

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 16/4, 15/21, and 16/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **two draft laws which, if passed, would severely restrict the right to freedom of association and of peaceful assembly.**

According to the information received:

On 31 January 2013, officials from the Ministry of Social Affairs announced that a new draft law on associations has been finalized. The draft law reportedly raises the minimum number of founding members to register an association from 10 to 20 and increases the minimum capital requested to establishing the association from LE 10,000 to LE 250,000. It is reported that this provision will deter individuals from exercising their legitimate right to freedom to association.

It is reported that the draft law provides for a prior approval procedure to set up an association. It is further reported that the draft law would limit the purposes and activities which can be carried out by an association, as associations will only be permitted to work towards "humanitarian and development goals and will be prohibited from conducting "field research, opinion polls, or projects in the field of civil work without obtaining the approval of the concerned authorities".. These restrictions will reportedly have a detrimental impact on associations' ability to be formed and once formed conduct activities freely.

Furthermore, the draft law provides that associations which “threaten the national unity,” “call for discrimination between citizens,” or undermine “public order and morals” will be prohibited. It is reported that these terms are vague and not defined, and may be subject to arbitrary interpretations.

Similarly, individuals seeking to establish an international organization (INGO) will need to obtain a prior authorization from a newly established Coordinating Committee, made up of representatives from ministries and government agencies. It is indicated that registration may be denied if the association “receives funds directly or indirectly from a government”, “supports or represents the views of a political party” or “affects national sovereignty”. It is reported that the aforementioned grounds do not correspond to the limited legitimate grounds provided by article 22 of the International Covenant on Civil and Political Rights and would have the potential for abuse.

It is reported that the Coordination Committee will be provided with the power to oversee all issues related to foreign funding and the operation of foreign civil society organizations in the country, which may lead to a misinterpretation of the scope of limitations and restrictions on the right to freedom of association. In particular, the provision of the draft law whereby activities promoting human rights shall only be carried out with domestic funding only, reportedly targets human rights defenders and human rights organizations and may have a detrimental effect on those promoting civil and political, as well as economic, social and cultural rights, which are key in the context of the transition period.

In relation to foreign funding, the draft law subjects foreign funding to a prior authorization procedure, and foreign funding can only be accessed to support “development and humanitarian activities”. These limitations will reportedly have a deterrent effect on the ability of numerous associations which carry out activities in other fields and which are dependent for foreign assistance.

Reportedly, associations can be dissolved for minor reasons, including in case the government considers that the association in question is unable “to achieve the purposes for which it was created” or has received “funds from a foreign entity in violation of the provisions of the law”.

The draft law further provides for severe penalties for individuals, including in case of minor offense. For instance, the draft law imposes criminal penalties on individuals who take part in unregistered groups. It also allows “imprisonment for a term of not less than one year” and fines of up to LE 100,000 for a wide range of violations of the law. These include, for example, “aiding” an international association “in the exercise of any activity in Egypt” without approval from the aforementioned Coordination Committee.

Concerning the draft law on demonstrations in public places:

Article IV of this draft provides that “the exercise of the right to demonstrate should not lead to a breach in security or public order, disable the interests of the citizens, disrupt roads or means of transportation, attack properties or freedom of work, or threaten seriously any of the above.” Reportedly, some of these grounds for restricting this right are not included as legitimate grounds in article 21 of the ICCPR.

Furthermore, the draft law stipulates that failure to notify the authorities of the intent to organize a demonstration will presume the demonstration to be illegal. This provision will reportedly prevent individuals from taking part in spontaneous assemblies, which is a key aspect of the right to freedom of peaceful assembly.

According to article IX, authorities will be entitled “to cancel, postpone or move the demonstration to another place or divert its route, when there are substantial grounds for it.”

Moreover, article X provides that no demonstration shall take place at a distance of less than 500 meters from some specific sites; while article XI prohibits demonstrators from “establishing platform for rhetoric or speech” or from “establishing tents or other structures to be used overnight”.

It is reported that the aforementioned provisions are not in line with the requirements of paragraph 3 of article 19 and paragraph 2 of article 21 of the ICCPR, nor with the obligation that any restrictions to freedom of peaceful assembly must be facilitated within “sight and sound” of its object and target audience.

Furthermore, demonstrators are prohibited from carrying banners or voice any statements, songs or poems that “can be considered as defamation and insult or inciting disorder, violence or hatred”. According to reports, provisions such as ‘defamation’ or ‘insult’ if not further defined, may be arbitrarily enforced thus leading to undue restriction to the right to freedom of peaceful assembly and the right to freedom of expression.

In relation to the assembly policing, the draft law provides that police should not use force beyond certain limits, “except in case of an attack on a person, property, or based on a judicial order by the Interim Relief Judge”. It is reported that this provision fails to take into account the provisions of Human Rights Council’s resolution 19/35, which encourages “States to avoid using force wherever possible during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force” (OP 6).

Finally, the draft law reportedly fails to provide for protective measures for those participating in, or monitoring peaceful demonstrations. It is also reported that the draft law fails to provide adequate and effective protection for women demonstrators, including by inserting provisions related to the obligation to

investigate promptly and independently any instances of gender-based violence occurring during demonstrations.

Grave concern is expressed that several provisions of these draft laws would, if adopted, severely restrict the right to freedom of association and of peaceful assembly, as well as the right to freedom of opinion and expression, as enshrined in international human rights law. Serious concern is expressed that several provisions of the draft laws contain vague terms, which may be subject to arbitrary interpretations. Serious concern is expressed that these developments may be part of a general trend aimed to restrict the legitimate work carried out by civil society organizations.

While we do not wish to prejudge the accuracy of these allegations, we wish to refer to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would also like to make reference to article 21 of the ICCPR, which provides that “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

We also wish to recall article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Moreover, the Special Rapporteur on the rights to freedom of peaceful assembly and of association would also like to refer the best practices related to freedom of association and of peaceful assembly he identified in his report A/HRC/20/27, especially paragraphs 40; 54; 67; 84 (c), 95; 96 and 100.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals,

Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters;

- article 9, paragraph 4, states that "(a) (...) everyone has the right, individually or collectively, in conformity with applicable international instruments and procedures, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms."; and

- article 13 which stipulates that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedom, through peaceful means, in accordance with article 3 of the declaration.

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Please provide full details on the aforementioned draft laws and explain how their provisions are in accordance with Egypt's obligations under international human rights law and standards, particularly with regard to the rights to freedom of association and of peaceful assembly, and freedom of expression.
3. Please indicate whether any consultation has been undertaken on these draft laws, including with civil society actors.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the right to freedom of association and of peaceful assembly, as well as the right to freedom of opinion and expression, as enshrined in international human rights law is respected and that the legitimate work carried out by civil society organizations is not restricted.

Please accept, Excellency, the assurances of our highest consideration.

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