



**CAIRO INSTITUTE
FOR HUMAN RIGHTS STUDIES**
Institut du Caire pour les études des droits de l'homme
مركز القاهرة لدراسات حقوق الإنسان

**Honorable President Abd al-Fattah al-Sisi
President of the Arab Republic of Egypt**

Subject: An urgent appeal to veto the new law on civic associations

We are writing to express the urgent necessity of repealing the law on civic associations and foundations, approved by the parliament on Tuesday, November 29, following a review by the legislative section of the State Council. This law will inflict great harm not only upon civil society organizations, but upon the Egyptian state and its citizenry.

Civil society is an essential part of any strong, successful nation-state, serving to “strengthen social solidarity” between all segments of the populace –from the highest levels of the Egyptian state to rural populations throughout the countryside. The Supreme Constitutional Court has called civil society “the link between the individual and the state.” It enables citizens to actively contribute to the state’s well-being and prosperity by “raising consciousness and spreading general knowledge.” A flourishing civil society produces a flourishing economy, as civil society organizations (CSOs) mobilize “individual and collective efforts to increase both social and economic development,” aiding the government in “providing optimal public services, efficiently distributing resources, and rationalizing public spending.”¹ In sum, to assure the best interests of Egypt are advanced, a robust civil society must also be assured.

Given the importance of civil society to the Egypt, we understood the parliament’s desire to replace Law 84/2002, which has proven inadequate to regulate civil society

¹ Appeal no. 153/21/JY, SCC session of Jun. 3, 2000, Technical Bureau 9, pt. 1, p. 582.

due its restrictive nature. The CIHRS and other civil society organizations expected this new law to honor constitutional principles and international standards regarding the freedom to form associations, avoiding the restrictions in the current law. Regrettably, the parliament has imposed more restrictions and barriers in its new law. These barriers will inevitably cripple civil society's ability to harness and advance Egypt's potential; particularly within the current context of a severe socioeconomic crisis and the fissures in the social cohesion of the Egyptian people.

In the best interests of the Egyptian state, we urgently appeal to you to use your constitutional authority to veto the law and send it back to the parliament for major revisions to bring it into conformity with the Egyptian constitution. Vetoing the law would affirm your dedication to constitutional supremacy and the rule of law, as well as your recognition of the importance of a free, effective civil society to the state's overall wellbeing. Below we list the most significant flaws of the new law:

1. **It violates the constitution.** Article 75 of the constitution upholds citizens' right to form civic associations. The new law violates this article by giving the administrative body broad latitude to interfere in the operation of associations and the election of their boards. It also expands the list of proscribed activities for civic entities, exceeding the bounds set by the constitution, which prohibits only "the establishment or continuation of civic associations and foundations whose statutes or activities are secret or of a military or quasi-military nature." Due to your pledge, as president of the Arab Republic of Egypt, to respect and uphold the constitution, we fully expect you to veto this law on the basis of its clear unconstitutionality.
2. **It violates Egypt's international commitments.** The Egyptian state has made a commendable effort to show, on an international level, its dedication to upholding the right to freedom of association. Accordingly, it ratified the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR). The new law violates these international legal obligations and represents Egypt's de-facto withdrawal from the international community.

The law further disregards the recommendations received by Egypt in the Universal Periodic Review of its rights record in 2014, which the government publicly pledged to implement before representatives of the international community and the Egyptian people. Maina Kiai, the UN special rapporteur on the freedom of assembly and association, warned that if the law was adopted, it would “devastate civil society not only in the short term, but possibly for generations to come.” He noted his suspicions that the law seemed “deliberately drafted to curtail civil society’s ability to operate, and to stifle its ability to freely express itself.”²

Most significantly, the law sends a negative message to the international community that Egypt will not abide by its constitutional and international pledges to its own citizens, other governments, and multilateral international organizations. The UN special rapporteur himself noted that the provisions of the law violate international law and contradict Egypt’s own constitution. Thus, ratifying this law would greatly lower Egypt’s standing in the international community and reduce its influence on the international level.

- 3. The bill imperils the nation’s economy and security.** As described above, an effective civil society is essential to a strong state. In addition to furthering socioeconomic development in general, civil society aids the state in providing direly-needed services to the citizenry. This especially important now more than ever, given the current socioeconomic crisis in Egypt. By rendering it impossible for CSOs to deliver their services, the law will intensify the effects of the crisis on the most vulnerable segments of Egyptian society - volatizing societal cohesion and endangering national security. Needless to say, the overall investment climate for both local and foreign business will also be substantially harmed; plunging Egypt even further into economic turmoil. A veto of this new law is imperative, not only to safeguard Egypt’s most vulnerable citizens but to protect the economy and defend national security as well.

² See the statement at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20920&LangID=E>.

The appended legal memorandum, provided by the CIHRS, further details the issues briefed above. We reaffirm our expectation that you will veto this law, thereby upholding the constitution, elevating Egypt's international standing, and advancing the best interests of the Egyptian state and its people.

Sincerely

Bahey eldin Hassan

Director of the Cairo Institute for Human Rights Studies (CIHRS)