

Interactive Exercise: Arab NGO Laws Compared to International Standards

Analyze the following provisions in light of international law protecting the right of freedom of association. You will have 30 minutes to discuss the provisions in your group and prepare a presentation to the other participants.

Group One - Registration

Egypt – Law 84 of 2002

Article 76: ...the following shall be punished with imprisonment for a period not exceeding six months and a fine not exceeding two thousand pounds or either penalty: ... (a) whoever establishes an entity under any name to carry out one of the activities of the association or non-governmental institutions without following the provisions prescribed in this law.

(Administrative Regulations) Article 24: The concerned administrative quarter shall refuse, with substantiated decision, the request for registration of the society's summary of statutes if it transpires to it that the society's summary of statutes include... (2) threatening national unity, violating public order or morals, or calling for discrimination between citizens on grounds of race, origin, color, language, religion, or creed; (3) any political activity the exercise of which is restricted to political parties...

Bahrain – Law 21 of 1989

Article 11: The specialized administrative authority shall have the right to refuse the registration of an association if the society does not need its services or if there are other associations that fulfill the society's needs in the field of activity the association wants to practice. It may refuse to register an association if the creation of such association undermines the welfare and security of the state; if the premises of the association are not appropriate on the health or social level for the performance of its activities; if the association is created to revive another association which has been previously dissolved.

Article 89: ... 2. Every person who starts an activity with private institution, cultural or social club or any special committee working in the field of youth and sports association before the announcement of its registration in the official gazette according to the provisions of this law.... shall be sentenced to imprisonment for a period not exceeding six months and a fine not exceeding 500 dinars or by one of these penalties.

Yemen – Law 1 of 2001

Articles 8 – 10: The process of registration... should be based on the presentation of a written application to which should be attached a copy of [the] articles of association and [the] organizational regulations... which the founders or anyone acting on their behalf should deposit with the Ministry or its branches or its relevant offices in return for a written receipt thereof... The Ministry... should process within one month from the date it receives the application; if this



Interactive Exercise: Arab NGO Laws Compared to International Standards

period terminates and the processing has not been completed, then the application shall be deemed to have been accepted... in the event that the application is refused [the Ministry] should notify the founders of the decision to reject the application in writing, giving the reason thereof...”

East Timor – Proposed Regulation No. 2000/-- on Registration and Operation of Associations and Foundations

Article 1.2: Every Person shall be eligible to register a non-governmental organization (“NGO”) under the terms and conditions of the current Regulation. No Person shall be required to register an NGO in order to exercise the right to freedom of association, and such activities are not regulated by the current Regulation.



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Group Two – Fundraising

Egypt – Law 84 of 2002

Article 17: The association shall have the right of receiving donations. It may collect donations from natural and juridical persons with the approval of the administrative authority... in all cases, no association shall collect funds from abroad... except with the permission of the Minister of Social [Solidarity]...

Article 76: ...the following shall be punished with imprisonment for a period not exceeding six months and a fine note exceeding two thousand pounds or either penalty: ... (c) whoever receives funds from abroad, sends funds abroad, or collects donations without the approval of the administrative authority...

Jordan – Law 51 of 2008 as amended by Law 22 of 2009

Article 17(C) :

1. if the society desires to receive a donation or funding from a non-Jordanian person, it should notify the competent minister and the notification should state the source of such donation or funding and its amount and the mode of receipt and the purpose for which it will be spent and any other special conditions. In case of there is no denial decision by the Minister within thirty days from the notification receipt, the donation or funding will be considered approved automatically.
2. If the competent minister has issued a decision to deny such a donation or funding within the given period in the item (1) of this paragraph, the society should not receive such a donation or funding. The decision can be challenged before the Higher Justice Court according to the existing legislations.

Article 26:

He will be punished by a decision by the competent court:

... A. 2. Anyone who agrees to receive any contribution, support or funding from Jordanian persons, and without declaring the funds or entering them into the records of the society will be punished by a fine not less than one thousand (1000) dinars and not more than ten thousand (10,000) dinars.

3. Anyone who keeps or uses contributions or funding presented to the society from non-Jordanians and does not declare the funds or enter them into the records of the society, or in the case of keeping or using said funds



Interactive Exercise: Arab NGO Laws Compared to International Standards

despite of being denied by the relevant minister is subject to a fine not less than one thousand dinars and nor more than ten thousand dinars.

East Timor – Proposed Regulation No. 2000/-- on Registration and Operation of Associations and Foundations

Article 10.2: The income of an NGO may include donations of cash, securities, and in-kind contributions; bequests; membership fees; gifts; grants; real or personal property; and income generated from any lawful activities undertaken by the NGO with its property and resources.

Article 10.3: An NGO may engage in economic activities for the purpose of supporting its not-for-profit activities.



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Group Three - Dissolution

Egypt – Law 84 of 2002

Article 42: The association shall be dissolved with a substantiated decision of the Minister of Social [Solidarity]... in the following cases: (1) disposing of its property and funds or appropriating them for other than the purpose it was established for; (2) acquiring funds from, or sending funds to a foreign quarter, in violation of Article 17 of this law; (3) committing a serious violation of the law, or the public order or morals; (4) joining, participating in, or affiliating to a club, association, authority, or organization outside the Arab Republic of Egypt in violation of the provisions of Article 16 of this law... a concerned party may contest the decision... before the Administrative Court.

Iraq - Proposed Law on Non-Governmental Organizations No. () of 2009

Article (24): In consideration of other laws, NGOs may be penalized if they violate this law with the following:

... **Second:** Dissolution by a court decision upon a request by the Department in one of the following cases:

- a. If a year passed since establishment and the NGO failed to commence its activities set out in its bylaw or discontinued such activities for the same period without good reason.
- b. Should the NGO conduct activities contrary to its objectives stated in its bylaw, or failed to fulfill its duties stipulated in this law.
- c. In case the NGO becomes unable to meet its obligations and commitments.
- d. If the NGO allocated its funds and revenues for purposes other than the establishment objectives.
- e. If it was proved that the NGO runs gambling or other deeds violating public order and ethics.
- f. If it was proved that it possessed and stored weapons, explosives or drugs in one of its offices, branches or elsewhere.
- g. In case the NGO failed to correct the violation despite being notified, suspended and the chances appeal ended.

UAE – Law 6 of 1974

Article 36: The association may be dissolved by a decision of the Minister in the following cases: 1) if the number of its members becomes less than [20]; 2) If it is revealed that its activities do not achieve its aims or if it becomes incapable of achieving these aims; 3) if it spends its funds on activities other than those it has specified; 4) if it becomes incapable of fulfilling its commitments; 5) if it refuses inspection or if it submits incorrect or deceiving information; 6) if it commits a major violation of its basic law or the provisions of this law.



Interactive Exercise: Arab NGO Laws Compared to International Standards

East Timor – Proposed Regulation No. 2000/-- on Registration and Operation of Associations and Foundations

Article 12.2: UNTAET may suspend the activities of an NGO or involuntarily dissolve an NGO if the NGO commits a serious or repeated violation of applicable law. Except in the case of violations posing an imminent threat of serious harm to the public, UNTAET shall give an NGO written notice of the violation and an opportunity to respond prior to suspending activities or moving to dissolve the NGO. The NGO may seek review of such decisions by the Review Committee following the procedures described in section 6.6.



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Group Four – Political Activities

Egypt – Law 84 of 2002

Article 11: ... (3) the exercise of any political activity shall be restricted to political parties according to the *Law on Political Parties*, and exercising any unionist activity shall be restricted to the unions according to the *Trade Unions Law*.

Article 76: ...the following shall be punished with imprisonment for a period not exceeding one year and a fine not exceeding ten thousand pounds or either penalty: ... (b) whoever assumes one of the activities proscribed in items 1, 2, and 3 of Article 11 of this law.

Bahrain – Law 21 of 1989

Article 63: Clubs shall not be allowed to involve in political or religious issues.

Algeria – Law 90-31 of 1990

Article 11: Due to their purpose, name and operation, associations differ from political associations and cannot maintain any institutional or structural relations with them, nor receive subsidies, gifts or donations in any form whatsoever from them, nor participate in their funding.

Qatar – Law 12 of 2004

Article 35: The Minister, by a decision taken by him, may dissolve an association in the following cases: ... (3) If it gets involved in political issues.

East Timor – Proposed Regulation No. 2000/-- on Registration and Operation of Associations and Foundations

Article 9: NGOs may not engage in fundraising or campaigning to support or oppose political parties or candidates for appointive or elective public office, nor may they propose or register candidates for elective public office.



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Group Five – Public Benefit Status

Egypt – Law 84 of 2002

Article 49: All associations visualizing the realization of a general interest upon or after its foundation may be vested with the quality of public benefit by decree of the President of the Republic upon the request of the association, or of the administrative authority, or the General Union for Association and Non-Governmental Institutions, and the approval of the association in both cases. Abolishing the quality of public benefit shall be through a decree of the President of the Republic.

East Timor – Proposed Regulation No. 2000/-- on Registration and Operation of Associations and Foundations

Article 11.1: Subject to the limitations described in Section 11.2, an NGO registered under the present Regulation may apply for public benefit status if the NGO is organized and operated to undertake one or more of the following as its principal activities:

- (a) humanitarian assistance and relief,
- (b) charity,
- (c) education,
- (b) health,
- (c) preservation of traditional culture,
- (d) environmental conservation or protection,
- (e) economic reconstruction or development,
- (f) assistance and protection of East Timorese displaced or otherwise affected by the conflict,
- (g) facilitation of emergency rehabilitation and reconstruction of services and infrastructure,
- (h) promotion of good governance and dialogue at the national or local levels,
- (i) promotion of confidence-building measures and indigenous processes of reconciliation,
- (j) promotion of human rights,
- (k) promotion of democratic practices and civil society,
- (l) promotion or maintenance of peace and security, or
- (m) promotion of gender equality.

Article 11.3: An NGO may apply for public benefit status upon initial registration as an NGO or at any time thereafter. UNTAET shall grant public benefit status if the application documents required by UNTAET demonstrate that the



Interactive Exercise: Arab NGO Laws Compared to International Standards

purposes and actual or planned activities of the NGO satisfy the requirements of section 11.1-11.5.

Article 11.7: To retain public benefit status, the NGO shall prepare annual activity and financial reports pursuant to administrative directives issued by the Interim Administrator. These reports shall be published without charge in the Official Gazette.

