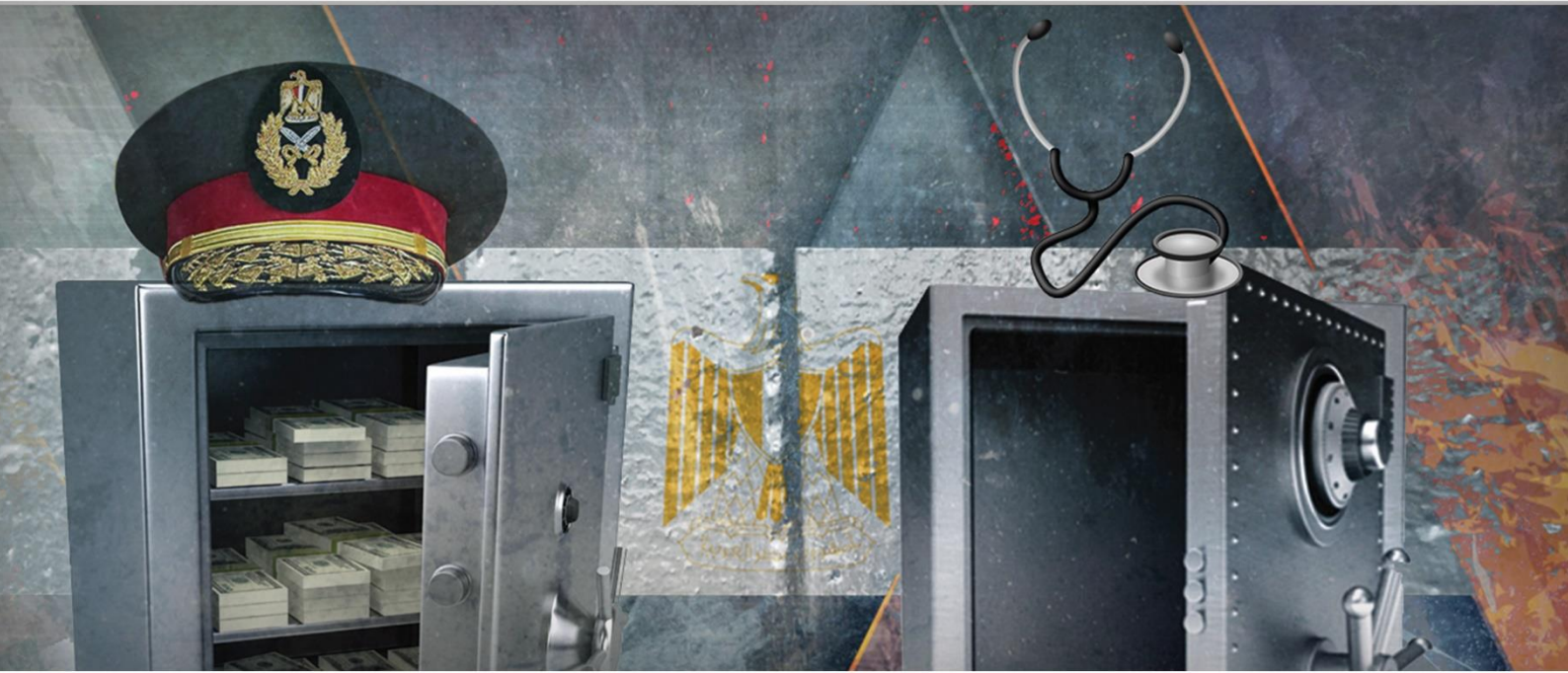


Public Policy

24 FEBRUARY
2022

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Military Classism: Disparity of resources bet. Military Fund & Doctors Fund

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This paper seeks to monitor what can be called Symbiotic Services Funds to which the Egyptian regime has resorted excessively since 2013, where the government has established dozens of funds according to official laws or decisions. The study also shows how far these funds depend on a policy of collection through imposition of new taxes and fees.

The paper addresses and compares two models of these symbiotic funds: First, the Fund for Honoring the Martyrs, Victims, Missing and Injured of War, Security Operations and Terror Attacks, and Their Families¹; Second, the Medical Professions Risks Compensation Fund².

The study also highlights an important aspect of the legislative policies adopted by the Egyptian regime since the military coup of 2013, pursuing a legislative path that operates according to discriminatory standards that has created a new military classism in which the military class enjoys great advantages and spacious work mechanisms, serving its personnel and their families while the state is stingy to provide such advantages for other groups of society.

Legal nature and purpose of establishment

The Fund for Honoring the Martyrs, Victims, Missing and Injured of War, Security Operations and Terror Attacks, and Their Families was established by Law No. 16 of 2018 and the Medical Professions Risks Compensation Fund was established by Law No. 184 of 2020.

The legal nature of the two funds is identical in some matters and different in others, as they both work to support a category at risk to carry out their job; each of them is run by a board of directors formed by a decree from the Prime Minister {but formation of the board of the Medical Professions Risks Compensation Fund was stipulated by the law while formation of the board of the Fund for Honoring the Martyrs, Victims, Missing and Injured of War, Security Operations and Terror Attacks,

¹ The fund was established by Law No. 16 of 2018 published in the Official Gazette, Issue 10 bis (D on March 13, 2018)

² The fund was established by Law No. 184 of 2020 published in the Official Gazette No. 36 bis (A on September 5, 2020)

and Their Families was left to the Prime Minister), their money are considered public funds, they are subject to control of the Central Auditing Organization, each has an independent budget and a special account at the Central Bank of Egypt, and both funds are affiliated with the Prime Minister.

Therefore, it is apparent from the legal nature of each fund that the legislator desires to grant freedom of movement to the board of directors in determining orientations of the funds and mechanisms of management and investment of their money, as well as desire to give full protection to the money of both funds by granting them the immunity prescribed for public funds on the one hand and subjecting them to the oversight of the Central Auditing Organization on the other.

Legal Amendment: The Fund for Honoring the Martyrs, Victims, Missing and Injured of War, Security Operations and Terror Attacks, and Their Families has become a private entity, as a Presidential decree was issued in 2021³ designating the fund as an "entity of a special nature", where the provisions of Articles (17-18) of the Civil Service Law are not applicable to it. The two articles regulate appointment of leadership positions, where they obligate conducting appointment competitions, determine durations and availability of certain conditions, as well as regulating termination of these positions. However, this advantage was not awarded to the Medical Professions Risks Compensation Fund.

Purpose of establishment

The army and police martyrs law established a set of targets that work to honor, support and care for beneficiaries in social, health, and educational aspects, and others, in addition to disbursing financial compensation, while the medical risk fund only aimed to compensate beneficiaries for death and injury resulting from total or partial disability to practice the medicine profession and provide social care for members and their families.

³ Presidential Decree No. 231 of 2021 for considering the Fund for Honoring the Martyrs, Victims, Missing and Injured of War, Security Operations and Terror Attacks, and Their Families "an entity of a special nature", published in the Official Gazette No. 22 bis on 6 June 2021.

Variation of resources and vessels

The vessels on which each law relies are fundamentally different, with regard to both quantity and quality. While the Medical Risk Fund resources are limited to licensing fees or deductions from allowances and rewards prescribed for medical professions, the Military and Police Martyrs Law resources are highly diversified, including taxes and fees established on all services provided by the government to citizens, and at the same time binding on all citizens, not a specific category such as doctors. Following are differences in some detail:

First: Resources of the Medical Professions Risks Compensation Fund

The resources of the Medical Professions Risks Compensation Fund are limited to percentages deducted from the allowances and rewards of doctors or members of a medical profession, which is a very narrow resource vessel. The law stated collections in favor of the fund, including 5% of the following vessels:

- 1- The medical professions risk allowance prescribed for members of the medical professions.
- 2- Remuneration for internship doctors.
- 3- Fees on licensing the establishment of clinics, medical centers, private hospitals, scientific health offices, radiology centers, laboratories, and private hospitals.
- 4- Fees for practicing medical professions.

Other resources:

- The return on investment of the fund's money.
- Donations and gifts received by the fund's board of directors.
- Contributions scheduled on other categories to be included under the fund umbrella.
- The resources allocated by the state's public treasury for the benefit of the fund.

It is clear that the fund's resource vessels are mostly confined to the medical community, which is a narrow symbiotic form similar to labor funds and closest to fellowship funds.

Second: Resources of the Army and Police Martyrs Fund

The Fund for Honoring the Martyrs, Victims, Missing and Injured of War, Security Operations and Terror Attacks, and Their Families is not just a solidarity fund, but it serves as an independent Ministry of Finance or a Ministry of Social Solidarity. In terms of density of balances and resource, it is similar to a specialized social bank similar to Nasser Social Bank, for example. The following table sheds light on the nature of the fund's resource vessels, based on the law and its amendments:

Resource Vessels	Law	Amendment
Government services	<p>First: A five-pound stamp to be affixed to the following service papers:</p> <ul style="list-style-type: none"> - Weapon and driving licenses of all kinds, and vehicle driving licenses of all kinds - Criminal record certificate - Residence visas for foreigners - Egyptians' work permits with foreign bodies - Government contracting procurement contracts - Requests for reservation of land and housing units in urban communities - Permits to establish or renew private and international schools - Applications for admission to military and police academies and institutes <p>Second: 5% of the proceeds of the fee for development of the State financial resources</p>	<p><i>Amendment</i> (of description of provided services)</p> <ul style="list-style-type: none"> - Services or documents provided or issued by public authorities, public sector bodies and companies, public enterprise sector companies, and companies wholly owned by the state or those that the state's share in which exceeds 50%) <p><i>Addition</i></p> <ul style="list-style-type: none"> - Requests submitted to these entities to obtain one of their services if fees exceed three times the stipulated tax - Requests for reservation of land, residential and (administrative) units in urban communities <p>Collection Method</p> <ul style="list-style-type: none"> - To be directly collected In the case of paper services, and through electronic payment methods in the case of electronic services
Parastatal Services	<p>A five-pound stamp on:</p> <ul style="list-style-type: none"> - Tickets of sports matches - Tickets of concerts of all kinds 	<p><i>Amendment</i></p> <p>Tickets of concerts and sports matches of EGP50 or more</p> <p><i>Addition</i></p> <p>Flight tickets</p>

	- Requests of subscription to clubs and annual membership renewals	
Community solidarity and raising youth awareness	<ul style="list-style-type: none"> - Five pounds, an annual contribution imposed on pre-university students - Ten pounds, an annual solidarity contribution imposed on undergraduate and graduate students 	<p><i>Amendment</i> Student contributions to be collected on annual basis</p> <p><i>Addition</i> A 5 EGP-deduction on pays (over EGP 10,000) of employees in public entities, the public enterprise sector and its affiliate companies, and units of a special nature affiliated to these entities, bodies and companies, special funds, and employees with private legal persons</p>
Other resource vessels	<ul style="list-style-type: none"> - Other resources the state may allocate - Donations, gifts, bequests, subsidies and grants - The return on investment of the fund's money - Allocations of the House of Representatives from MPs donations - Proceeds of fines stated based on provisions of this fund 	-

It is clear from presentation of these resource vessels that there is great disparity between the two funds. The resources of the medical risk fund are limited, given that source vessels are confined to deductions from the medical sector, or humble contributions from other resources provided by the state. Meanwhile, the resource vessels of the army and police martyrs fund are unlimited, as they include all services and procedures provided to citizens from the state and its companies, the public sector, public agencies, ministries, and local government units, in addition to another package of semi-governmental services and community contributions, which in turn creates a gap between the two communities targeted by the services of the two funds.

Therefore, expansion and multiplicity of resources has led to a large financial accumulation that may have exceeded the needs of beneficiaries, which led the government to make directives for investment of these balances⁴.

Gap in advantages and services

Of course, the gap in resources of the two funds results in a gap in the services provided to targeted beneficiaries, as the legal terms of obligation in the army and police martyrs fund law are stronger and deeper in denoting the obligation to provide services, and the pledge to provide advantages, as the law has explicit and decisive commitment terms, such as: "undertake - provide - offer - make available - ..." while the medical risk fund is content with implicit and commitment terms, such as: "aims - specializing in - may - ...), which indicates the legislator's intent and desire to express the extent of obligation in each fund

First: Medical Risk Fund services

The services provided by the Medical Professions Risks Compensation Fund are limited to the due compensation, after being decided and its value determined by the board of directors and approved by the Council of Ministers for cases of disability and death.

The statute regulation added some services (which the council may coordinate in respect of), where Article 19 of the bylaw stipulated:

- The board may coordinate with all parties to obtain some advantages, and in particular it may:
 - 1- Obtain priorities in the facilities decided by the Nasser Social Bank's board of directors as well as other banks.
 - 2- Agree with various authorities to obtain benefits and services for members and their families.
- The benefits provided by executive regulations are not a matter of legal obligation to the service provider, but rather are permissive competence of the board of directors subject to coordination.

⁴ Sisi makes directives for development of the resources of the Army and Police Martyrs Fund, Al-Masry al-Youm, <https://cutt.us/j0ukk>

Second: Army and Police Martyrs Fund services

Services provided by the fund include:

- Disbursement of compensation in one lump sum to beneficiaries.
- The possibility of disbursement of grants or periodic financial payments for a specified period of time.
- Provision of study opportunities and scholarships in basic and university education.
- Ensuring the continued completion of private education for those already enrolled.
- Provision of job opportunities based on their qualifications, and giving them priority in employment competitions announced by the state and the private sector.
- Provision of health services in hospitals and government, military and police centers.
- 50% discount on public transportation fees.
- Provision of free of charge subscriptions and renewals in youth centers, clubs, sports facilities and various sports activities for non-participants.
- Free entry to all state museums, parks, gardens, theaters and cultural palaces.
- Provision of Hajj trips for the injured, parents of widows, the martyr's wife/husband, the victim, or the missing person.
- Provision of opportunities to obtain housing units in state or subsidized projects, especially for those who have not previously obtained them.
- Naming the streets, squares and schools at names of martyrs to commemorate their memory and sacrifice.
- Establishment of a two-tiered medal called "Tahia Misr" (Long Live Egypt) to be awarded to those who performed excellent deeds indicative of sacrifice or courage during confrontations between the army and police personnel and terrorism organizations, leading to their injury. Whoever is awarded

the medal is entitled to a monthly reward of EGP 2,000 for the first class and EGP 1,000 for the second class, without prejudice to his/her income or pension of father or any other body without a maximum limit. The law boosts obligation by stating that the board must follow up on beneficiaries to ensure their obtaining all the rights stipulated in it.

On the other hand, the law stipulated imprisonment and fine penalties for anyone who violates, deceives, or refrains from fulfilling the obligations of this law.

Categorical Exceptions

Both laws allowed exceptions in the collection of benefits, and both took retroactive effect in applying the provisions of the law to the collection of benefits.

First: Army and Police Martyrs Fund

A ministerial decree was issued to include the martyrs and injured of the army and police during the period between 25 January 2011 to 17 January 2014 (the period from the early days of the January revolution until the announcement of the result of the referendum on the 2014 constitution) to beneficiaries⁵. However, there are several essential remarks on this decree, including:

First: the excluded period (3 years) is long, as the Fund Law was approved in 2018.

Second: restricting the exclusion to cases of the army and the police only, ignoring the rest of citizens -especially those who were killed by the bullets of the army and the police- is an unjustified discrimination.

Third: Since the fund addresses victims of the military, terrorist and security operations⁶, causes confusion and raises questions whether it relates the January revolution to terrorism, or is it a rehabilitation of crimes committed during the revolution and whose perpetrators had previously been

⁵ Ministerial Decree No. 34 of 2019 adding martyrs and injured of the army and police during the period from 25 January 2011 to 17 January 2014 to the Army and Police Martyrs Fund, published in the Official Gazette No. 44 bis (A on 3 November 2019)

⁶ Decree No. 128 of 2011, issued by the head of the Supreme Council of the Armed Forces (SCAF) to establish a health and social care fund for the victims of the January 25 revolution and their families, published in the Official Gazette No. 26 bis on July 2, 2011

brought to trial and considered according to this exception 'security or military operations' that took place legitimately.

Fourth: There is double-standard coverage, as a fund had been established to care for victims that fell during the January Revolution and their families by Decree No. 128 of 2011 (), and accordingly, the inclusion of army and police personnel in the Army and Police Martyrs Fund without the rest of the revolution's martyrs is unjustified discrimination that contradicts the equality of citizens before the constitution and the law.

Second, the Medical Risk Fund

The fund adopted a temporary exception and took a short-term retroactive effect, as it included under its umbrella the period of time prior to the adoption of the law, starting from 13 February 2020 until the law was came into force, since announcement of the measures related to the Covid-19 Pandemic, albeit without explicitly stating Coronavirus.

Contrary to the remarks stated on the exception contained in the Army and Police Martyrs Law from including the martyrs of the January Revolution victims of the army and police personnel in the fund beneficiaries, the exception stated in the Medical Risk Fund Law for the injured and dead of the Covid-19 came in accordance with the purpose for which the fund was established.

Conclusion

It is now clear that there is legislative intent to distinguish between two categories that share many determinants, as the paper has explained, and how the current Egyptian authority creates a kind of legislation-protected military classism favored by the state's executive authorities.

Also, the solidarity rights have become punitive measures, with respect to the way of ensuring resources, by depending on exhausting citizens with taxes, fees or deductions from salaries, wages and money, and how they moved little by little from the area of solidarity to a money collection approach⁷.

⁷ The views expressed in this article are entirely those of the author's and do not necessarily reflect the views of the Egyptian Institute for Studies