

**Mandates of 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
EGY 11/2014:

29 August 2014

Excellency,

We have the honour to address you in our capacities as 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 resolutions 24/5 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the compulsory registration of all civil society organisations with the Ministry of Social Solidarity in accordance with the restrictive provisions of the 84/2002 NGO Law.**

The restrictive content of the 84/2002 NGO Law was the subject of an allegation letter sent to your Excellency's Government by 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 on 17 November 2011, reference A/HRC/19/44, case no. EGY 12/2011. We take note of your Excellency's Government reply dated 17 January 2012 and reiterate that we remain interested in receiving replies to the concerns raised in that letter.

Since the pledge to revise this law made by your Government during the country Universal Periodic Review of 2010, three different proposals to modify the 84/2002 NGO Law were put forward in 2012, 2013 and February 2014, respectively. According to the information provided by your Excellency's Government, "a societal dialogue" and "consultation sessions" with various groups have been, and are still taking place to adopt a final text that would be "in line with the 2014 Constitution". Some of these proposals were the subject of two allegation letters sent to your Excellency's Government respectively by 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, on 12 February 2013 (AL EGY 4/2013); as well as by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences on 20 March 2013 (EGY

5/2013). A press release on this matter was also issued on 28 March 2013. We acknowledge receipt of your Excellency's Government reply dated 19 May 2013 where a short explanation of the process going on then and still ongoing at the time of writing this letter, and aimed at revising the 84/2002 NGO law was provided.

According to the information we continued receiving since:

On 18 July 2014, the Ministry of Social Solidarity issued a notice in the newspaper *Ahram* requiring all civil society "entities", including civil companies, law firms and others, to register, within a period of 45 days, in accordance with the provisions of the 84/2002 NGO Law. Moreover, the notice reportedly stated that any entity failing to register by 2 September 2014 would be dissolved; their funds confiscated and their founders criminally liable to imprisonment up to one year and to fines up to 10,000 EGP (about 1,000 Euros).

On 24 July 2014, the Executive Director of the Cairo institute for human rights studies discussed the matter with His Excellency Ibrahim Mahlab, Prime Minister of the Arab Republic of Egypt. It is reported that during the meeting, His Excellency Mahlab pledged to meet with the other civil society organizations affected to discuss their situation and hear their concerns. At the time of writing this communication, this meeting has still not taken place.

It is reported that most of the human rights organizations in Egypt are registered as civil companies or law firms due to the severe restrictions of the 84/2002 NGO law. The compulsory registration of all civil society organizations under this law could potentially lead to the closure of a large number of human rights organizations and to the imprisonment of their founders.

The enforcement of the 84/2012 NGO Law is reportedly part of an on-going pattern aimed at restricting the work of independent civil society actors working in defence of human rights. Moreover, it seems to be in contradiction with the authorities' pledge to revise the above-said law made during the country's Universal Periodic Review in 2010.

Serious concern is expressed that the 84/2002 NGO Law may continue to be enforced to hamper the work of civil society organizations, while a revision process is claimed to be going on. Serious concern is also expressed that the compulsory registration of all organizations under this Law may contravene international human rights standards related to freedom of association, including the ability for civil society organizations to freely choose the legal form that best suits the nature of their activities. Serious concern is further expressed that the enforcement of this Law including compulsory registration may jeopardize the existence of several organizations that carry out human rights activities and provide essential humanitarian, cultural and social services.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide full details on the proposed three draft laws on NGOs and explain how the provisions comply with Egypt's obligations under international human rights law.
3. Please provide information on actions taken to integrate the concerns highlighted in the communications previously sent.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to the right to freedom of peaceful assembly and of association as set forth in Article 20 of the Universal Declaration of Human Rights and in article 22 of the International Covenant on Civil and Political Rights (ICCPR), which the Arab Republic of Egypt ratified on 14 January 1982.

We would also like to refer 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. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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. Furthermore, article 5 (b) provides for the right to form, join and participate in non-governmental organizations, associations or groups.

Moreover, we wish to refer to Human Rights Council resolution 21/5, and in particular operative paragraph 5, that “stresses that respect for the rights to freedom of peaceful assembly and of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights.”

In this context, we would also like to refer to Human Rights Council Resolution 22/6, which calls upon States to ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law.

We further refer to the thematic report A/HRC/20/27 of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in which the Special Rapporteur referred to a ruling of the European Court on Human Rights which made clear “that citizens should be able to form a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of the right to freedom of association, without which that right would be deprived of any meaning”. Reference is also made to paragraph 84 (c) of the aforementioned report, in which the Special Rapporteur calls upon States “to ensure that no one is criminalized for exercising the rights to freedom of peaceful assembly and of association, nor is subject to threats or use of violence, harassment, persecution, intimidation or reprisals.”

Finally, we wish to refer to the recommendations issued within the context of the Universal Periodic Review (UPR) of the Arab Republic of Egypt in March 2010 and, in

particular, recommendations 95.88 and 95.106, in which the authorities pledged to “continue [its] efforts to reform in the short term Law 84/2002 in order to establish a procedure for setting up NGOs, which is nimble, fast and not subject to administrative discretion.”