1966 but was later abolished¹⁴. In 1981, the President of the Republic issued a decision regarding the organization of citizen service offices¹⁵.

Article 1 of Presidential Decree No. 70 of 1981 states: "Citizen Service Offices shall be established in ministries, departments, public service and economic bodies, national and local, governorates, and all local government units, public sector economic units, central councils, and agencies, or those with special budgets."

This article indicates that Citizen Service Offices have been established in nearly all sectors. This demonstrates the state's eagerness to identify shortcomings, address them, and improve the relationship between the citizens and the administration

Article ٢ states, "The citizens' service office is subordinate to the minister or head of the entity in which it is established and is formed by a decision from him". This article indicates that the Citizen Service Office lacks independence since it is under the authority of the minister or head of the entity. However, it represents a positive step towards improving service performance by addressing citizens' complaints. One key distinction between the ombudsman and the Citizen Service Offices is the ombudsman's independence from the government, which is evident in their ability to issue recommendations and suggestions without being influenced by the government or any other entity.

Article 3 states that the citizens' service office is responsible for "receiving citizens, guiding them, and directing them to the appropriate authorities." This is similar to the role of the ombudsman in directing citizens to the appropriate authority if the complaint is not within its jurisdiction.

The article also states that "it receives inquiries, complaints, and demands from citizens, collects what needs to be researched from them, refers them to the responsible officials, and follows up on the response. It also states to "follow up on reaching solutions to these issues and inform the citizens of the outcome, whether positive or negative".

Article 3 also states that "to research and study what is published in newspapers and magazines and what is broadcast by various media outlets, especially regarding individual

¹⁴ Decision of the Prime Minister No. 3407 of 1966

¹⁵ Presidential Decree No. 70 of 1981 No. 70 of 1981, Official Gazette - Issue No. 6, February 5, 1981

or general public problems, to eliminate their causes and resolve them." This is similar to the work of the Danish Ombudsman, where Denmark has given the Ombudsman great importance and the right to open an investigation based on a topic covered by the media to understand and resolve the problem ¹⁶.

٣,١,١ The Ombudsman: More Than Just a Complaint Relay

A key difference between the Ombudsman and the Citizen Service Office is that filing a complaint with the Ombudsman does not solely involve following up with the responsible authority. The Ombudsman can also conduct independent investigations, including reviewing files and documents (except those related to national security or for other justified reasons). Their legal expertise—often a prerequisite for appointment—enables them to assess whether administrative actions were improper. If wrongdoing is identified, the Ombudsman can investigate, issue recommendations, and even publish reports to the President or Parliament if the administration fails to comply.

In Latin system countries, where the ombudsman is appointed by the President, reports are submitted to the President and may also be shared with Parliament. In Scandinavian countries, where the ombudsman is appointed by Parliament, reports are directly submitted to Parliament. The responsible authority, whether the President or Parliament, takes appropriate action against both the administration and the responsible employee

In 2012, there was a proposed law project similar to the Ombudsman system called the "Diwan Al-Mazalem," but it was not implemented.

3.2The Unified Government Complaints System in 2017: The current situation in Egypt

In 2017, the President of the Republic issued Decision No. 314 of 2017, establishing the Unified Government Complaints System¹⁷.

Article 1 of Presidential Decree No. 314 of 2017 mandates the establishment of a unified system across the Arab Republic of Egypt for receiving, examining, directing, and electronically responding to all government complaints.

Article 2 of the same decree obligates all ministries, government agencies, local administration units, public bodies, and other governmental entities, as well as legal persons, to take all necessary measures to promptly achieve full integration with the Unified Government Complaints System.

This decree significantly contributes to achieving the Sustainable Development Goals by fostering community engagement, improving the quality of government services,

¹⁶ <https://www.en.ombudsmanden.dk/about-the-ombudsman/own-initiative-investigations>

¹⁷ The Official Gazette, Issue 27 (Supplement A), dated July 12, 2017

and uncovering administrative shortcomings. Moreover, it represents a crucial step toward building a more transparent and accountable e-government.

٣,٢,١ Activation of the Unified Government Complaints System and Electronic Linkage of Citizen Service Offices

In the same year, the Council of Ministers issued a decision to activate the Unified Government Complaints System and reorganize Citizen Service Offices to align with the new system.¹⁸

Article 1 of the 2017 Council of Ministers Decision stipulates that the departments and citizen service offices, as well as all administrative units that handle citizen complaints in all ministries, government agencies, local administration units, public bodies, and other government entities and public legal persons, must be electronically linked to the Government Complaints Portal of the Cabinet of Ministers.

Electronic linkage is a key factor in modernizing the system, facilitating real-time communication and follow-up on complaints. It also suggests a move towards greater transparency and accountability in the government's response to citizen grievances, as all entities involved will be required to ensure their compliance with this system. However, the successful implementation of this system will depend on the readiness of government agencies to adapt to digital platforms, the security of the data, and the responsiveness of officials handling the complaints. This step is indicative of Egypt's commitment to improving public administration and citizen engagement through modern technological tools.

٣,٢,٢ Objectives of the Government Complaints System

The decision issued by the President of the Council of Ministers clarified the objectives of the Government Complaints System as follows:

- Effective reception of citizens and active participation in resolving their problems
- Handle raised issues, effectively communicate, and coordinate with specialized units responsible for examining and deciding on complaints within the entity until reaching an appropriate resolution
- Undertake research along with field follow-up activities
- Prepare data and statistics generated by the Unified Government Complaints System¹⁹.

This article marks a positive step toward developing the Government Complaints System, aiming to enhance the quality of services provided to citizens.

¹⁸ The Official Gazette- No. 33 of August 17, 2017

¹⁹ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. 3.

٢,٢,٢ Comparison Between the Objectives of the Government Complaints System in Egypt and the Ombudsman Institution

It is worth noting that the objectives of the Government Complaints System align with those of the Ombudsman institution. However, the Ombudsman holds broader powers in addressing raised issues due to the following factors:

- **Selection of the Ombudsman from legal professionals:** In most countries, the Ombudsman is chosen from among legal experts, granting them a deep understanding of laws and the ability to effectively resolve disputes.
- **The Ombudsman's right to access all documents from the accused administration:** The Ombudsman has the authority to review all documentation related to a complaint against an administrative body. Upon identifying administrative errors, the Ombudsman can initiate an investigation.

These factors contribute to the Ombudsman's enhanced capacity to handle complaints compared to the Government Complaints System.

- **Thorough investigation and legal expertise:** The Ombudsman's legal background, combined with access to comprehensive documentation, allows for a more in-depth examination of complaints and the identification of potential legal violations.
- **Authority to initiate investigations:** The Ombudsman's power to launch investigations enables them to hold errant administrations accountable, driving systemic improvements.
- **Greater public trust and independence:** The Ombudsman's independent status, along with their legal expertise, fosters public trust and encourages individuals to raise grievances without fear of reprisal.

A key distinction between the Ombudsman's investigations and judicial investigations lies in the nature of the outcomes.

Ombudsman's Investigation:

- **Non-binding recommendations:** If the Ombudsman identifies administrative wrongdoing, they issue non-binding recommendations or suggestions to the administration.
- **Voluntary rectification by the administration:** The administration can choose to rectify the error and adjust its position by following the Ombudsman's recommendations.
- **Publication of a report in case of non-compliance:** If the administration refuses to comply, the Ombudsman issues an official report, typically sent to the parliament, president, or both, depending on the country's specific laws.
- **Parliamentary or presidential action:** Upon receiving the Ombudsman's report, the parliament or president may take strict measures against the administration if they deem the administrative error substantial.

Judicial Investigations:

- **Legally binding rulings:** Judicial investigations result in legally binding rulings that can compel the administration to take specific actions or compensate aggrieved parties.
- **Enforcement mechanisms:** Courts possess the authority to enforce their rulings through various mechanisms, including fines, penalties, and even the removal of officials from office.

It is evident that the Ombudsman institution plays a crucial role in rectifying administrative errors, promoting justice, and ensuring transparency in the administration's dealings with citizens, all without resorting to the judiciary. This undoubtedly contributes to alleviating the burden on the court system.

This demonstrates that the Ombudsman institution and the Government Complaints System share a common objective: addressing grievances and resolving disputes between citizens and administrations outside the judicial. By fostering reconciliation and building trust, they contribute to the effective functioning of government processes and the delivery of public services.

The emphasis on resolving issues promptly without the need for legal intervention not only saves time but also reduces the burden on the judiciary system. This streamlined approach is crucial in fostering transparency, accountability, and fairness within government operations. Additionally, the provision of free services ensures that access to justice and administrative redress is available to all citizens, regardless of their financial means.

Overall, the Ombudsman institution and the Government Complaints System play a vital role in upholding good governance, enhancing citizen satisfaction, and promoting a responsive and accountable public administration.

3.2.4 Information and Decision Support Center of the Council of Ministers

According to the decision of the President of the Council of Ministers, the Information and Decision Support Center at the Council of Ministers supervises the management of the system²⁰.

3.2.5 Formation

The decision issued by the President of the Council of Ministers establishes a coordination committee for the government complaint system, headed by the President of the Information and Decision Support Center in the Council of Ministers, with the following members:

- Assistant Secretary-General of the Council of Ministers for Communications and Information

²⁰ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. 7

- Representatives from the Central Agency for Organization and Administration, the Administrative Control Authority, and the Supreme Council for Media Regulation
- Head of the Citizens' Service and Satisfaction Sector at the Information and Decision Support Center at the Council of Ministers
- The Committee may request the assistance of coordinators from the ministries or relevant government agencies to carry out its tasks, and the agencies shall nominate their representatives²¹.

3.2.1 The tasks of the coordinating committee for the system include:

- Ensure that state institutions fulfill their responsibilities towards citizens and resolve their problems within a framework of equality guaranteed by the constitution and law.
- Monitor the commitment of authorities to activate organized plans and programs, ensuring that incoming complaints are responded to and resolved promptly
- Coordinate with the heads of authorities within whose jurisdiction there are recurring complaints to find appropriate solutions and reduce the causes of complaints recorded within the system
- Raise community awareness about the role of the unified government complaints system, along with ways to communicate with it²²

In general, the Coordination Committee for the Government Complaint System is a positive step toward improving complaint-handling mechanisms in Egypt.

The decision issued by the President of the Council of Ministers stipulated that committees shall be formed, headed by the executive leadership of government agencies, to review the status of implementing the complaints directed to them and to resolve them promptly, especially those complaints that require a higher level of coordination within the same agency or coordination between multiple agencies²³.

However, the decision does not clarify the means available to the committee to effectively solve citizens' problems. Is it sufficient for the committee to communicate with the administrative authority to resolve these issues without having any powers or procedures to verify whether the administrative authority has committed any errors? If an error is confirmed, what actions can the committee take if the administrative authority does not correct this mistake?

Communicating with the administrative body can help convey citizens' complaints or inquiries, but it does not guarantee tangible results unless clear mechanisms are in place to address errors or take action against entities that fail to provide solutions.

²¹ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. 7

²² Ibid

²³ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. 9

3.2.√ Specializations of the Citizen Service and Satisfaction Sector at the Information and Decision Support Center of the Council of Ministers

According to the Decision of the President of the Council of Ministers , the Citizen Service and Satisfaction Sector shall undertake the technical work of the coordination committee for the system, especially the following tasks:

- Follow up on the implementation assigned to the tasks of the coordination committee and provide technical supervision of citizen service offices in ministries, governorates, and various bodies
- Oversee the routing of complaints registered in the government complaints system and ensure timely follow-up on their responses.
- Simplify the procedures for investigating complaints that require the supervision of more than one entity simultaneously
- Provide the necessary technical support to ensure the efficient and effective operation of the government complaints system
- Form field follow-up committees for the units of the state administrative apparatus to review the workflow in these bodies and submit their reports to the coordination committee for the system²⁴.

3.2.^ Independence

The President of the Council of Ministers' Decision stipulates the following:

-the Information and Decision Support Center at the Council of Ministers shall supervise the management of the system.

- the Citizen Service Office shall be subordinate to the Minister, Governor, or Head of the entity in which it is established and shall be formed by their decision²⁵

It is noteworthy that Presidential Decision No. 1981 regarding the organization of Citizen Service Offices, as well as Presidential Decision No. 2017 regarding the establishment of the Unified Government Complaints System, did not grant this body any independence.

On the contrary, one of the most important features of the ombudsman institution in European countries is its independence, allowing it to issue recommendations or proposals without fear or direction from the government.

3.2.¶ Complaint

The decision of the President of the Council of Ministers outlines the process for submitting and tracking complaints as follows:

-Complaints can be submitted electronically or by directing to the citizen service office affiliated with the "ministry - governorate - entity to which the complaint is assigned" to provide the necessary support for registering the complaint in the system.

²⁴ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. ^

²⁵ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. ¶

-Complainants can follow up on their complaints by linking their national ID number to the system, which will allow them to track the progress of their complaints²⁶.

This article represents a positive step toward facilitating the submission of complaints and improving the efficiency of government services. **This is due to:**

Ease of Complaint Submission: the system empowers citizens to lodge complaints electronically or through citizen service offices, ensuring convenient access to justice and reducing bureaucratic hurdles. Its nationwide coverage further expands its reach and accessibility.

Enhancing Service Efficiency: The electronic complaint submission mechanism can contribute to improving the efficiency of government services. This streamlined process fosters responsiveness and accountability.

Resembling the Ombudsman institution, the system mirrors its function in receiving complaints. Citizens can either submit complaints electronically or visit the Ombudsman office in person, ensuring multiple channels for redress.

The President of the Council of Ministers' Decision stipulates that citizens seeking services should be received in a manner that ensures their complaints and inquiries are registered in the electronic system of the Unified Government Complaints System, with a focus on maintaining the utmost transparency and integrity throughout the process.²⁷

There is no doubt that the primary goal of this system is to register citizens' complaints with the utmost transparency. This aligns with one of the main objectives of the Ombudsman institution, which is to reduce the rate of administrative corruption by submitting complaints with integrity.

٣,٣ Advantages of the Unified Complaints System in Egypt

Ease of Access and Simplified Procedures: The system allows complaints to be submitted online or through public service offices, making it easier for citizens to file complaints without complex procedures or having to navigate between multiple government entities.

Improved Government Performance: by analyzing complaints and suggestions, the system offers valuable insights to officials regarding weaknesses in government services, contributing to long-term improvements in performance.

Quick Interaction: With the ability to track the progress of complaints through the system, citizens can quickly receive updates on the status of their complaints, enhancing the government's ability to respond swiftly and effectively.

However, there are challenges the system faces, such as ensuring neutrality, independence, and the effective implementation of proposed solutions.

²⁶ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. 2

²⁷ Decision of the Council of Ministers 2017, *The Official Gazette*, no. 33, 17 Aug. 2017, Art. ٤

٢,٤ Challenges and Opportunities in Enhancing the Effectiveness of the Government Complaints System in Egypt

The establishment of the complaints system in Egypt demonstrates the government's commitment to ensuring that complaints reach the appropriate authorities and are addressed promptly. However, the system's effectiveness is hampered by several factors, including:

First, the subordination to the Council of Ministers: The system's subordination to the Council of Ministers raises concerns about its neutrality and effectiveness. This structure creates a situation where the government acts as both the discount and judgment, casting doubt on the impartiality of investigations and decisions.

- **Weak Accountability:** Holding senior government officials accountable for wrongdoing becomes challenging when the system falls under their control. This lack of accountability can erode public trust and hinder effective grievance redress.
- **Diminished Trust:** Citizens may lose faith in the system if they perceive a lack of impartiality in investigations. The absence of an independent body can fuel such doubts, discouraging individuals from utilizing the system due to concerns about fair treatment.

Second ,the failure to regularly publish reports on the Unified_Government complaints system undermines its credibility and deprives the public of their right to know the extent to which the system has succeeded in achieving its objectives.

Regular publication of the complaints system's reports is crucial and can be implemented in ways that protect the privacy of complainants while still providing transparency. For instance, publishing summaries instead of detailed accounts of complaints can help safeguard complainants' personal data.

All of this will contribute significantly to enhancing trust in the system, improving its performance, and increasing its effectiveness.

4.Developing the Unified Government Complaints System: A Comparative Study of Appointments, Budget, and Legal Safeguards in Ombudsman Legislation

4.1 Appointment

The methods of appointing the Ombudsman differ between the Swedish and Danish systems and the French system, where the President appoints the Defender of Rights²⁸. In contrast, the Parliament appoints the Ombudsman in both Sweden²⁹ and Denmark³⁰. Additionally, **the number of appointed Ombudsmen** varies among these systems. Swedish law mandates the appointment of four Ombudsmen, with one serving as the Chief Ombudsman. The Chief Ombudsman sets the main priorities and coordinates the work of the other ombudsmen but does not have the authority to interfere in their investigations or decisions³¹. In contrast, both the Danish and French models feature a single Ombudsman.

Regarding independence, the Swedish Ombudsman³², the Danish Ombudsman³³, and the Defender of Rights in France³⁴ all enjoy a high degree of autonomy.

Regarding the term of appointment, in France, the term is six years and non-renewable.³⁵ In Sweden, the term is four years with the possibility of re-election³⁶. In Denmark, the term is also four years³⁷, but it cannot exceed a total of 10 years³⁸.

Regarding the vacancy in the position of the ombudsman, Swedish law regulates who assumes the duties of the Chief Ombudsman in the event of a vacancy. The oldest Ombudsman takes over unless the Chief Ombudsman designates someone else³⁹. This clarifies that the Chief Ombudsman has the right to choose the Ombudsman who will take over his position during the vacancy.

²⁸ Article 71-1 of the French Constitution October 4, 1958

²⁹ Chapter 13, Article 6 of the Instrument of Government, Parliamentary control

³⁰ Act No.349 of 22 March 2013, Chapter 1,1 (1)”.

³¹Article 2 of Chapter 13 Riksdag Bodies and Boards of The Riksdag Act (Riksdagsordningen),<https://www.jo.se/en/about-jo/legal-basis/the-riksdag-act/>

³² Kucsko-Stadlmayer, Gabriele. *European Ombudsman-Institutions : A Comparative Legal Analysis Regarding the Multifaceted Realisation of an Idea*. New York: Springer, 2008,p 112

³³ Act No.349 of 22 March 2013, Chapter 1,1. (1)”

³⁴ <https://www.defenseurdesdroits.fr/decouvrir-le-defenseur-des-droits-197>

³⁵ Article 71-1 of the French Constitution October 4, 1958

³⁶ <https://www.jo.se/en/about-jo/the-ombudsmen>

³⁷Kucsko-Stadlmayer, p 106, **previous reference**

³⁸ Act No.349 of 22 March 2013, Chapter 1, 1 (1)”.

³⁹ Section 6 of the Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023

In Denmark, when the Ombudsman's term expires, elections are held, and the Ombudsman remains in office until Parliament elects a new Ombudsman, within a period not exceeding six months.⁴⁰

Concerning holding another position, in Denmark, it is prohibited for the Ombudsman to hold membership in Parliament, a municipal council, or a regional council⁴¹.

In France, the law stipulates that the duties of the Defender of Rights are incompatible with any other public office or professional activity, as well as with membership in the government, the Constitutional Council, or the Supreme Judicial Council⁴².

This prohibition ensures that the Defender of Rights can issue suggestions and recommendations freely and impartially.

In all countries where this institution has been established, similar conditions regarding good reputation and integrity are applied. However, some countries impose additional criteria, such as age or a law degree.

While countries, like Sweden, do not explicitly **require** a legal degree⁴³, the selection process still emphasizes legal knowledge, with candidates often expected to be highly qualified judges⁴⁴. In Denmark, however, the Ombudsman is required to have a law degree⁴⁵, as the position involves providing legal solutions without resorting to the judiciary. As a result, selecting the Ombudsman from the Faculty of Law is preferable, as is the practice in Denmark. This legal expertise ensures a comprehensive understanding of legal matters and the ability to handle complex legal issues effectively.

The term of office for the Deputy Ombudsman **in Sweden** is also two years⁴⁶. **In France**, the term for deputies of the Defender of Rights aligns with the Defender's term and is only renewable if it lasts less than two years⁴⁷. It's worth noting that the Defender of Rights also has national delegates and delegates for French citizens abroad⁴⁸. By contrast, **Danish law** does not provide for Deputy Ombudsmen⁴⁹, distinguishing it from the models in Sweden and France.

In Egypt and in light of comparative legislation, certain changes could enhance the performance of the Unified Government Complaints System.

⁴⁰ Act No.349 of 22 March 2013, Chapter 1,1. (3)

⁴¹ Act No.349 of 22 March 2013, Chapter 1,2. (1)

⁴² Law No. 333 March 29, 2011, Article3

⁴³ Kucsko-Stadlmayer, p11, **previous reference**

⁴⁴ Wieslander, Bengt, and Riksbankens jubileumsfond. *The Parliamentary Ombudsman in Sweden* Bank of Sweden Tercentenary Foundation [Riksbankens jubileumsfond] ; Gidlund, 1999, P37

⁴⁵ Act No.349 of 22 March 2013, Chapter 1

⁴⁶ Article 3 of Chapter 13 Riksdag Bodies and Boards of The Riksdag Act (Riksdagsordningen) <https://www.jo.se/en/about-jo/legal-basis/the-riksdag-act/>

⁴⁷ Law No. 333 March 29, 2011, Article16

⁴⁸ Law No. 333 March 29, 2011, Article39

⁴⁹ Kucsko-Stadlmayer, p100, **previous reference**

First, regarding the appointment authority: the President of the Unified Government Complaints System should be appointed by the President of the Republic, as is the case in France. Similar to the Ombudsman institution, the Unified Government Complaints system does not have the power to impose penalties or sanctions, but its importance derives from the authority that appoints its leadership.

Second, regarding independence: the Unified Government Complaints System must operate independently from the government or any other entity.

Third, in terms of selection criteria: although standards differ from country to country, the chosen individual should generally possess a good reputation and integrity. Notably, Denmark requires the Ombudsman to hold a law degree and have relevant experience. Following Denmark's example, it would be preferable to select the president of from among law graduates, which would undoubtedly enhance the system's performance.

Fourth, regarding the term of appointment: adopting a ten-year term limit, as practiced in Denmark, would encourage leadership rotation and foster a more dynamic and responsive the Unified Government Complaints system.

Fifth, concerning holding other positions: to avoid conflicts of interest, the head of the complaints system should, as in France and Denmark, be restricted to this role and not hold any other positions.

Finally, regarding the appointment of deputies: as practiced in most countries, the head of the complaints system should have the authority to appoint deputies.

4.2 Removal of the Ombudsman

In Sweden, the Riksdag (parliament) has the authority to remove the Ombudsman or Deputy upon a proposal from the Committee Constitutional⁵⁰.

In Denmark, if the parliament (Folketing) loses confidence in the Ombudsman, they can dismiss with a simple majority vote⁵¹

In contrast to Sweden and Denmark, **France** employs a more stringent process for the removal of the Defender of Rights (Défenseur des droits). The duties of the Defender of Rights cannot be terminated except upon their request or under conditions specified by a decree of the Council of State.⁵²

A decree by the Council of State stipulates that the determination of such prevention can only be made by a committee comprising the Vice-President of the Council of State, the President and First President of the Court of Cassation, and the State Audit Office. This committee can only be convened by the President, and its decision must be unanimous.⁵³

⁵⁰Section 9 of the Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023

⁵¹ Kucsko-Stadlmayer, p 106, **previous reference**

⁵² Law No. 333 March 29, 2011, Article 1

⁵³ Council of State Decree 73-253 dated March 9, 1973

Notably, many countries have adopted complex procedures for removing Ombudsmen⁵⁴, emphasizing the importance of preserving their independence while ensuring a fair dismissal process. This global trend underscores the delicate balance between accountability and independence, which is critical for the effectiveness of ombudsman institutions.

Given the significant role of the Ombudsman, many countries have implemented rigorous removal procedures.

In Egypt, if the Unified Government Complaints System is developed, we recommend that the legislature consider adopting a removal process similar to the one applied in France for the Defender of Rights. This approach would ensure the system's independence while maintaining accountability and fairness in the dismissal process.

4.3 The immunity

In Sweden, the Ombudsman cannot be criminally prosecuted without authorization from the Riksdag (Swedish Parliament)⁵⁵. Any legal proceedings are conducted before the Supreme Court, ensuring a fair trial before the highest court in Sweden⁵⁶.

In Denmark, the Ombudsman does not enjoy any immunity⁵⁷.

In France, the Defender of Rights and their deputies are immune from prosecution, arrest, detention, or trial for actions or opinions expressed in the course of their duties⁵⁸.

To ensure the independence and effectiveness of the Ombudsman, many countries, including France and Sweden, have granted them immunity.

In Egypt, if the Unified Government Complaints System is developed, we recommend that the Egyptian legislature consider adopting similar measures by granting immunity to the system's president and deputies. It would be preferable for this protection to reflect the model applied in France, ensuring their immunity from prosecution, inspection, and arrest while enhancing the system's independence and effectiveness.

4.4 Budget

In Sweden, the chief Ombudsman approves budget proposals allocated to the Ombudsmen.⁵⁹

⁵⁴ Kucsko-Stadlmayer, p14, [previous reference](#)

⁵⁵ Ibid, p15,16

⁵⁶ Chap 3 Sec 3 Code of Judicial Procedure SFS 1942:740 as amended by SFS 1998:605.

⁵⁷ Kucsko-Stadlmayer, p16, [previous reference](#)

⁵⁸ Law No. 333 of 2011, Article 2 as amended by Law No. 2017-54 of January 20, 2017, Article 5

⁵⁹ Section 4 of the Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023

In Denmark, the expenses related to the Ombudsman's Office are included in the Parliament's budget.⁶⁰

In France, the Defender of Rights' funding is allocated from the Prime Minister's budget⁶¹.

In Egypt, according to **Article 10** of the President of the Council of Ministers' Decision No. 2017, financial appropriations for the Unified Government Complaints System are included in the budget of the Information and Decision Support Center, which is overseen by the President of the Council of Ministers. The head of the relevant administrative body is responsible for the financial supervision of these appropriations.

To ensure its effective operation, the Unified Government Complaints System requires an independent budget to guarantee its autonomy and operational effectiveness.

4.5 Salaries

In Sweden, the Ombudsman's remuneration is set by the administration of the Riksdag, approximately 50% higher than that of a member of the Riksdag, and roughly 25% lower than a minister's salary.⁶²

In Denmark, the Ombudsman's salary is set by the Parliament. If the Ombudsman is forced to retire, they retain their salary for three months.⁶³

In France, the Defender of Rights receives a salary equivalent to the highest category of state jobs. Additionally, the Defender is granted a function allowance, determined by a joint decree of the Prime Minister and the ministers responsible for the budget and public service. The Deputy Defenders also receive a function allowance, with its amount set by the Defender of Rights, within a limit determined by the same joint decree of the Prime Minister and the ministers respectively responsible for the budget and public service. The Defender and deputies may claim reimbursement for travel and accommodation expenses, as provided by law⁶⁴.

It is commonly observed that, in many countries, Ombudsmen's salaries are aligned with those of senior government officials. This ensures their independence and provides adequate compensation for their responsibilities.

In Egypt, considering the remuneration practices for the Ombudsmen in Sweden and the Defender of Rights in France, where salaries are aligned with those of senior officials, we recommend that the Egyptian legislature adopt a similar approach for the

⁶⁰ Act No.349 of 22 March 2013, Chapter 8,26

⁶¹ *Kucsko-Stadlmayer*, p ٦, **previous reference**

⁶² *Ibid*, p ٤١٢

⁶³ Act No.349 of 22 March 2013, Chapter ١,6. (1)

⁶⁴ Decree No. 2011-905 of July 29, 2011, relating to the organization and functioning of the Defender of Rights, Article ٢١

President of the Unified Government Complaints System. If developed, it should resemble the Ombudsman institution.

4.6 The right to appeal to the Ombudsman

In Sweden, anyone can submit a complaint to the Parliamentary Ombudsman, regardless of citizenship or residency. There is no specific age requirement, and the complaint does not need to be personally related to or affect the complainant.⁶⁵

In Denmark, any person can submit a complaint to the Ombudsman. Additionally, it permits the submission of complaints on behalf of another person, provided there is an official power of attorney that covers the matter raised with the Ombudsman. In case of revocation of the power of attorney, the Ombudsman must be promptly notified. Furthermore, complaints can be filed in cases of guardianship, accompanied by a copy of the guardianship appointment.⁶⁶

In France, any natural or legal person, a foreign institution with similar functions to the Defender of Rights, a French parliamentarian, a French representative in the European Parliament, or the Defender of Rights themselves may take action either when deemed necessary or in response to a complaint submitted to one of their assistants⁶⁷.

In Egypt, although the Unified Government Complaints System currently receives complaints from all citizens, its development along the lines of an ombudsman institution allows for the following expansions:

- Any person, whether Egyptian or foreign, could submit a complaint. Additionally, there would be no age limit for filing complaints, nor would it be necessary for the complaint to be personally related to the individual. It would be sufficient for the complaint to involve a legal violation within the institution's jurisdiction.

- Complaints could be filed on behalf of another person, provided there is an official power of attorney.

- Legal entities would also be allowed to approach the Unified Government Complaints System.

4.7 The Complaint

In Sweden, complaints must be submitted in writing and should include the following details: the government authority being complained about, the action in question

⁶⁵ <https://www.jo.se/en/faq>

⁶⁶ <https://www.en.ombudsmanden.dk/complaints/complaint-on-behalf-of-another-person>

⁶⁷ Law No. 333 of 29 March 2011, Article 5,7,8, <https://www.defenseurdesdroits.fr/defendre-et-promouvoir-les-droits-de-lenfant-216>, <https://www.defenseurdesdroits.fr/controler-le-respect-de-la-deontologie-par-les-professionnels-de-la-securite-195>, <https://www.defenseurdesdroits.fr/lutter-contre-les-discriminations-et-promouvoir-legalite-185>

along with its date, the name and address of the complainant, and any relevant documents to support the investigation.⁶⁸

Complaints filed anonymously will not be investigated, and complaints cannot be pursued if the subject matter dates back more than two years⁶⁹. The law specifies the entities against which complaints may be filed, falling within the Ombudsman's jurisdiction. This includes government agencies (such as courts of law and administrative courts), local government agencies, officials employed by the state or local government, and others entrusted with public authority. Public authority entails the use of official powers to make decisions regarding benefits, rights, obligations, disciplinary actions, or similar matters.⁷⁰

The law also emphasizes that no individual deprived of their liberty should be denied the right to communicate with the Ombudsman⁷¹.

In Denmark, complaints must be submitted in writing and accompanied by any relevant documents⁷². The complaint must be filed within 12 months of the grievance being submitted⁷³. The Ombudsman may, in exceptional circumstances, extend the deadline.⁷⁴

The law specifies the entities against which complaints can be filed and those under the jurisdiction of the Danish Ombudsman. This includes municipalities and regions, state authorities such as ministries and agencies or departments, as well as boards and councils.⁷⁵

Complaints cannot be submitted to the Ombudsman regarding matters that can be appealed to another authority⁷⁶. Additionally, the Ombudsman determines whether the complaint provides sufficient grounds for investigation⁷⁷. If there are insufficient grounds, the case may be closed without referring it to the relevant authority for a statement.⁷⁸

The Ombudsman's jurisdiction extends to individuals deprived of their liberty in private institutions, etc.⁷⁹

⁶⁸ Section 30 of the Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023

⁶⁹ <https://www.jo.se/en/how-to-complain>

⁷⁰ <https://www.jo.se/en/how-to-complain/who-can-i-complain-about/>

⁷¹ Section 30, Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023

⁷² <https://www.en.ombudsmanden.dk/complaints/formal-requirements>

⁷³ Act No. 349 of 22 March 2013, Chapter 13, (3)

⁷⁴ Act No. 349 of 22 March 2013, Chapter 13, (4)

⁷⁵ <https://www.en.ombudsmanden.dk/complaints/what-can-you-complain-about>

⁷⁶ Act No. 349 of 22 March 2013, Chapter 14.

⁷⁷ Act No. 349 of 22 March 2013, Chapter 16, (1)

⁷⁸ Act No. 349 of 22 March 2013, Chapter 16, (2)

⁷⁹ Act No. 349 of 22 March 2013, Chapter 7, (1)

If the Ombudsman's investigation reveals actual errors or shortcomings, the matter will be reported to the Folketing's Legal Affairs Committee. Additionally, it must be referred to the Minister, municipal council, or regional council⁸⁰

In France: applications can be submitted through the official website or by free mail, without the need for a stamp. Individuals can also meet with a representative, call, or utilize a service for the deaf and hard of hearing, which allows communication via instant video translation in French sign language.⁸¹

The Defender of Rights has the discretion to determine whether the facts warrant intervention. If the Defender of Rights decides not to pursue the complaint, he or she must provide reasons for this decision.⁸²

If the Defender of Rights decides to open an investigation and issues recommendations to the administration that are not implemented, they may issue a warning to the relevant parties, requiring a response within a specified period. Should the recommendations remain unimplemented, the Defender may file a lawsuit with the judge of urgent matters, accompanied by a justified request for any necessary actions⁸³.

The Ombudsman may seek to resolve disputes through mediation. However, the results and data obtained during mediation cannot be presented in subsequent civil or administrative proceedings without the consent of the parties involved, unless disclosure is necessary for implementation or for reasons of public order⁸⁴.

In Egypt, when comparing the Unified Government Complaints System with the Ombudsman institution, we observe the following:

First, the Egyptian legislature has not set a specific time limit for submitting complaints. In contrast, both Danish and Swedish laws impose time limits for filing complaints. Notably, Danish law grants the Ombudsman the authority to extend the deadline if justified reasons are provided which could be a valuable addition to the Egyptian system.

Further comparing Egyptian, Swedish, and Danish law, we find that the Swedish legislator grants anyone deprived of their liberty the right to communicate with the Ombudsman, a right that cannot be denied. This valuable provision by the Swedish legislator is one we hope to see incorporated into Egyptian legislation.

Finally, when comparing Egyptian and French law, we observe that the French legislator grants the Defender of Rights the authority to file a lawsuit with the judge of

⁸⁰ Act No. 349 of 22 March 2013, Chapter V, 24.

⁸¹ <https://www.defenseurdesdroits.fr/demander-de-laide-au-defenseur-des-droits-146>

⁸² Law No. 333 of 29 March 2011, Article 24

⁸³ Law No. 333 of 29 March 2011, Article 21

⁸⁴ Law No. 333 of 29 March 2011, Article 26

urgent matters, accompanied by a justified request for any necessary actions. We hope this provision will also be included in Egyptian legislation.

٤,٨ Confidentiality

In Sweden, confidentiality only applies if the disclosure of information is expected to cause significant harm. It does not extend to protecting an individual's private circumstances unless the information is subject to secrecy provisions within public authorities or if the individual or someone close to them would suffer significant harm from the disclosure. Additionally, confidentiality does not apply to any decision made by the Parliamentary Ombudsman's Office that resolves a case.⁸⁵

In Denmark, the Danish Ombudsman and their staff must observe confidentiality regarding any matter that comes to their attention while performing their duties. Employees of the Ombudsman's Office are also bound by this confidentiality obligation⁸⁶.

In France, Defenders of Rights, their assistants, delegates, members of other bodies, along with all employees under their authority, are bound by a duty of confidentiality regarding the facts, actions, and information they become aware of through their duties⁸⁷.

All whistleblowing reports are subject to procedures that guarantee complete confidentiality regarding the identity of the whistleblower, as well as any information gathered by the recipients of the report, as stipulated in Article 9 of the Law of December 9, 2016. Unauthorized disclosure of confidential information is punishable by two years' imprisonment and a fine of 30,000 euros.

Exceptions to Confidentiality:

- Information necessary for preparing opinions, recommendations, guidelines, and reports as required by law.
- Information related to medical confidentiality or professional secrecy between a lawyer and their client can only be disclosed upon the explicit request of the person concerned.
- Medical information related to deprivation, physical or psychological harm, or violence against a minor or a person unable to protect themselves due to age or physical or psychological disability⁸⁸.

In Egypt

Article 2 of the President of the Council of Ministers' Decision No. 2017 emphasizes the confidentiality of data and information related to complaints.

⁸⁵ Act Public Access to Information and Secrecy Act (Offentlighets- och sekretesslagen)[2009:400] Chapter 42 Article ١, 2

⁸⁶ Act No. 349 of 22 March 2013 Chapter 8, 28.

⁸⁷ Law No. 333 of ٢٩ March 2011, Article ٣٨

⁸⁸ Law No. 333 of ٢٩ ٢٠١١ March, Article 20, as amended by Law No. 1690 of 2016 of December 9, 2016

While this article highlights the importance of confidentiality, it does not specify whether all information received is confidential or only information related to public security or information that could harm the complainant.

In the context of confidentiality within the ombudsman system, some countries, such as France, have stressed the importance of protecting the confidentiality of information received by the 'Defender of Rights' or their deputies and all employees of the institution. Penalties and fines are imposed in cases of failure to maintain the confidentiality of data and information related to the complainant, without requiring proof that the publication of such information caused harm⁸⁹.

Sweden has also placed importance on confidentiality, though not to the same extent as France.

Despite the Egyptian legislator's intention to protect the confidentiality of information, the current provisions are inadequate if an employee discloses data or information about the complainant.

Therefore, we urge the legislator, following the example of France, to impose a fine or penalty in the event of the disclosure of any information related to the complainant.

⁸⁹ Law No. 333 of ٢٩ March 2011, Article ٣٨

5. Developing the Unified Government Complaints System: A Comparative Analysis of Competencies and Procedures in Ombudsman Legislation

5.1 Competencies

5.1.1 In Sweden

Ombudsmen oversee the compliance of entities conducting public activities with both laws and regulations⁹⁰.

Ombudsmen shall specifically ensure that the entities under their supervision comply with the provisions of the Swedish Constitution regarding integrity, impartiality, and the protection of fundamental individual rights in public activities⁹¹.

Ombudsmen also play a role in addressing legislative shortcomings discovered during their supervision. When such gaps are identified, they contribute to amending legislation or initiating action by the state⁹².

In their supervisory role, ombudsmen review complaints submitted by the public, conduct inspections of public authorities and courts, and investigate cases as necessary. They also examine files and documents to ensure that laws and regulations are applied correctly and fairly.⁹³

Furthermore, ombudsmen are tasked with overseeing the implementation of the Optional Protocol to the Convention against Torture (18 December 2002). Since 1 July 2011, they have had sole oversight to ensure that individuals deprived of their liberty are not subjected to cruel, inhuman, or degrading treatment or punishment. The protocol mandates regular inspections of places in Sweden where individuals are held in custody. Reports on these visits are submitted by a specialized unit within the Ombudsman's office.⁹⁴

Ombudsmen may issue statements regarding any individual under their supervision who violates a law or regulation. They may also issue statements to promote the uniform and proper application of the law⁹⁵.

⁹⁰ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 11

⁹¹ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 15

⁹² Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 15

⁹³ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 15, <https://www.jo.se/en/inspections-and-opcat>

⁹⁴ <https://www.jo.se/en/inspections-and-opcat>

⁹⁵ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 20

In their exceptional capacity as public prosecutors, ombudsmen are permitted to initiate legal proceedings against public officials who have committed crimes, except for those related to freedom of the press or the right to expression.⁹⁶

They are also required to initiate and follow up on legal proceedings that the Constitutional Committee has decided to undertake against a minister. Additionally, ombudsmen are obligated to take legal action against parliamentary employees or their agents, as determined by parliamentary committees and regulations⁹⁷

5.1.2 In Denmark

The Ombudsman's jurisdiction extends to all areas of public administration. Furthermore, the Ombudsman has authority over the conditions of individuals deprived of their liberty in private institutions, where they have been placed either by a decision of a public authority, upon the recommendation of a public authority, or with the consent or approval of a public authority. The Ombudsman's jurisdiction extends to the conditions of children in private institutions, as well as tasks related to children more directly⁹⁸

The Ombudsman must ensure that existing legislation or administrative regulations comply, in particular, with Denmark's commitment to guaranteeing children's rights, including the United Nations Convention on the Rights of the Child. If the Ombudsman becomes aware of any shortcomings, he or she must notify Parliament or the competent minister⁹⁹

If companies, institutions, associations, or other entities are, from a legal or administrative perspective, wholly or partially subject to the rules and principles governing public administration, the Ombudsman has the authority to determine the extent of his jurisdiction to include these entities accordingly.¹⁰⁰

If the Ombudsman detects shortcomings in laws or administrative regulations, the matter shall be referred to both the Danish Parliament and the competent minister. In cases of deficiencies in regulations issued by the municipal or regional council, the Ombudsman shall notify the municipal council or the regional council.¹⁰¹

The Danish Ombudsman oversees forced deportations conducted by the police for individuals residing illegally¹⁰². This allows the Ombudsman to investigate complaints

⁹⁶ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 21

⁹⁷ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 29

⁹⁸ Act No. 349 of 22 March 2013, Chapter 2, 7. (1)

⁹⁹ Act No. 349 of 22 March 2013, Chapter 3, 12. (2)

¹⁰⁰ Act No. 349 of 22 March 2013, Chapter 2, 7. (4)

¹⁰¹ Act No. 349 of 22 March 2013, Chapter 3, 12.

¹⁰² <https://www.en.ombudsmanden.dk/about-the-ombudsman/monitoring-activities/monitoring-of-forced-deportations>

regarding how the police execute deportations and to offer recommendations for improving their procedures.

Any person deprived of their liberty has the right to send a letter to the Ombudsman in a sealed envelope.¹⁰³

The Ombudsman addresses issues related to the equal treatment of persons with disabilities, handling matters within its jurisdiction, such as inspecting buildings to ensure accessibility for all users while providing dedicated spaces for individuals with special needs in hospitals, museums, and educational institutions. Additionally, the Ombudsman addresses complaints from citizens regarding equal treatment for people with disabilities, including adaptations to the labor market due to disability.¹⁰⁴

The Ombudsman can consider complaints related to the non-response of authorities or the slow progress of a case, even if the case has not been finalized¹⁰⁵.

The cases handled by the Ombudsman encompass a diverse range of activities, focusing not only on specific complaints but expanding to a more general level. This includes examining how the relevant authorities handle problems and addressing them¹⁰⁶

๑, ๑, ๓ In France

The ombudsman defends rights and freedoms in the context of relations with state administrations, local authorities, public institutions, and organizations entrusted with a public service mission¹⁰⁷.

The Ombudsman also defends the interests and rights of children while promoting compliance with the law and international commitments ratified by France, including child protection, health, disability, criminal justice, adoption, education for all, and the rights of foreign minors¹⁰⁸.

Additionally, the Ombudsman combats direct or indirect discrimination prohibited by law or international commitments ratified by France, along with efforts to enhance equality¹⁰⁹.

Ensuring compliance with ethics by individuals engaged in security activities within the territory of the Republic, where the defender of rights has the authority to investigate any act that may constitute a violation of the codes of conduct governing professionals in the security field, such as:

- The inappropriate use of force

¹⁰³ Act No. 349 of 22 March 2013, Chapter 4, 13. (1)

¹⁰⁴ <https://www.en.ombudsmanden.dk/about-the-ombudsman/monitoring-activities/equal-treatment-of-persons-with-disabilities>

¹⁰⁵ https://www.en.ombudsmanden.dk/Media/638584539080898183/Complaint%20Form%202024_1.pdf, P3

¹⁰⁶ <https://www.en.ombudsmanden.dk/about-the-ombudsman/own-initiative-investigations>

¹⁰⁷ Law No. 333 of 2011 Article 4

¹⁰⁸ Law No. 333 of 2011 Article 4, <https://www.defenseurdesdroits.fr/defendre-et-promouvoir-les-droits-de-lenfant-216>

¹⁰⁹ Law No. 333 of 2011 Article 4

- Inappropriate behavior (including inappropriate language, insults, threats, etc.)
- Abusive physical searches
- Identification checks under unnatural circumstances.
- Difficulties in filing a complaint - Objection to measures of restriction or deprivation of liberty (arrest, detention, etc.)¹¹⁰

Reporting, guiding, or referring any person facing a threat or danger to the competent authorities, as stipulated by law, to defend the rights and freedoms of whistleblowers concerning any risks or threats¹¹¹.

5.1.4 In Egypt

5.1.4.1 Comparison with Other Countries

A comparison between the Egyptian system and its counterparts in Sweden, Denmark, and France has highlighted the significance of the Ombudsman's role in investigating complaints filed against institutions and organizations under their jurisdiction. In these countries, the Ombudsman enjoys broad powers that enable them to conduct independent and impartial investigations.

In contrast, the role of the Egyptian Unified Government Complaints system, as stipulated in Article 4 of the President of the Council of Ministers' Decision 2017, is limited to examining complaints without conducting investigations. Therefore, granting the Egyptian complaints system broader powers would enhance the principles of integrity, transparency, and justice, fulfilling citizens' aspirations for an effective Unified Government Complaints System. We urge the Egyptian legislature to develop the Unified Government Complaints system and empower it to investigate complaints filed with it.

Article 5 of the President of the Council of Ministers' Decision 2017 stipulates that the system is responsible for preparing periodic reports on public opinion trends, the issues raised by citizens' messages, the results of monitoring the work of citizen service offices in various entities and proposing appropriate solutions for these issues. similar to **the Swedish, Danish, and French**¹¹² laws, it is observed that the ombudsmen in all these countries have the authority to identify shortcomings in the law and recommend useful legislative or regulatory amendments.

A comparative analysis of the French, Danish, and Egyptian systems reveals that while France and Denmark have expanded the powers of their respective Ombudsmen to safeguard children's rights, aligning with domestic laws and international agreements, Egypt's complaints system does not specifically address children's rights. Nevertheless,

¹¹⁰Law No. 333 of 2011_Article 4, <https://www.defenseurdesdroits.fr/controler-le-respect-de-la-deontologie-par-les-professionnels-de-la-securite-195>

¹¹¹Law No. 333 of 2011_Article 4, <https://www.defenseurdesdroits.fr/orienter-et-protoger-les-lanceurs-dalerte-180>

¹¹² Law No. 333 of 29 March 2011,_Article 3\

Egypt has demonstrated a strong commitment to child welfare through various laws, initiatives, and programs aimed at enhancing children's well-being.

5.1.4.7 the status of child protection in Egypt

Constitutional and Legal Guarantees:

The Egyptian Constitution of 2014, as amended on April 23, 2019, in Article 80¹¹³, stipulates the protection of children's rights, their integration into society, and the provision of health and educational care for them. This highlights the Egyptian government's commitment to upholding the rights of children and ensuring their well-being.

Child Law No. 126 of 2008: A Comprehensive Law for Children's Rights, Regulating the provisions for the care and protection of children. The law obligates the state to provide:

- healthcare for children,
- free and compulsory education,
- protection from violence and exploitation,
- a safe environment for children,
- participation of children in expressing their opinions.

Decision No. 85 of 2020 on the Establishment of a Child Protection Office in the Judicial Inspection Department and Defining Its Competencies:

The decision aims to establish a Child Protection Office within the Judicial Inspection Department to protect children's rights and ensure their well-being. The office will identify, and address issues faced by children, develop proposals to resolve these issues, and prepare quarterly reports on its activities for the Public Prosecutor.

Institutions Concerned with Children's Rights:

National Council for Childhood and Motherhood: Law No. 182 of 2023 reorganizes the National Council for Childhood and Motherhood while amending certain provisions of the Child Law Issued by Law No. 12 of 1996.

It is the governmental body responsible for protecting children's rights while overseeing the implementation of related policies and programs.

¹¹³ "A child is considered anyone who has not reached the age of eighteen. Every child has the right to a name and identity documents, Free compulsory vaccination, Health and family care or an alternative, basic nutrition, a safe shelter, religious education and emotional and cognitive development. The State shall guarantee the rights of children with disabilities, their rehabilitation, and their integration into society. The State shall commit to caring for and protecting the child from all forms of violence, abuse, mistreatment, and sexual and commercial exploitation. Every child has the right to early education in a childhood center until the age of six, and it is prohibited to employ a child before completing basic education or in hazardous work. The state is committed to establishing a judicial system for child victims and witnesses. Children cannot be criminally prosecuted or detained except according to the law and for a specified period. They are provided with legal assistance and are detained in appropriate places separate from adults' detention centers. The state works to achieve the best interest of the child in all procedures taken regarding them"

Ministry of Social Solidarity: Through its various programs and initiatives, the Ministry of Social Solidarity aims to safeguard the well-being of at-risk children and ensure they have access to the essential services they need.

Egypt places great importance on the protection of children's rights, providing constitutional and legal safeguards to guarantee their fundamental rights. **In light of the risks and harms children sometimes face**, there is a need to expand the unified government complaints system's mandate to include the protection of children's rights.

Objectives:

- Protect children's rights from any violations or abuses.
- Receive complaints and reports related to violations of children's rights.
- Investigate these complaints and reports
- Take the necessary legal measures to protect children's rights.
- Raise awareness about children's rights and responsibilities.
- Cooperate with relevant authorities to protect children's rights.

These objectives outline the core goals of an institution dedicated to child protection. By addressing these objectives, such an institution can play a crucial role in safeguarding the well-being of children and ensuring that their rights are upheld.

٥,١,٤,٣ the protection of the rights of persons with disabilities in Egypt

In comparing Egypt's Unified Government Complaints System with the Ombudsman in Denmark and the Defender of Rights in France, it is evident that the Danish Ombudsman has a jurisdiction that includes issues related to the equal treatment of persons with disabilities. This encompasses monitoring and inspecting buildings to ensure accessibility for all users, providing facilities for individuals with special needs, and addressing any deficiencies. Similarly, under French law, the Defender of Rights has jurisdiction that extends to combating discrimination, including prohibiting discrimination based on disability, age, gender, and other factors. French law explicitly prohibits over 25 forms of discrimination.

In light of the comprehensive approach adopted by the Defender of Rights in France and the Danish Ombudsman, we urge the Egyptian legislator to expand the authority of the Unified Government Complaints System to include the rights of persons with disabilities. This expansion should encompass not only the investigation of complaints but also the inspection of hospitals, museums, and educational institutions to ensure the availability of designated facilities. Additionally, addressing complaints related to equal treatment for persons with disabilities, particularly regarding their adaptation to the labor market, should be integrated into its responsibilities.

Egypt has demonstrated a strong commitment to promoting the rights of people with disabilities in recent years, taking concrete steps at the constitutional, legal, and institutional levels. Some of the key efforts include:

Constitutionally:

The Egyptian Constitution of 2014, as amended in April 2019, enshrines strong protections for the rights of people with disabilities. Article 81¹¹⁴ explicitly prohibits discrimination against individuals with disabilities while guaranteeing their right to equality and inclusion in all aspects of life.

Legally:

Law No. 10 of 2018 on Persons with Disabilities establishes a comprehensive framework for protecting the rights of individuals with disabilities, ensuring their equal enjoyment of all human rights and fundamental freedoms.

The law obligates the state to provide:

- Educational opportunities
- Vocational training and rehabilitation
- Social and criminal protection
- Legal protection
- Political and trade union rights
- Culture and sports activities
- Employment
- Housing
- Transportation
- Health care
- Other essential services for individuals with disabilities.

The law also provides for deterrent penalties for those who violate its provision

Law No. 200 of 2020: Establishing the Support Fund for Persons with Disabilities

Complementing the comprehensive framework of Law No. 10 of 2018 on the Rights of Persons with Disabilities, Law No. 200 of 2020 establishes the Support Fund for Persons with Disabilities. This fund provides financial assistance and support, empowering individuals with disabilities to overcome challenges while fostering greater independence and inclusion.

Institutionally:

The National Council for Persons with Disabilities was established in 2019 (Law No. 11 of 2019) to represent people with disabilities, defend their rights, and coordinate the efforts of government and non-governmental agencies concerned with their issues.

Other initiatives:

The National Strategy for the Integration of Persons with Disabilities 2018-2030: Recognizing the importance of ensuring full participation and inclusion of persons with disabilities in all aspects of society, the Egyptian government launched the National

¹¹⁴ The state is committed to guaranteeing the rights of people with disabilities and dwarfs, in terms of health, economy, society, culture, entertainment, sports, and education, and providing them with job opportunities, allocating a percentage of them to them, and preparing public facilities and the surrounding environment for them, and practicing all political rights and their integration with other citizens, in application of the principles of equality, justice, and equal opportunities

Strategy for their Integration 2018-2030. This comprehensive strategy serves as a roadmap for creating a truly inclusive society where individuals with disabilities can thrive while realizing their full potential.

The National Initiative for Early Detection of Disabilities aims to identify disabilities in children at an early stage, providing necessary interventions to enhance their abilities while integrating them into society.

٥,١,٥ Expanding the Jurisdiction of the Unified Government Complaints System in Egypt

In addition to the previous competencies of the Ombudsman institution, it is proposed that the following jurisdictions be added to the Egyptian unified government complaints system, drawing inspiration from the experiences of other countries.

-Extending Jurisdiction to Police Oversight: It is essential to extend the jurisdiction to include oversight of police actions, similar to the Ombudsman institutions in Sweden and Denmark, as well as the Defender of Rights in France. In France, the Defender of Rights has the authority to investigate actions that constitute violations of the rules of good conduct on French territory. Similarly, Sweden's Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT) mandates regular inspections of facilities where individuals deprived of their liberty are held. The OPCAT Unit submits reports on these visits. In Denmark, the Ombudsman has the authority to monitor forced deportation operations conducted by the police against individuals who are not legally residing in the country. Additionally, the jurisdiction should extend to include situations involving individuals deprived of their liberty in private institutions based on decisions or recommendations from public authorities.

-Protection for Whistleblowers: The jurisdiction should also extend to include protecting for whistleblowers against any threats they may face, similar to the provisions in France.

-Protection of Children's Rights: The scope of the system should be expanded to include the protection of children's rights, ensuring that any violations are investigated, and that protection is provided against all forms of exploitation or violence. Additionally, efforts should be made to ensure that children receive healthcare and educational support and are protected from conditions that may threaten their well-being, similar to the practices found in the Ombudsman institutions in France, Sweden, and Denmark.

-Protection of the Rights of Persons with Disabilities: The jurisdiction should also be extended to include the protection of the rights of persons with disabilities by monitoring the implementation of laws and policies that ensure they enjoy all their rights. This includes verifying the availability of public spaces and services that meet their specific needs, such as access to public buildings, education, employment opportunities, and

healthcare, as well as ensuring that they are not subjected to discrimination in various areas, in accordance with the legal systems adopted in Denmark and France.

Therefore, the existence of a supervisory body to ensure the enforcement of these laws in Egypt is of utmost importance.

5.2 Powers and procedures

5.2.1 In Sweden

The Ombudsman conducts regular inspections of authorities and courts, reviewing files along with other documents¹¹⁵.

The Ombudsman has the right to file charges against a member of the Supreme Court or the Supreme Administrative Court and to file a lawsuit for their dismissal or suspension from work, as well as to submit a request to compel them to undergo a medical examination.¹¹⁶

The Ombudsman may initiate legal proceedings against an official who has neglected the obligations of their position or their powers to a criminal offense¹¹⁷.

The Ombudsmen may inform the authorized persons or the relevant authority about taking disciplinary action against an employee who has committed an error or neglected the obligations of their position or authority¹¹⁸.

The Ombudsman may inform the competent authority or the authorized persons to take measures to dismiss an employee or suspend them from work due to criminal acts or repeated serious misconduct.¹¹⁹

If an authority decides against an official in a case involving the application of special regulations in the law or other systems related to officials and disciplinary matters, such as dismissal or suspension due to criminal acts or misconduct, the Ombudsman may file a lawsuit in court to request a modification of the decision.¹²⁰

The Ombudsmen are obligated to initiate and follow up on the legal proceedings that the Committee on the Constitution has decided to take against a minister¹²¹.

The Ombudsmen have the right to issue official statements if they find that the procedures of a public authority or government official conflict with a law or regulation or

¹¹⁵ <https://www.jo.se/en/inspections-and-opcat/>

¹¹⁶ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023
Section 28

¹¹⁷ <https://www.jo.se/en/about-jo/tasks-and-role/>

¹¹⁸ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023
Section 29

¹¹⁹ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023,
Section 29

¹²⁰ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023,
Section 25

¹²¹ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023,
Section 29

are incorrect or inappropriate. The Ombudsmen also have the right to issue advisory opinions aimed at promoting the uniform and correct application of the law. Additionally, the Ombudsmen may propose changes to the laws, either to Parliament or to the government¹²²

5.2.2In Denmark

The Ombudsman may recommend that the complainant be provided with free legal assistance in relation to any matter that falls within his jurisdiction¹²³. The Ombudsman may also express criticism, making recommendations or statements of opinion on a particular case.¹²⁴

The authorities that fall within the jurisdiction of the Ombudsman are obliged to provide the Ombudsman with any information or documents he may request.¹²⁵

The Ombudsman may conduct an investigation into a matter on his own initiative or based on an inquiry from a citizen.¹²⁶

The Ombudsman may inspect any institution or company that falls within his jurisdiction at any time without a court order¹²⁷. If necessary, the police must assist in carrying out the inspection.¹²⁸

5.2.3In France

The Defender of Rights may file a lawsuit with the judge of urgent matters, accompanied by a justified request to issue any measure that the Defender of Rights deems necessary.¹²⁹

The Defender of Rights is authorized to conduct inspections in both administrative and private locations, with the authority to interrogate any individual during the inspection process¹³⁰.

The Defender of Rights may make recommendations that they believe will ensure that the rights and freedoms of the affected person are respected or that the violation is prevented from occurring again¹³¹.

The Defender of Rights may recommend legislative or regulatory amendments¹³².

¹²² <https://www.jo.se/en/about-jo/tasks-and-role/>

¹²³ Act No. 349 of 22 March 2013, Chapter V, 23.

¹²⁴ Act No. 349 of 22 March 2013, Chapter V, 22.

¹²⁵ Act No. 349 of 22 March 2013, Chapter 6, 19. (1)

¹²⁶ <https://www.en.ombudsmanden.dk/about-the-ombudsman/monitoring-activities/equal-treatment-of-persons-with-disabilities>

¹²⁷ Act No. 349 of 22 March 2013, Chapter 6, 18.

¹²⁸ Act No. 349 of 22 March 2013, Chapter 6, 19. (5)

¹²⁹ Law No. 333 of 2011, Article 21

¹³⁰ Law No. 333 of 2011, Article 22, amended by Law No. 221 of 2019, Article 10

¹³¹ Law No. 333 of 2011, Article 25

¹³² Law No. 333 of 2011, Article 31

The Prime Minister, the President of the National Assembly, or the President of the Senate may consult with the defender of rights on any matter within their jurisdiction.¹³³

The Defender of Rights may convene a joint meeting between several bodies to consult them on complaints or issues related to his jurisdiction when difficulties arise.¹³⁴

The Defender of Rights is allowed to request clarifications from any natural or legal person related to the subject matter. It is incumbent upon the concerned natural or legal persons to facilitate the completion of their tasks and to delegate their agents to respond to the requests of the Defender of Rights.¹³⁵

The Defender of Rights may request the Vice President of the Council of State to conduct any study he deems necessary.¹³⁶

The Defender of Rights contributes, at the request of the Prime Minister, to the preparation and determination of the French position in areas related to their area of competence.¹³⁷

5.2.4 In Egypt

In comparison with Swedish, Danish, and French laws, each country possesses unique features that enable it to perform its functions effectively. Therefore, we urge the Egyptian legislator to adopt these practices to improve the unified government complaints system:

- **Access to Files and Data:** The president of the unified government complaints system shall have the right to request access to any files, data, or documents from any entity under its jurisdiction that falls within its scope of authority.
- **Authority to Summon Individuals:** They must be granted the authority to summon any individual deemed necessary for an investigation regarding the submitted complaint.
- **Provision of Legal Assistance:** Similar to Denmark, they must be empowered to provide complainants with free legal assistance for any matters within their jurisdiction. Furthermore, in France, after reviewing the complainant's situation, delegates inform the complainant of their rights.
- **Filing Lawsuits:** Similar to France, the president of the unified government complaints system shall have the authority to file a lawsuit before the judge of urgent matters with a justified request to issue any measures deemed necessary by the defender of rights.
- **Seeking Legal Opinions:** Similar to France, the president of the unified government complaints system may seek legal opinions from specialized fatwa departments of the Council of State when required.

¹³³ Law No. 333 of 2011, Article 3٢

¹³⁴ Law No. 333 of 2011, Article ١٢

¹³⁵ Law No. 333 of 2011, Article ١٨

¹³⁶ Law No. 333 of 2011, Article ١٩

¹³⁷ Law No. 333 of 2011, Article ٣٢

- **Lawsuits for Amendment of Decisions:** Similar to Sweden, the president of the unified government complaints system has the right to file a lawsuit to amend a decision made by an authority against an official in cases involving the application of special regulations in the law or other systems related to officials for disciplinary matters, dismissal, or suspension due to criminal acts or misconduct.

๑.๓ The relationship between the Ombudsman and the President of the Republic or Parliament

In Sweden

There is a relationship between the ombudsman and the parliament. The parliament elects the ombudsman to oversee the implementation of laws ¹³⁸, and the ombudsman is directly accountable to the parliament¹³⁹.

The Ombudsman's control does not extend to members of the Swedish Parliament¹⁴⁰.

In cases of supervisory problems, each ombudsman may submit reports to Parliament¹⁴¹. The ombudsman may also submit petitions to Parliament to raise the issue of amending legislation or taking action by the state¹⁴². Furthermore, the ombudsman submits an annual report to Parliament¹⁴³.

In Denmark

There is a relationship between the ombudsman and Parliament, as Parliament elects the ombudsman¹⁴⁴. However, the law emphasizes that the ombudsman is independent of Parliament in the performance of their duties¹⁴⁵.

The expenses related to the Ombudsman's office are recorded in Parliament's budget¹⁴⁶. The Ombudsman is not entitled to hold a position in companies, projects, or public or private institutions except with the approval of the Legal Affairs Committee in

¹³⁸ Chapter 1๓, Article 6, of the Instrument of Government, <https://www.jo.se/en/about-jo/legal-basis>

¹³⁹ <https://www.jo.se/en/about-jo/tasks-and-role/>

¹⁴⁰ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 15

¹⁴¹ <https://www.jo.se/en/about-jo/legal-basis/the-Riksdag-act>, Chapter 9. introduction of business supplementary provision 9.17.5 of the Riksdag Act

¹⁴² Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 13

¹⁴³ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 43

¹⁴⁴ Act No. 349 of 22 March 2013, Chapter ๑, 1. (1)

¹⁴⁵ Act No. 349 of 22 March 2013, Chapter 3, 10.

¹⁴⁶ Act No. 349 of 22 March 2013, Chapter 8, 26.

Parliament¹⁴⁷. The Ombudsman, or any other name that may be confused with the Ombudsman Institution, may not be used without the permission of Parliament¹⁴⁸. The Ombudsman submits to Parliament any shortcomings in laws or administrative regulations¹⁴⁹. The Ombudsman submits an annual report on their work to Parliament¹⁵⁰.

In France

The Defender of Rights is appointed by the President of the Republic for a non-renewable term of six years¹⁵¹.

The Defender of Rights submits an annual report to the President of the Republic, the President of the National Assembly, and the President of the Senate. Additionally, the Defender of Rights may be subject to discussions regarding these reports¹⁵².

In Egypt

We can benefit from the experiences of other countries in developing the unified government complaints system in the following ways:

- **Appointment and Independence:** The President of the Republic should appoint the head of the unified Government Complaints System while ensuring that the system maintains complete independence from the President.
- **Annual Reporting:** An annual report should be submitted to the President of the Republic, detailing the activities and accomplishments of the unified government complaints system, as well as any shortcomings identified in laws and regulations.

•, § The relationship between the Ombudsman and the judiciary

In Sweden

The Ombudsman has the authority to investigate government agencies, including courts of law and administrative courts. However, complaints against the Chancellor of Justice are not permitted¹⁵³.

The Parliamentary Ombudsmen conduct regular inspections of public authorities and courts¹⁵⁴.

The Ombudsman is not authorized to alter or modify judgments or decisions¹⁵⁵.

¹⁴⁷ Act No. 349 of 22 March 2013, Chapter 8, 29. (1)

¹⁴⁸ Act No. 349 of 22 March 2013, Chapter8, 30.

¹⁴⁹ Act No. 349 of 22 March 2013, Chapter3, 12.

¹⁵⁰ Act No. 349 of 22 March 2013, Chapter3, 11. (1)

¹⁵¹ The French Constitution of 1958, Article (71-1)

¹⁵² Law No. 333 of 2011, Article 36, as amended by the Law No. 400 of 2022, Article 4

¹⁵³ <https://www.jo.se/en/how-to-complain/who-can-i-complain-about/>

¹⁵⁴ <https://www.jo.se/en/inspections-and-opcat/>

¹⁵⁵ <https://www.jo.se/en/how-to-complain/complaint-form/>

The Ombudsman may file a lawsuit in court to request a modification of a decision¹⁵⁶.

The Ombudsman has the authority to bring charges against a member of the Supreme Court or the Supreme Administrative Court, and to file a lawsuit for their dismissal or suspension, as well as to request a medical examination¹⁵⁷.

In Denmark

Complaints against judges are not handled by the Ombudsman. Additionally, the Ombudsman's jurisdiction does not extend to courts of justice. The Ombudsman does not consider cases or questions that are currently being processed in the courts or are expected to be processed by the courts¹⁵⁸.

In France

The Defender of Rights cannot appeal a judicial decision. However, civil, administrative, and criminal courts may, on their own initiative or at the request of the parties, invite the Defender of Rights to submit written or oral observations or to be heard before these courts. When the Defender of Rights becomes aware that the facts known to them constitute a crime or misdemeanor, he or she should notify the public prosecutor and inform him that a mediation mission has been initiated. The Public Prosecutor is also notified if the case concerns minors¹⁵⁹.

If the complaint is filed against judges, jurisdiction belongs to the Supreme Council of the Judiciary¹⁶⁰

When the Defender of Rights receives a complaint that is not subject to judicial authority and raises an issue related to the interpretation of a legislative or regulatory text, he or she may consult the State Council. The Defender of Rights may publish this opinion under the conditions specified by a decree from the State Council¹⁶¹.

We observe that Sweden is the only country that allows the Ombudsman to inspect the courts; however, the Ombudsman cannot overturn any judgment or decision issued by the court. Additionally, the Chancellor of Justice is not subject to inspection by the Ombudsman.

Neither the Danish Ombudsman nor the French Defender of Rights has the authority to intervene in judicial matters concerning the courts or judiciary.

In Egypt

¹⁵⁶ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section ٢٥

¹⁵⁷ Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section ٢8

¹⁵⁸ <https://www.en.ombudsmanden.dk/complaints/what-can-you-complain-about>

¹⁵⁹ Law No. 333 of 2011, Article 33

¹⁶⁰ Law No. 333 of 2011, Article ٢٩

¹⁶¹ Law No. 333 of 2011, Article 3١

Article 186 of the Egyptian Constitution of 2014, as amended in 2019, states: “Judges are independent and cannot be dismissed. They are subject to no authority in their work other than the law.”

This article affirms the independence of the judiciary in Egypt and protects it from any external interference. Therefore, if the unified government complaints system is developed in Egypt, the judiciary should be excluded from its jurisdiction.

•,•The disputes that fall outside the competence of the Ombudsman

In Sweden

If the subject of the complaint relates to legal matters or inquiries, the duties of the ombudsmen do not include providing assistance to the public on legal matters¹⁶².

The ombudsmen do not have the authority to modify or change a court order or judgment¹⁶³.

Complaints related to working conditions, including disputes between employers and employees, have special procedures for resolving labor disputes¹⁶⁴.

The ombudsmen do not have jurisdiction over members of the Swedish parliament¹⁶⁵.

The ombudsman does not have the authority to supervise public defense counsel, a custodian, a foster home, or a private school, as supervision in these areas is typically conducted by the relevant authorities and their employees¹⁶⁶.

The Ombudsman does not have the authority to consider compensation requests¹⁶⁷.

The Ombudsman cannot take action against a subordinate employee who does not have independent authority unless exceptional reasons necessitate it¹⁶⁸.

In Denmark

The Danish Ombudsman cannot handle complaints related to the Danish Parliament or the content of the laws it has passed. The Ombudsman is unable to consider complaints against certain dispute boards and boards of appeal, such as those concerning boundary lines between properties, rent control boards, the Consumer Complaints Board, the

¹⁶²<https://www.jo.se/en/how-to-complain/when-a-complaint-is-submitted/all-complaints-are-not-investigated>

¹⁶³ <https://www.jo.se/en/how-to-complain/complaint-form>

¹⁶⁴<https://www.jo.se/en/how-to-complain/when-a-complaint-is-submitted/all-complaints-are-not-investigated>

¹⁶⁵ the Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023 Section 15

¹⁶⁶<https://www.jo.se/en/how-to-complain/when-a-complaint-is-submitted/all-complaints-are-not-investigated>

¹⁶⁷<https://www.jo.se/en/how-to-complain/when-a-complaint-is-submitted/all-complaints-are-not-investigated>

¹⁶⁸the Act with Instruction for the Parliamentary Ombudsmen (2023:499) Issued 29 June 2023, Section 27

Disciplinary Board of the Danish Bar and Law Society, the Telecommunications Complaint Board, the Danish Financial Complaint Board, the Danish Insurance Complaints Board, or the board for the sale and purchase of real estate. The Ombudsman does not consider cases handled by courts or review complaints against judges, as their jurisdiction does not extend to judicial courts¹⁶⁹.

In France

The Defender of Rights is not allowed to intervene in disputes between public figures¹⁷⁰.

The Defender of Rights should not interfere in disputes between public entities or bodies and their agents arising from the exercise of their functions. Exceptions to this rule include cases of discrimination or threats to an individual, where the Defender of Rights may report the matter to the relevant authorities¹⁷¹.

The Defender of Rights cannot intervene if the matter is related to a commercial contract¹⁷².

In Egypt

According to the current law of the unified government complaints system in Egypt, there is no explicit provision that defines or clarifies the disputes that fall outside its jurisdiction.

After reviewing the experiences of other countries, the following topics can be excluded from the jurisdiction of the unified government complaints system if it is developed, and they should be explicitly mentioned:

- Complaints handled in courts.
- Complaints against the judiciary.
- Complaints against members of parliament.
- Commercial contracts.
- Complaints related to compensation.
- Disputes that may arise between public entities and their agents due to the exercise of their functions¹⁷³.

¹⁶⁹ <https://www.en.ombudsmanden.dk/complaints/what-can-you-complain-about>

¹⁷⁰ Law No. 333 of 2011, Article 36 as amended by Law No. 1960-2016 on December 9, 2016/
<https://www.defenseurdesdroits.fr/defendre-les-droits-des-usagers-des-services-publics-194>

¹⁷¹ Law No. 333 of 2011, Article 1.

¹⁷² <https://www.defenseurdesdroits.fr/defendre-les-droits-des-usagers-des-services-publics-194>

¹⁷³ In Egypt, disputes of this nature are handled by Dispute Resolution Committees regulated by Law No. 7 of 2000. These committees are tasked with reconciliation in civil, commercial, and administrative disputes that arise between these entities and their employees, or between these entities and individuals or private legal entities (Article 1). These committees are established by a decision of the Minister of Justice and are chaired by a former judge or a former member of the judicial bodies holding at least the rank of counselor (Article 2). The committee issues non-binding recommendations. If the competent authority approves these recommendations and the other party provides written consent within 15 days of the

Ultimately, we affirm that the Ombudsman institution is not a judicial body but aims to achieve objectives that extend beyond the scope of the judiciary. Among its primary goals is the resolution of disputes before they reach the courts, thereby alleviating the burden on the judicial system. Nevertheless, the core purpose of this institution is to play a supervisory role that ensures the implementation of laws and international conventions in a manner that promotes justice and rebuilds trust between citizens and the administration .

This institution works to prevent violations against citizens through effective oversight. It also contributes to minimizing the recurrence of errors by addressing legislative and regulatory gaps. Accordingly, this research aims to develop Egypt's Unified Government Complaints System by enhancing its powers and equipping it with effective oversight mechanisms.

These powers include enabling the system to conduct independent investigations to verify administrative errors, as well as issuing actionable recommendations to close legislative gaps and prevent repeated mistakes. Empowering this system with such roles ensures a positive and impactful contribution.

Finally, practical experience has shown that the proliferation of committees leads to unnecessary bureaucracy. Conversely, the existence of a single institution with clear powers, operating within a democratic framework, allows it to perform its functions effectively and achieve the desired objectives.

recommendation being presented, the committee records the agreement in a report signed by both parties. This report is appended to the committee's records and acquires the status of an enforceable document. It is then communicated to the competent authority for implementation(Article ٩).If either party to the dispute does not accept the committee's recommendation within the specified timeframe stated in Article 9 of this law, or if this period elapses without either party expressing acceptance or rejection, or if the committee fails to issue its recommendation within 60 days, either party may resort to the competent court. No lawsuits concerning disputes governed by the provisions of this law may be filed directly before the courts unless a reconciliation request has first been submitted to the competent committee, and the period allocated for issuing a recommendation or presenting it without acceptance has elapsed, in accordance with the preceding (Article ١٠).

Conclusion

This research has explored the application of the Ombudsman system in both Scandinavian and Latin contexts, demonstrating its effectiveness in uncovering administrative corruption and enhancing government accountability. Inspired by these models, this study proposed a comprehensive framework for developing the unified complaints system in Egypt.

The research concluded with the following findings:

-The Positive Aspect of Establishing the Unified Government Complaints System: The establishment of this system represents an important step toward improving the relationship between the government and citizens. However, it lacks sufficient effectiveness due to the absence of some necessary mechanisms

- The Effectiveness of the Ombudsman Institutions in Sweden, Denmark, and France :The Ombudsman institution in Sweden, Denmark, and France have proven effective in achieving the principle of good governance, making them a model that can be leveraged for the development of the Egyptian system.

-Its Subordination to the Council of Ministers Reduces Its Independence: The system's attachment to the Council of Ministers limits its impartiality and neutrality, as it creates a conflict of interest.

-The Weakness of the System's Legal Powers: The system lacks adequate powers to conduct independent investigations.

-The Absence of Transparency in Performance: No periodic reports are published to explain the system's achievements and evaluate its performance, making it difficult to measure its impact and determine whether it has met its objectives.

-Limited Scope of Oversight: The system does not cover crucial issues such as the rights of individuals with disabilities, child protection, and addressing police misconduct, which limits its role in promoting human rights.

The study highlighted the following key recommendations:

-**Amendment of the Legal Framework for the Complaint System:** There is a critical need to amend the law governing the current complaint system to ensure its independence from governmental or political influence. The subordination of the Unified Government Complaints System to the Council of Ministers presents a conflict of interest, as it allows the government to act as both plaintiff and judge, thereby compromising the impartiality of the investigations and their outcomes.

-**Grant Broader Investigative Powers to the System:** The Unified Government Complaints System must be granted broader investigative powers. This includes the authority to summon witnesses, request documents, and compel government agencies to provide necessary information, ensuring a more transparent and accountable process.

-Mandate Regular Public Reports: The Unified Government Complaints System should be required to publish regular public reports detailing its performance, thereby demonstrating its effectiveness and commitment to achieving its objectives in public interest.

-Expand Oversight to Key Human Rights Areas: The Unified Government Complaints System should expand its oversight to cover specific areas such as equal treatment for persons with disabilities, the protection of children's rights, and addressing police misconduct, thereby ensuring the system's role in upholding broader human rights concerns.

In conclusion, implementing these recommendations will bring Egypt closer to establishing a modern state that upholds the rule of law, transparency, and the rights of its citizens, aligning with international standards and practices.

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