

Law Number () for the year 2012
**Law on Associations (Non-governmental Organizations-
NGO's) and Civic Institutions**

Joint Project between
39 Human Rights and development organizations

• This Draft Law was issued in 2009 by an initiative from **the Cairo Institute for Human Rights Studies (CIHRS) and the Egyptian Organization for Human Rights (EOHR)** and was reissued in 2011. The NGOs that supported the Draft Law in 2009 are as follows: members of the Freedom of Association Campaign, members of the Egyptian NGOs Freedom Coalition, Democratic Development Foundation, Association for Human Rights Legal Aid, the Egyptian Association for Community Participation Enhancement, The Egyptian Center for Woman's Rights, The Human Rights Center for the Assistance of Prisoners, Center for Trade Unions and Workers Services, the Arabic Network for Human Rights Information, New Woman Research Center, the Egyptian Initiative for Personal Rights, Land Center for Human Rights, Andalus Institute for Tolerance and Anti-Violence Studies, and the Arab Organization for Penal Reform. NGOs who joined the initiative in 2011 are as follows: Appropriate Communications Techniques for Development, Association for Freedom of Thought and Expression, Center for Egyptian Women Legal Assistance, Egyptian Center for Economic and Social Rights, Egyptian Democratic Academy, Egyptian Foundation for the Advancement of Childhood Conditions, Egyptians Against Religious Discrimination, Nazra for Feminist Studies, Women and Memory Forum, Al Shehab Institution for Promotion and Comprehensive Development, Arab Program for Human Rights Activists, Arab Women Association for Development In Ismailia, Arab-European Center for Human Rights and International Law, Egyptian Association for Supporting Democratic Development, Egyptian Center for Sustainable Development and Human Rights, Arab Council for Supporting Fair Trials and Human Rights, Association of Researchers in Egyptian Universities and Institutes, Hemaia Center For Supporting Human Rights Defenders, Mossawah Association for Human Rights, Sahm El Theqa Foundation for Social Development, Heya Woman Organization, South Center for Human Rights, and United Journalists Center.

Law Number () for the year 2012
Issuing Law on Associations (Non-governmental Organizations- NGO's) and Civic
Institutions

In the name of the people,

Article (1)

Without prejudice to the regulations of associations established by virtue of international conventions, Civic associations and institutions shall be subject to provisions of the attached Law, with the exception of the following:

- a) Associations established in accordance with or their regulations are approved by special resolutions from the Executive authority, or are subject to control or supervision of such.
- b) Associations and institutions seeking financial profit for their members or staff.
- c) Political parties, professional syndicates, trade unions, and student unions.
- d) Commercial companies and companies established in accordance with the provisions of Article 505 and the subsequent articles of the civil law.

Foreign non-governmental organizations may be authorized to practice the activities of associations (NGO's) and Civic institutions subject to provisions of the present Law pursuant to the rules established therein. The Executive Regulations of the said Law shall organize the facilitating procedures.

Article (2)

Associations and Civic institutions in existence during the entry into force of the present Law and registered in accordance with Law No 84 of the year 2002 shall be officially registered. Said shall amend their statutes and request the proclamation thereof in application of the provisions of said Law within one year as of the date of entry into force thereof if they desire to enjoy legal status.

Article (3)

All associations or Civic institutions, the statutes of which have been re-proclaimed pursuant to the provision of the present Law, shall re-constitute the relevant board of directors in accordance with their re-proclaim within six months as of the date of completion of proclamation.

With the proviso that the executive and administrative structures of Civic associations and institutions existing upon the entry into force of the present Law proceed with their activities until said have been re-constituted pursuant to the rules stipulated in the present Law.

Article (4)

The term "administrative authority" shall, in the application of provisions of the attached Law, mean the Ministry of Justice.

Article (5)

Law No 84 of the year 2002 on Civic associations and institutions shall hereby be repealed. Any other provision contrary to provisions of the present Law shall also be repealed.

Article (6)

This Law shall be published in the Official Gazette and shall come into force as from the date of publication thereof.

This Law shall receive the seal of the State and shall be implemented as a state law.

Issued at on Year
..... A.H corresponding to A.D

Chapter One: Associations

Article (1)

The term "Association" shall, in the implementation of provisions of the present Law, mean any permanent or impermanent non-governmental organization established by two or more natural or artificial persons, for non-profit purposes neither for the associations, founders or members thereof.

Article (2): the relevant association shall put forth statutes, signed by the founding members thereof and including the following data:

- 1) Name, purpose and headquarters of the association.
- 2) Name, surname, nationality, profession and place of residence of each founding member.
- 3) Requirements of membership and situations of withdrawal thereof.
- 4) Rights and duties of members.
- 5) Bodies representing the association, competencies of each, means of selection and deposition of members, or withdrawing or suspending membership thereof.
- 6) Prerequisites for the validity of regular and extraordinary general assembly meetings.
- 7) Resources of the association and the means of financial audits.
- 8) Rules of statute amendment.
- 9) Rules for the dissolution of the association and the body to which the funds thereof will be reverted.

Article (3)

The purpose of the association may not contravene either with international human rights instruments or with the Constitution.

Article (4)

Persons irrefutably convicted of crimes related to honor or integrity may not participate in the management of an association, unless they were absolved.

Article (5)

The association shall, in all its affairs, be subject to the general assembly thereof exclusively; in situations where the number of active members of the association is less than ten, the competencies of the general assembly shall be reverted to the board of directors. The association may not be placed under seizure or the funds thereof under sequestration by any judicial or non-judicial authority except in circumstances exclusively provided for in the present Law or in the statutes of the association.

Article (6)

The statutes of the association may not provide for devolution of the association's funds upon dissolution thereof to members, their heirs or families.

Article (7)

The association shall notify the administrative authority, by means of a registered delivery return letter of the establishment of the association, enclosed therewith a certified copy of the association's statutes. A special register called the "register of Civic associations and institutions" shall be established at each court of first instance headquarters, in which the association shall be registered and assigned a serial number as soon as a copy of the statutes is deposited therewith, certified by the board of directors. The association may not, under any account, be denied proclamation.

Article (8)

The association shall be proclaimed by publicizing the name, registry number thereof, the court of law in the special register of which the association has been registered, the purpose of the establishment of the association, names of founding members and detailed summary of the statutes in one of the widely spread newspapers. Proclamation procedures shall, within one month term as of the date of deposition of the

documents of the association, be carried out by a competent employee of the "registry of Civic associations and institutions" otherwise the legal representative of the association may carry out such at the expense of the register.

Article (9)

The judicial personality of the association shall be established once the founding members have signed the statutes thereof and upon notification of the competent administration and the court of first instance. The judicial personality may not be invoked against others except after the proclamation of the statute of the association.

Article (10)

The "register of Civic associations and institutions" shall, issue a certificate to the association including the relevant name, purpose, place of registry and date of proclamation of such. The association shall be committed to register and proclaim all amendments introduced to the statute according to the same procedures as provided for in the previous articles. The amendment shall not be implemented regarding others except after the date of proclamation.

Article (11)

The administrative authority may, demur the establishment of the association after such is fully proclaimed, or may object to the amendment of the relevant statute by means of a petition incorporating the reasons for the demur. The memorandum shall, within thirty (30) days of the date of proclamation, be submitted to a judge of provisional matters at the court of first instance having jurisdiction over the headquarters of the association. The judge shall, subsequent to hearing statements of the administrative authority and the legal representative of the association, order either the corroboration or dismissal of the objection of the administrative authority.

The order of the judge of provisional matters may, within thirty (30) days, be challenged pursuant to the rules established in the Code of Civil Procedure.

Article (12)

The association shall, upon establishment thereof, be committed with matters vowed by relevant executives or employees; such avowals may be enforced on matters concerning the association but may not be invoked against others for claims of slackening of registration and proclamation procedures.

Article (13)

The right to voluntarily adhere to or withdraw from the association is guaranteed.

Article (14)

Membership in the elected bodies of the association and paid work therein shall not be combined.

Article (15)

The association shall carry out the following tasks:

- 1) Keep documents, correspondences and records at the headquarters thereof.
- 2) Register the data relevant to each member of the association in a special register.
- 3) Keep in special records the minutes and decisions of the sessions of the general assembly and elected bodies of the association.
- 4) Book-keep relevant accounts showing revenues and sources thereof, expenses and accounts thereof.
- 5) Appoint an external auditor if the budget thereof surpasses L.E250.000 (two hundred and fifty thousand Egyptian pounds).
- 6) The association shall deliver to the competent administrative authority a copy of the relevant final annual accounts, certified by the general assembly and the external auditor, as well as decisions of the general assembly and the board of directors. The association shall also notify the administrative authority of the sources of funding thereof.

Article (16)

All persons, bodies or institutions may have access to all books and records relevant to the activities of the association upon submission of a request to the administrative body where such documents are deposited. The competent administrative body shall establish the rules organizing such undertaking to ensure the right of all to have access thereto.

Article (17)

The association may, after notifying the administrative authority, carry out all money-generating activities, including fundraising from agencies, institutions and the public at large, through all possibly available means, such as television campaigns, charity concerts and correspondences, while being exempt from all prescribed charges and taxes on such services. The administrative authority may object to fundraising within one month from notification of such, by means of a petition including the reasons for the objection, submitted to the judge of provisional matters within the competent court of first instance.

Any association taking part in economic activities helping such to fulfill its objectives may allocate the profits generated by such activities for the purposes of the association.

Article (18)

Funds of associations shall be exempt from all kinds of dues, taxes and customs.

Article (19)

Donations made by individuals, institutions and companies to associations shall be assessed from the tax base of the donor.

Article (20)

1. Associations shall be entitled to convene plenary meetings either in headquarters of such or in any external halls.
2. Associations shall be entitled to publish brochures or magazines of a periodic nature without being subject to restrictions prescribed in the Law on the Regulation of the Press.
3. Associations may be affiliated with, participate in or adhere to any association or body residing outside Egypt, pursuant to the rules defined by the statute or the board of directors. The board of directors shall be under an obligation to notify the administrative authority of such.
4. Associations shall be entitled to establish chapters and offices in governorates of the Republic and in cities pursuant to the rules defined by the statute.

Chapter Two: Civic Institutions

Article (21)

The term "Institution" shall, in the provisions of the present Law, mean any judicial person establishing by virtue of the allocation of funds not less than fifty (50) thousand Egyptian Pounds for a specific or non-specific period and for a purpose not contravening provisions of the present Law. Institutions established and proclaimed prior to the enactment of the present Law shall be excluded from this stipulation, unless such wish to become an association.

Article (22)

Institutions shall be established by virtue of an official deed or testament. Such deed or testament shall be equivalent to the statute of the institution and should include the following data:

- 1) Name of the institution, field of activities, scope of work and headquarters thereof.
- 2) Purpose the institution was established for.
- 3) Accurate statement of the funds allocated for this action.
- 4) Hierarchy of the administration of the institution, the method of selecting, dismissing and replacing members of the board of directors thereof.

Article (23)

Establishment of an institution shall be deemed, for creditors or heirs of the founder, a donation or testament. If the institution was established in detriment to the rights thereof, they may file legal action as prescribed in the law for cases of donations and testaments.

Article (24)

In the event the institution was established by virtue of an official deed, the founder(s) may waiver such by means of another official deed until the institution is proclaimed in accordance with the provisions stipulated in the present Law.

Article (25)

Institutions shall be proclaimed upon the request of the founder(s) or first executive director thereof pursuant to procedures for the proclamation of associations established in the present Law.

Article (26)

All special provisions on associations prescribed in the present Law shall apply to all institutions subject thereto unless otherwise provided for in the Law or in the deed of establishment thereof, except for special provisions on associations.

Chapter Three: The Right to Form Networks, Coalitions, Thematic and Regional Federations

Article (27):

Associations shall be entitled to establish or join local networks or coalitions which help such in coordinating their activities and support their joint objectives.

Article (28):

Any number of associations shall be entitled to create thematic or regional federations between themselves for a limited or unlimited period. The founding agreement of this federation shall specify the statute, regulations, institutions, method of exercising competencies thereof, funding methods, dissolution thereof and termination of same activities. Notification of the creation of this federation shall follow the same method prescribed for notification of associations in the present Law, if the founders wish to enjoy a legal personality.

Article (29)

The board of directors of the federation shall notify the administrative authority of any development taking place in the formation or competence of the federation, and also of the new members adhering thereto or old members having withdrawn therefrom.

Chapter Four: Concluding Provisions

Article (30)

The administrative authority or any person or entity having interests may be entitled to resort to courts of law to challenge any decision or activity of the general assembly or board of directors of the association. The court of first instance in the jurisdiction of which the association headquarters is situated shall, after examining the request and hearing the defense of the association accompanied by corroborating documents, order either the repudiation or acceptance of the request, including all the ensuing sanctions. The court may incorporate in same ruling an expedited validation, except in the case of ruling for the dissolution of the association or liquidation of funds thereof, the ruling shall not be executed except when it is pronounced finally.

Article (31)

Sanctions which may be inflicted on the association by virtue of a court ruling, in case it was proved that the said association contravened the statute and rules prescribed in the present Law include the following:

1. Warning the association to rectify the established infraction;
2. Annuling the decision or suspending the objected activity;
3. Freezing the activity of the contravening member or freezing said membership in the board of directors;
4. Fully remove the board of directors or some members thereof;
5. Freezing the activities of the association for a limited period;
6. Dissolving the association and liquidating funds thereof.

Article (32)

The court of law shall, in the event of a ruling has been rendered to dissolve the elected board of directors of the association, include in the same ruling the appointment of a member of the general assembly, other than the members of the dissolved board of directors, as a receiver. In case the general assembly was itself the board of directors, the court shall appoint a receiver outside the assembly. The receiver shall be assigned, within a period not exceeding sixty (60) days as of the date upon which the ruling to appoint same became final, to hold new elections pursuant to the statute of the association, and shall have the competences of the chairman of the board of directors to preserve relevant rights provided that a full report of the activities of the receiver be submitted to the first general assembly meeting for approval.

Article (33)

If an association is dissolved, one or more liquidator(s) shall be appointed. The liquidator(s) shall be appointed by the general assembly if the dissolution is voluntary or by the court of law if the dissolution is judicial. In all cases, the rules prescribed in the statute of the association shall be followed with respect to the outcome of liquidation. In case of failure to do such, the decision to appoint a liquidator(s) shall include the assignment of same to transfer the funds of the dissolved association to an association whose objectives are closest to those of the said association.

Article (34)

The association shall be entitled to challenge any administrative decision against same and to present the reasons for such challenge to the court of administrative judiciary within whose jurisdiction the headquarters of the association is located. The court shall, after examining the challenge and hearing the defense of both the association and the administrative authority, either order the annulment of the administrative decision or repeal the challenge presented by the said association.