

Egypt's Draft NGO Law Dismantles Civil Society

60 organisations call on the Egyptian government to cease silencing civil society, and to allow NGOs to conduct their mandates within Egypt's constitutional framework and in full respect of its international legal commitments to freedom of association.

We, the undersigned civil society organisations unequivocally condemn the law on civic associations (non-governmental organisations) adopted by Egypt's Parliament on 15 November 2016. The Parliament has debated and approved the bill in its entirety in record time, and referred it to the State Council for legal review (non-binding on the Parliament in this case). If implemented, it will effectively mean the end of Egypt's human rights movement, and will wipe out independent civil society in the country as a whole by setting NGOs firmly under control of the government and security establishment.

The Egyptian authorities have already taken serious measures to eliminate Egyptian civil society organisations with the reopening of the foreign funding case against NGOs (no. 173/2011), through which a raft of legal measures have served to harass and silence the human rights movement. Including IFEX members the Cairo Institute for Human Rights Studies (CIHRS) and the Arabic Network for Human Rights Information (ANHRI), four respected rights organisations and 6 prominent NGO directors/board members have been subjected to asset freezes, at least 15 leading Egyptian human rights defenders have been subjected to travel bans since December 2014, and many NGO staff and directors have been summoned for interrogation by investigative judges.

This latest draft law violates the constitutionally guaranteed right to freedom of association in multiple ways—though Egypt pledged to uphold it by ratifying the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR), and other international rights commitments, including acceptance of recommendations following its UPR at the UNHRC in 2015.

The text also provides for an entity known as the National Agency for the Regulation of Foreign NGOs, to be formed by presidential decree from representatives of three security bodies which will determine all matters related to NGO funding, the registration and affairs of international NGOs, and cooperation between Egyptian associations and any foreign body. Applications to this Agency are to be considered denied if a response is not received within 2 months—in violation of Egypt's Constitution, that guarantees civic associations' "right to practice their activities freely, and administrative agencies may not interfere in their affairs or dissolve them, or dissolve their boards of directors or boards of trustees, except by a court judgment" (article 75).

In order to register as an NGO, organisations must pay 10,000 Egyptian Pounds (article 8), and will not be able to receive funding before registration is complete. The provision is reinforced by the prohibition of opening a bank account without a

letter from the authorities to this effect. Foreign NGOs are to pay up to 300,000 EGP to register for 3 years—with a 20% increase for each renewal. People working for an unregistered NGO could face up to 5 years' imprisonment.

This draft NGO law effectively prohibits Egyptian human rights NGOs from registering and working in Egypt in several ways, setting vaguely-phrased limitations to permissible NGO activities. It stipulates that civic work shall take place in the fields of development and social welfare—and that must be done “according to the State's plans and its developmental needs and priorities.” Egyptian and international NGOs would be forbidden to advocate against any law or its implementation, as well as to carry out “political activities” or any that “harm national security, public order, public morals or public health.” They would be prohibited from conducting public surveys, research or reports without permission and approval of the results of such work from the authorities prior to publication (articles 14, 87).

Also problematic is that the law makes individuals managing NGOs criminally responsible for a range of administrative infractions. Cooperating with any international body—even the UN—without government approval is to be punishable by 5 years' imprisonment and heavy fines (up to 1,000,000 EGP). It also allows for harsher penalties defined in Egyptian legislation referring to the Penal Code or “any other law” (article 86). The law stipulates that Board members of NGOs found guilty of receiving foreign funding without government permission are to be treated as public servants according to the Illicit Gains law, which raises the penalties they may incur from life imprisonment to the death sentence.

The text gives the authorities the power to intervene in numerous aspects of the work and administration of NGOs: they may oppose internal resolutions or nominations to NGO Boards of directors, the moving of their premises or the opening of new offices (articles 34, 42, 88).

Finally, this law would also allow for the elimination of independent civil society organisations focused on development, charitable activities and social services. As Egypt is facing a worsening socioeconomic crisis, this law would make it nearly impossible for local development associations across the country to function and provide sorely needed services to rural populations.

In light of the severity of the restrictions imposed by this law, we, the undersigned organisations, call on Egypt's President AbdelFattah al-Sisi to not ratify and enact this law. Any new NGO law to replace Law 84/2002 on civic associations must be developed through a sincere and open dialogue with all stakeholders—including established and independent human rights organisations—about the role and status of civil society, strictly within Egypt's constitutional framework and in full respect of its international legal commitments to the freedom of association.

We also call on the UN High Commissioner for Human Rights to take a clear and

public position regarding this bill, which is in violation of Egypt's international legal obligations.

Signed,

Cairo Institute for Human Rights Studies
ActiveWatch – Media Monitoring Agency
Africa Freedom of Information Centre
Albanian Media Institute
Americans for Democracy and Human Rights in Bahrain
Arabic Network for Human Rights Information
ARTICLE 19
Association for Civil Rights
Association for Media Development in South Sudan
Cambodian Center for Human Rights
Canadian Journalists for Free Expression
Child Rights International Network
Freedom Forum
Free Media Movement
Gulf Centre for Human Rights
Human Rights Network for Journalists - Uganda
I'lam Arab Center for Media Freedom Development and Research
Independent Journalism Center - Moldova
Institute for Reporters' Freedom and Safety
Institute for the Studies on Free Flow of Information
Instituto Prensa y Sociedad de Venezuela
International Press Centre
International Press Institute
Journaliste en danger
Maharat Foundation
MARCH
Media, Entertainment and Arts Alliance
Media Institute of Southern Africa
Media Watch
National Union of Somali Journalists
Norwegian PEN
Observatorio Latinoamericano para la Libertad de Expresión - OLA
OpenMedia
Pacific Islands News Association
Pakistan Press Foundation
PEN American Center
Privacy International
Reporters Without Borders

Social Media Exchange - SMEX
South East European Network for Professionalization of Media
Amnesty International
Asian Forum for Human Rights and Development (FORUM-ASIA)
Asian Legal Resource Centre
Associazione Ricreativa e Culturale Italiana (ARCI)
Christian Solidarity Worldwide (CSW)
Conectas Direitos Humanos (Brazil)
EuroMed Rights
DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
Front Line Defenders
Global Civil Society Alliance, CIVICUS
Human Rights First
International Commission of Jurists (ICJ)
International Service for Human Rights (ISHR)
Pan African HRDs Network
Project for Middle East Democracy (POMED)
Solidar
The African Centre for Democracy and Human Rights Studies (ACDHRS)
The Center for Legal and Social Studies (CELS)
The Tahrir Institute for Middle East Policy (TIMEP)
World Organization Against Torture (OMCT) and International Federation for Human Rights (FIDH) within the framework of the Observatory for the Protection of Human Rights Defenders