



The International Center for Not-for-Profit Law

1126 16th Street NW, Suite 400

Washington, DC 20036

Contact: Kareem Elbayar, Legal Advisor – Middle East / North Africa

kelbayar@icnl.org | +1 202 684-2528 or +962 6 554 8158

Comments on the Draft Egyptian *Law on Associations and Foundations*

On January 17, the Egyptian Ministry of Social Justice and Solidarity (“Ministry”) announced that it had completed a draft *Law on Associations and Foundations* to replace Egypt’s existing Law 84 of 2002. The proposed law is nearly identical to a draft prepared in March 2010 by a committee composed of members of the now-disbanded former ruling party and chaired by ex-Prime Minister Abdelaziz Hegazy.

The Ministry has announced a fifteen-day public comment period (through February 1), after which the draft is expected to be taken up by Egypt’s newly elected People’s Assembly as one of its first orders of legislative business.

ICNL provides these comments to assist Egyptian and international civil society organizations and other stakeholders as they engage with the Egyptian government concerning the draft law.

About ICNL

The International Center for Not-for-Profit Law (ICNL) is an international not-for-profit organization that facilitates and supports the development of an enabling environment for civil society and civic participation. ICNL provides cutting-edge technical assistance, research, and education to support the development of appropriate laws and regulatory systems for civil society organizations in countries around the world. ICNL has worked on civil society law reform projects in over one hundred countries, including Algeria, Bahrain, Egypt, Iraq, Jordan, Lebanon, Morocco, Tunisia, Palestine, and Yemen. For more information, please visit <http://www.icnl.org>.

Executive Summary

Contrary to the hopes and expectations of Egyptian and international observers, the year since Egypt’s January 25 Revolution has seen a sustained series of attacks on civil society, culminating in raids on several human rights organizations in December that was “unprecedented even in the era of Mubarak.”¹

The draft law announced by the Ministry in January is an unfortunate extension of this trend, and represents a significant degradation in the already restrictive legal and regulatory environment for civil society organizations in Egypt. Among other issues, the draft law:

- **Limits the purposes and activities of associations.** Associations will only be allowed to work on issues related to “social welfare and development and enlightenment of society” as defined by

¹ National Endowment for Democracy, “Raids designed to ‘defame and stigmatize’ Egypt’s pro-democracy forces,” *Democracy Digest* (2011), available online at <http://www.demdigest.net/blog/2011/12/raids-designed-to-defame-and-stigmatize-egypts-pro-democracy-forces/>.

the Ministry, and will not be allowed to work in more than two issue areas without permission from the government. Government officials will have wide latitude to determine whether an association's purposes are acceptable.

- **Mandates registration of all associations and foundations**, and imposes criminal penalties on individuals who establish unregistered groups.
- **May eliminate the legal basis for many human rights organizations as well as other groups** by granting the Ministry the ability dissolve organizations “practicing the activities of associations and foundations” in other legal forms such as for-profit and not-for-profit companies.
- **Requires prior approval from the Ministry before an Egyptian organization may affiliate with a foreign organization or accept foreign funds.** Organizations that are dependent on foreign funds – especially human rights and opposition groups – may find themselves starved of funds and effectively unable to continue operations.
- **Imposes substantial restrictions on foreign associations and foundations operating in Egypt**, granting the Ministry of Foreign Affairs an unrestricted right to impose conditions on their activities.
- **Raises minimum requirements for establishing associations and foundations**, making it more difficult to establish new organizations.
- **Increases already severe criminal punishments for violations of the law**, creating a strong disincentive to associational activity.
- **Allows government officials to easily suspend or dissolve an organization or remove its board of directors**, severely limiting the independence of Egyptian associations and foundations.
- **Requires associations and foundations to obtain licenses before engaging in any form of domestic fundraising**, further eroding the long-term sustainability of Egyptian civil society.
- **Allows government officials to interfere with the operations of civil society organizations** by, among other things, sending representatives to any meeting of the general assembly of an association and objecting to and removing from internal ballots any candidate for board of directors.
- **Requires every association and foundation to join a governorate-based “Regional Federation of Associations and Foundations” and provide a representative for the Federation’s General Assembly**, mandating that the representatives associate with one another in violation of their rights to freedom of association.

Below, ICNL analyzes several of the most significant problems posed by the draft law under international law and best practices in the regulation of civil society organizations (“CSOs”). We stand ready to provide further analysis or assistance as needed.

I. Limitations on Association Purposes

Issue: The purposes of an associations or foundation must relate to “social welfare, development, and the enlightenment of society” (Article 9). The Ministry of Social Justice and Solidarity² (“Ministry”) will define the specific fields of activities that it views as advancing these purposes in an implementing regulation. No association or foundation will be allowed to work in more than two of these fields without (1) notifying the Ministry and (2) receiving approval from the local Regional Federation of Associations and Foundations (*Id.*).

In addition, it is prohibited for an association or foundation to pursue purposes that include “threatening national unity, violating public order or ethics, or calling for discrimination between citizens.” (*Id.*). The government may decline to register, or may dissolve, an association or foundation because its purposes are not consistent with Article 9. (Articles 6 and 35).

Analysis: The limitations on the purposes of associations and foundations articulated in Article 9 clearly violate the internationally protected right to freedom of association.

The right to freedom of association is a fundamental human right recognized in Article 20 of the *Universal Declaration of Human Rights*, Article 24 of the *Arab Charter on Human Rights*, Article 10 of the *African Charter on Human and Peoples’ Rights* (ratified by Egypt in 1984), and Article 22 of the *International Covenant on Civil and Political Rights* (ratified by Egypt in 1982).³ According the *International Covenant on Civil and Political Rights*,

Everyone shall have the right to freedom of association with others... No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others...

Any restriction on the right to associate is thus impermissible under Article 22 of the *International Covenant on Civil and Political Rights* (ICCPR) unless it meets the following conditions: (1) it is prescribed by law; (2) it is necessary in a democratic society; and (3) in furtherance of one of four clearly defined justifications: national security or public safety; public order; the protection of public health or morals; or the protection of the rights and freedoms of others. As the European Court of Human Rights⁴ has made clear, “only convincing and compelling reasons can justify restrictions on the freedom of

² The draft law refers to the Ministry of Social Justice and Solidarity by an old title, the “Ministry of Social Affairs.” For clarity, ICNL has altered all references in the draft law from “Ministry of Social Affairs” to “Ministry of Social Justice and Solidarity,” or “Ministry.”

³ The right to freedom of association is also recognized in the *European Convention on Human Rights* (Article 11), the *American Convention on Human Rights* (Article 16), the *International Covenant on Economic, Social, and Cultural Rights* (Article 8), the *Convention on the Rights of the Child* (Article 15), the *Convention on the Elimination of All Forms of Discrimination Against Women* (Article 7), and dozens of other international and regional treaties.

⁴ The European Court of Human Rights resolves disputes brought against European member states under the *European Convention on Human Rights*. The Court’s decisions are considered to have global significance because the provisions of the *European Convention on association and expression* are virtually identical to those of the ICCPR and other conventions. We have therefore included references to the European Court’s decisions where relevant.

association” and interferences with the right to freedom of association must be “proportionate to the legitimate aim pursued” and supported by “relevant and sufficient” justifications.⁵ The Egyptian draft law, by contrast, imposes broad restrictions on CSO purposes without any justification, and the restrictions are not proportionate to any conceivable legitimate aim.

Case law on the right to freedom of association has made clear that such broad restrictions on an association’s purposes are impermissible. In *Sidiropoulos and Others v. Greece*, the European Court of Human Rights reviewed the Republic of Greece’s refusal to grant registration to an association called the “Home of Macedonian Civilization.” Greece claimed that “promotion of the idea that there is a Macedonian minority in Greece... is contrary to the country’s national interest and consequently contrary to law.”⁶ The European Court rejected this attempt to restrict the permissible purposes that an organization may be formed to carry out. It found that nothing in the association’s application suggested a desire to “undermine Greece’s territorial integrity, national security, or public order,” and that “the preservation and development of a minority’s culture could not be said to constitute a threat to ‘democratic society.’”⁷ Similarly, in *United Communist Party of Turkey and Others v. Turkey*, the European Court held that the Republic of Turkey’s dissolution of the United Communist Party was a violation of international law governing freedom of association, because in a “democratic society” even the pursuit of ideas “that offend, shock, or disturb” are permissible associational aims.⁸

Restrictions on the fields in which an organization may work. The draft law limits the permissible activities of associations and foundations to no more than two “fields” from a list to be defined by the Ministry. This broad restriction is incompatible with the requirements of the ICCPR. A democratic society is a one “cherishing pluralism, tolerance, open-mindedness, equality, and freedom, as well as encouraging self-determination.”⁹ Thus, individuals should be free to form legal entities that permit them to associate to pursue their interests – whether these interests are “social welfare, development, and the enlightenment of society,” or environmental concerns, human rights issues, and even selfish individual interests. There is simply no permissible justification under the ICCPR for the broad restriction on CSO purposes established in Article 9 of the draft law.

Threatening national unity, violating public order or ethics, or calling for discrimination. As recognized in *Sidiropoulos*, the use of terms such as “threatening national unity” or “violating public order or ethics” to restrict an association’s purposes is not consistent with the ICCPR. The broad and ambiguous terms used in Article 9 go well beyond the limited grounds articulated in Article 22 of the ICCPR and therefore cannot be considered legitimate state aims that justify restriction of the right to associate.

⁵ *Case of Sidiropoulos and Others v. Greece*, 4 Eur. Ct. H.R. 500 (1998), paragraph 40.

⁶ *Id.* at paragraph 10.

⁷ *Id.* at paragraph 41.

⁸ *Case of United Communist Party of Turkey and Others v. Turkey*, 4 Eur. Ct. H.R. 1 (1998), paragraph 43.

⁹ Zvonimir Mataga, *The Right to Freedom of Association Under the European Convention on the Protection of Human Rights and Fundamental Freedoms* (Strasbourg 2006); p. 18.

The Egyptian government cannot claim that the Article 9 restrictions on an organization's purposes are necessary on the grounds of national security, as it has sometimes done in the past.¹⁰ The United Nations Economic and Social Council has explained what is intended by the term "national security" as used in the ICCPR:

*national security may be invoked to justify measures limiting certain rights only when they are taken to protect the existence of the nation or its territorial integrity or political independence against force or threat of force... National security cannot be used as a pretext for imposing vague or arbitrary limitations...*¹¹

There can be no serious claim that the broad and ambiguous restrictions contained in Article 9 are necessary to protect Egypt's territorial integrity "against force or threat of force." The restrictions cannot be considered necessary in a democratic society for one of the four limited justifications allowed by the ICCPR.

Recommendations: Revise Article 9 to delete inappropriate restrictions on an association's or foundation's purposes.

II. Mandatory Registration

Issue: According to the draft law, "it is prohibited for any private entity to practice any of the activities of associations and foundations without taking the [legal] form of associations or foundations pursuant to the provisions of this law" (Preamble Article 3). The penalty for "conduct[ing] activities of an association or foundation before the completion of its registration," for example, while a registration application is pending, is punishable by a fine of up to £E 10,000 (*Id.*).

Analysis: The draft law does not define what constitutes "the activities of associations and foundations," but a similar provision in Law 84 of 2002 has been interpreted by Egyptian government officials to prohibit unregistered associations. The draft law bars individuals from coming together to pursue their common interests unless they register a formal legal entity and thus accept scrutiny by the state – a clear violation of international law and Egypt's obligations as a signatory to the ICCPR. Activities such as weekly neighborhood clean-ups or monthly gatherings of young people to discuss politics are technically illegal if carried out by unregistered groups and will remain so under the draft law.

Under the strict standard of Article 22 of the ICCPR, no restriction on the right to freedom of association is permissible unless it is (1) prescribed by law; (2) necessary in a democratic society; and (3) in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others. All three tests must be met or the restriction is invalid.

¹⁰ Many organizations, including the well-known New Woman Research Center, have had registration applications denied on unspecified "security grounds" – despite the existing law's requirement of a detailed justification for rejections.

¹¹ United Nations Economic and Social Council, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, *Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights* (E/CN.4/1984/4) (1984), paragraphs 29 - 30.

This language has long been interpreted to mean that “freedom of association is a right, and not something that must first be granted by the government to citizens.”¹² The UN Human Rights Committee, which monitors implementation of the ICCPR, has recognized this principle on multiple occasions, making clear that mandatory registration of civil society organizations is not allowed under Article 22 of the ICCPR.¹³ The Committee found, for example, that Lebanon’s de facto practice of requiring prior licensing before an association could begin operations improperly restricted the right to freedom of association under Article 22. The Committee expressed concern over a comparable provision in Lithuania’s laws requiring that associations comply with registration requirements prior to beginning operations.¹⁴ Accordingly, an individual cannot be required to register an organization in order to exercise his or her right to associate.

Similarly, under Article 10 of the *African Charter on Human and Peoples’ Rights*, ratified by Egypt on 20 March 1984, “Every individual shall have the right to free association provided that he abides by the law.” The African Commission on Human and Peoples’ Rights,¹⁵ interpreting this language in *Civil Liberties Organization v. Nigeria*, made clear that “freedom of association is... first and foremost a duty for the State to abstain from interfering... There must always be a general capacity for citizens to join, without State interference, in associations.”¹⁶ Mandatory registration is thus a violation of Egypt’s obligations under the ICCPR and the *African Charter*.

This is not to say that informal, unregistered groups are to be treated the same as registered organizations in all respects. An organization that is formally registered is afforded the status of “legal person,” and as such is entitled to the benefits of that status—typically including the right to enter into contracts, open bank accounts, hire employees, and receive funding in the organization’s name. These rights typically are not granted to unregistered organizations.

Recommendations: Delete Preamble Article 3 and Article 72.

III. Dissolution of Civil Companies

Issue: Egyptian human rights leaders have opted to register for-profit and not-for-profit “civil companies” rather than associations or foundations in order to exercise their rights to freedom of association without inappropriate restraints. The draft law seeks to end this practice. It prohibits any government entity other than the Ministry from “licens[ing] the practice of any of the activities of associations or foundations” (Preamble Article 3). Existing licenses, such as those issued to some civil

¹² Public Interest Law Initiative, *Enabling Civil Society: Practical Aspects of Freedom of Association Source Book* (Budapest 2003), p.14.

¹³ United Nations General Assembly, “Lebanon,” *Report of the Human Rights Committee: Volume 1 (A/52/40)* (1997), paragraphs 357 – 358.

¹⁴ United Nations General Assembly, “Lithuania,” *Report of the Human Rights Committee: Volume 1 (A/53/40)* (1998), paragraph 177.

¹⁵ The African Commission on Human and Peoples’ Rights interpreted the *African Charter on Human and Peoples’ Rights* until it was replaced by the African Court on Human and Peoples’ Rights on 25 January 2004, after the fifteenth ratification of the *Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights*.

¹⁶ African Commission on Human and Peoples’ Rights, Communication No. 101/93 (1995), paragraph 15.

companies by the Companies Establishment Department, are declared “null and void and shall have no legal effect” (*Id.*). Any violation of this provision is punishable by imprisonment of up to one year and a fine of between £E 20,000 and £E 10,000. In addition, any such entity “shall be abolished by law” (Article 72(a)).

Analysis: Many human rights and other organizations have chosen to form civil companies rather than associations or foundations. These groups forego the tax and other benefits that come with registration as an association or foundation when they register as for-profit corporations.

In some instances, organizations have formed as civil companies because they are unable to register as associations or foundations. The well-documented case of the Egyptian Organization for Human Rights, which waited 18 years for official legal recognition as an association, is one example.¹⁷ In other cases, organizations register as civil companies because they face insurmountable restrictions on their ability to operate under Law 84 of 2002 even if their registration applications are granted.¹⁸ For example, many human rights groups are as a practical matter unable to raise funds domestically and are entirely dependent on foreign funding. If forced to register under Law 84 of 2002, these organizations would not be allowed to accept foreign funds without permission of the Ministry. Because the Ministry has unfettered discretion to approve or deny a foreign funding request, funding can be withheld at any time, threatening the survival of the organization (see Section IV, below).

The draft law prohibits a group from carrying out “any of the activities of associations and foundations without taking the [legal] form of associations and foundations.” (Preamble Article 3). This provision appears to be aimed squarely at the human rights and opposition groups who have availed themselves of corporate legal forms. As a practical matter, many groups would be restrained either from forming or from operating an association if they were not permitted to register as civil companies.

Preamble Article 3 clearly violates Article 22 of the ICCPR. First, the restriction is not “prescribed by law” as required by Article 22. To be “prescribed by law,” a restriction must

*have formal basis in law and [be] sufficiently precise for an individual or NGO to assess whether or not their intended conduct would constitute a breach and what consequences this conduct may entail. The degree of precision required is that which sets forth clear criteria to govern the exercise of discretionary authority.*¹⁹

The draft law does not explain what is meant by “the activities of” an association or foundation. It sets no limitations on the exercise of the government’s discretion to decide which activities are covered.

¹⁷ Gihan Shahine, “Braced for New Challenges,” *Al-Ahram Weekly Online* (2003), available online at <http://weekly.ahram.org.eg/2003/646/eg2.htm>.

¹⁸ See, for example, Mohamed Agati, “Undermining Standards of Good Governance: Egypt’s NGO Law and Its Impact on the Transparency and Accountability of CSOs,” *International Journal of Not-for-Profit Law* (Volume 9, Issue 2, April 2007), available online at <http://www.ijnl.org>.

¹⁹ ICNL and World Movement for Democracy Secretariat at the National Endowment for Democracy, *Defending Civil Society: A Report of the World Movement for Democracy* (2008), p. 23 (citing the Organization for Security and Cooperation in Europe - Office for Democratic Institutions and Human Rights, *Key Guiding Principles of Freedom of Association with an Emphasis on Non-Governmental Organizations*, p. 4).

CSOs have no means to determine whether their activities may place them in violation of the provision, which therefore cannot be said to meet the “prescribed by law” standard.

Second, the restriction is not necessary in a democratic society for one of the four justifications articulated in Article 22. As discussed in Section II, above, according to the ICCPR a government may not require a group to register as a legal entity in order to carry out its objectives. For the same reasons, a government may not require that a group register as one particular type of legal entity as opposed to another. It is far from apparent why requiring a human rights group to register as an association rather than as civil company is necessary in a democratic society. Nor is it clear how the interests of national security, public order, etc. are served by such a requirement.

To preserve the limited civic space available to Egyptian human rights defenders, the draft law’s prohibition on association in private entities other than associations and foundations should be deleted. There are simply no “convincing and compelling reasons” to justify this restriction on the right to freedom of association.²⁰

Recommendations: Delete Preamble Article 3 and Article 72.

IV. Restrictions on Foreign Fundraising and Foreign Affiliations

Issue: The draft law prohibits associations and foundations from joining, participating, or affiliating with organizations outside Egypt without government approval (Article 12).²¹ It further bars associations and foundations from accepting foreign funds without government approval (Article 13).²² Sending or receiving money abroad without prior government authorization is punishable by up to one year’s imprisonment and a fine of between £E 10,000 and £E 20,000 (Article 72(c)).

Analysis: Foreign Affiliations. The requirement that all Egyptian associations and foundations ask for permission from the Ministry before affiliating with organizations outside Egypt constitutes an impermissible restriction on the right of freedom of association under ICCPR Article 22 and other international treaties.²³ In addition, restricting the right of Egyptian CSOs to perform activities in partnership with foreign organizations implicates freedom of expression, which, as outlined in ICCPR Article 19(2), includes the “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 [one’s] choice.” Requiring associations to seek prior authorization to be affiliated with organizations outside of Egypt burdens their members’ abilities to “receive and impart information and ideas...

²⁰ *Case of Sidiropoulos and Others v. Greece*, 4 Eur. Ct. H.R. 500 (1998), paragraph 40. See Section I, above.

²¹ Similar language appears in Article 16 of Law 84 of 2002. Under the draft law, approval requests must be sent to both the Ministry of Social Justice and Solidarity and the local branch of the Regional Federation of Associations and Foundations rather than the Ministry alone. In addition, the waiting period has been shortened from sixty days to thirty days.

²² Nearly identical language appears in Article 17 of Law 84 of 2002, though the waiting period has been shortened from sixty days to thirty days in the draft law.

²³ Under the draft law, CSOs must wait up to thirty days after making the request for approval. If thirty days pass without objection from the Ministry, then the CSO may, in theory, affiliate. In practice, the Ministry has prosecuted organization officials even when they claim that they have in fact filed proper requests. Because the Ministry does not provide proof of filing, it can be impossible for an organization to demonstrate that it has complied with the procedure.

regardless of frontiers.” This burden does not appear to be proportionate in light of any legitimate government goal or justifiable by any imperative necessity.

Foreign Funding. Under the current Egyptian *Law on Associations and Foundations* as well as the proposed draft law, the Egyptian government has the ability to cut off all foreign funding to a given association or foundation, with or without cause.²⁴ Certain types of organizations that may rely heavily on foreign funding – especially human rights and opposition groups – can in this way be starved of resources, essentially extinguishing their ability to exist.

Such broad power to block foreign funds at the government’s discretion is difficult to reconcile with ICCPR Article 22. To meet the “necessary in a democratic society” standard, any imposed restriction must be the *least intrusive* means available to accomplish the government interest.²⁵ Article 13 gives unfettered discretion to government officials to approve or deny foreign funding requests. It thus fails to meet the Article 22 standard – as demonstrated by the fact that other nations routinely meet their obligations to ensure accountability and transparency in the civic sector without imposing prior approval requirements on foreign funding.

The restrictions on foreign funding are also inconsistent with the United Nations *Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. The Declaration affirms that each state has the responsibility to protect human rights and fundamental freedoms by “adopting such steps as may be necessary to create all conditions necessary... as well as the legal guarantees required to ensure” that all persons are able to enjoy these rights and freedoms (Article 2). Among these rights is 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 freedoms.”²⁶ The UN Special Rapporteur on the Situation of Human Rights Defenders has explicitly stated that the *Declaration’s* protections extend to the “right to receive funding from different sources, including foreign funding.”²⁷ In placing restrictions on the use of foreign funding by human rights defenders, the draft law is inconsistent with the *Declaration*.

Recommendations: Amend or delete Articles 12 and 13 to remove all restrictions on foreign funding and foreign affiliations. Delete Article 72 in its entirety.

²⁴ As is the case for foreign affiliations, associations and foundations must request approval to receive foreign funding from the Ministry. If thirty days pass without objection from the Ministry, then the funding is, in theory, permissible. In practice, the Ministry has prosecuted organization officials even when they claim that they have in fact filed proper requests.

²⁵ See, for example, *Case of Sidiropoulos and Others v. Greece*, 4 Eur. Ct. H.R. 500 (1998), paragraph 40, and *Case of United Communist Party of Turkey and Others v. Turkey*, 4 Eur. Ct. H.R. 1 (1998), paragraph 46.

²⁶ *Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, United Nations General Assembly Resolution 53/144 (1998), Article 13.

²⁷ UN Special Rapporteur on the Situation of Human Rights Defenders, *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Freedoms* (Geneva 2011), p. 97, available online at <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>.

V. Restrictions on Foreign Associations and Foundations

Issue: Foreign associations and foundations may not operate in Egypt without the approval of the Ministry of Foreign Affairs (Articles 1(5) and 55). The Ministry of Foreign Affairs has an unrestricted right to impose conditions on the activities of foreign associations and foundations to ensure that their activities are “consistent with the needs of the Egyptian environment” (Article 55). If the Ministry of Social Justice and Solidarity determines that the foreign organization is violating the conditions imposed by the Ministry of Foreign Affairs, it may issue a decision immediately suspending the activities or license of the foreign organization (Article 56). No right of appeal is provided.

Analysis: As a matter of international best practices, laws on the registration of associations and foundations should provide for a “level playing field” for foreign and domestic organizations alike, permitting foreign organizations to be established pursuant to the same or substantially similar procedures as domestic organizations. However, the draft law requires that a foreign organization conclude an agreement outlining its activities with the Ministry of Foreign Affairs and complete the standard registration process with the Ministry of Social Justice and Solidarity before opening offices or conducting operations in Egypt. The Ministry of Foreign Affairs appears to have unlimited authority to grant or refuse such an agreement and to place conditions on the operations of foreign organization. Law 84 of 2002 contains a similar procedure, and in many cases the Ministry of Foreign Affairs simply fails to respond to an application to conduct activities in Egypt – as is the case for the National Democratic Institute, which first applied for approval to operate in Egypt in November 2005 and still awaits a formal response from the Ministry of Foreign Affairs.²⁸

In a recent European Court of Human Rights decision, the *Moscow Branch of the Salvation Army v. Russia*, the Court rejected Russia's discriminatory treatment of foreign organizations as a violation of the right to association.²⁹ The Court found “no reasonable and objective justification for a difference in treatment of Russian and foreign nationals from being founders of Russian religious organizations,” and concluded that Russia's “arguments pertaining to the applicant’s alleged ‘foreign origin’ were neither ‘relevant and sufficient’ for refusing its registration, nor ‘prescribed by law.’”³⁰

Once a foreign organization establishes a domestic branch, the domestic organization is subject to all of Egypt’s domestic laws (except in instances in which special privileges are negotiated via a bilateral agreement or treaty). Thus, there is no clear need or compelling government interest to justify discriminatory treatment of foreign organizations. The process of registering a branch of a foreign organization should be simple, straightforward, and consistent with registration of a domestic organization.

Recommendations: Amend Article 1(5) to make clear that foreign organizations are subject to the same registration requirements as domestic organizations. Delete Articles 55 and 56 in their entirety.

²⁸ National Democratic Institute, *Facts on NDI’s Presence and Programs in Egypt* (2011), available online at <http://www.ndi.org/facts-on-ndi-egypt>.

²⁹ *Case of the Moscow Branch of the Salvation Army v. Russia*, 4 Eur. Ct. H.R. 912 (2006), paragraph 82.

³⁰ *Id.* at paragraph 86.

VI. Restrictions on Foreign Founders of Associations and Foundations

Issue: Article 3 of the draft law appears to prohibit non-Egyptians from serving as founders of domestic organizations, a violation of the ICCPR.

Analysis: Article 3, paragraph 2 of the draft law states that “non-Egyptians having permanent or temporary residence in Egypt” may join Egyptian CSOs as *members*, which appears to suggest that these individuals are not allowed to serve as *founders*. Article 3, paragraph 3 reinforces this interpretation, as it allows “any foreign community to establish an association *observing the affairs of its members*,” (emphasis added). Article 3 is not clear, but it seems to suggest that members of a foreign community (i.e. non-Egyptians) may only establish associations or foundations for the benefit of their members, and may not establish associations or foundations for other purposes. It appears that the draft law will allow, for example, a group of Algerian residents in Egypt to establish a social club that organizes events for its members, but would not allow the same group of Algerian founders to establish an organization that organizes social events for Egyptians and Algerians, or that advocates for the civil rights of all foreigners living in Egypt.

If Article 3 of the draft law is in fact intended to limit the rights of non-citizens in the manner described above, then it is in violation of the ICCPR. Article 22 of the ICCPR specifies that “everyone shall have the right to freedom of association with others,” not just citizens. Indeed, Article 2 of ICCPR explicitly states that the provisions of the treaty apply to “*all individuals* within [the] territory [or] subject to [the] jurisdiction” of ratifying parties “*without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status*” (emphasis added). Thus, a foreigner may not be excluded from the fundamental right to association guaranteed by the ICCPR. The right to associate, including the right to found a domestic CSO, is protected by the ICCPR and must be made available to all persons within the jurisdiction of the member states. It is not clear what state interest is served by the limitations on the activities and membership of foreign nationals or how this limitation can be justified as “necessary in a democratic society.”

Recommendations: Amend Article 3 to clarify that non-citizens and citizens of Egypt both enjoy equal rights to found and join associations and foundations.

VII. New Restrictions on the Registration of Associations and Foundations

A. Increase of the Minimum Number of Association Founders

Issue: Article 1(1) of the draft law raises the minimum number of founders for new associations from ten to twenty legal or natural persons.

Analysis: As noted above, under ICCPR Article 22 restrictions on freedom of association are impermissible unless they are “necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.” The current Law 84 of 2002 requirement of ten founders for an association does

not meet this standard, and the draft law's proposed increase of the minimum number of founders to twenty only compounds the problem.

High minimum founder requirements for associations prevent individuals from forming organizations that do not have widespread constituencies. For example, suppose there are only five doctors in a rural village in Aswan, and these five doctors wish to form an organization to provide free medical services to the villagers. Under the draft law, they would be prevented from doing so. Similarly, an association promoting and defending the rights of underprivileged or marginalized peoples may, because of the very nature of its work, be unable to identify twenty individuals willing to go on record as founders.

As a matter of good policy as well as international law, organizations should be given the chance to form easily and thereafter expand in membership size. Notably, the trend in recent CSO legislation around the world has been to reduce the minimum number of founders; for example, Iraq's *Law on Non-Governmental Organizations* (Law 12 of 2010) requires only three association founders, and Tunisia's *Decree Pertaining to the Regulation of Associations* (Decree 88 of 2011) requires only two.

Recommendations: Amend Article 1(1) of the draft law to reduce the number of founders.

B. Burdensome Registration Process for Associations and Foundations

Issue: A founder begins the process of registering a new association by filing an official certificate of occupancy for the organization's premises and a fee of £E 100, along with several other documents, with the Regional Federation of Associations and Foundations in the governorate in which the association will be formed (Articles 5 and 6). The Regional Federation verifies "the completeness of these documents" and provides a dated receipt to the founder. The Regional Federation then has up to two weeks to notify the Ministry of the application.

The Ministry, in turn, has up to thirty days to review the application. If the Ministry "finds... that the purposes of the association contain an activity prohibited by Article 9" of the draft law, it must reject the application and provide a written justification to the Regional Federation and to the founders of the association. If the Ministry approves the application or if sixty days pass without a response from the Ministry, the association is considered registered by law.

Foundations are subject to a similar registration process, except that there do not appear to be any deadlines for the Regional Federation or Ministry to make their decisions (Article 50).

Analysis: Several issues are raised by this registration procedure.

Excessive Discretion to Deny an Application to Register. As discussed in Section I, above, Article 9 of the draft law inappropriately restricts the purposes for which an association or foundation may be formed. The Ministry has wide discretion to determine whether an organization has a purpose that contravenes Article 9. Denial of registration is only appropriate in the limited cases that are recognized under Article 22 of the ICCPR. Here, the broad and ambiguous grounds included in Article 9 cannot be considered prescribed by law or necessary in a democratic society in the interests of one of the four justifications allowed by the ICCPR.

Process of Registration. The creation of a new registration authority (the Regional Federation of Associations and Foundations) and the establishment of a more burdensome two-step registration process may create more opportunities for inefficient and inconsistent application of the law, or even corruption, by government officials.

For example, while the draft law requires the Regional Federation to transfer applications to the Ministry within two weeks, no remedy is provided to prospective associations should the Regional Federation fail to do so. Similarly, by failing to define strictly the authorities of the various Regional Federations in reviewing applications, the draft law may inadvertently encourage the adoption of different procedures in different governorates. Rather than create new opportunities for delay and confusion by delegating to Regional Federations initial review of registration applications, the registration process should be simplified and streamlined.

Deed of Occupancy. The requirement that prospective associations provide a certified deed of occupancy for their headquarters constitutes an expensive and unnecessary obstacle to the freedom of association that is not consistent with the language of ICCPR Article 22. There is no reason why physical headquarters can be considered “necessary in a democratic society” in the interests of one or more of the four permissible justifications set out by Article 22.

Recommendations: Revise Articles 5, 6, and 50 of the draft law to provide for a one-step registration process under the authority of a single entity. Delete the requirement that an organization provide a deed of occupancy for its headquarters prior to registration. Define and strictly limit the discretion of government authorities to approve or reject registration applications.

C. Increase of the Minimum Initial Endowment for Foundations

Issue: Articles 1(4) and 47 of the draft law raise the minimum endowment for foundations from an amount “sufficient and suitable for realizing the purposes of the foundation”³¹ to “a sum of money in line with the purpose of its establishment and the size of its proposed activities *but no less than* *£E 100,000*” (emphasis added).

Analysis: While some countries do require minimum capital requirements for foundations, imposition of an *£E 100,000* minimum capitalization – more than 85 times Egypt’s estimated per capita yearly income of *£E 1,176*³² – could constitute an impenetrable barrier for many groups, and could lead to the dissolution of foundations in many parts of Egypt, especially in rural areas where development foundations are most needed.

Recommendations: Amend Articles 1(4) and 47 of the draft law to restore the existing law’s unspecified minimum endowment or adopt a substantially reduced minimum endowment.

³¹ See Article 116 of the *Executive Statute on the Law of Associations and Foundations* (Ministry of Social Affairs Decision 178 of 2002). In practice, the Ministry has never required a minimum endowment for foundations.

³² The Egyptian minimum wage is *£E 35* per month, and according to the official Egyptian government Investment Authority, the monthly per capita income is *£E 98*. See Mohamed Azouz and Mohamed Abdel Atty, “Official stats put per capita monthly income at *LE98*,” *Al Masry Al Youm* (6 April 2010), available online at <http://www.almasryalyoum.com/en/news/official-stats-put-capita-monthly-income-le98>.

VIII. Severe Criminal Punishments

Issue: Article 72 of the draft law retains and expands existing criminal punishments for violations of the *Law on Associations and Foundations*. Punishments, including imprisonment of up to one year and fines of up to €E 20,000, are imposed on persons who:

- establish “any entity that performs any of the activities of an association or foundation without following provisions of” the draft law;
- conduct activities in an association or foundation that has been suspended or dissolved;
- establish a CSO that threatens national unity or violates public order or ethics;
- conduct activities limited to political parties or to trade unions as defined in separate legislation;
- conduct “activities of an association or foundation before the completion of its registration”;
- join, subscribe to, or affiliate with any institution outside of Egypt without approval of the Ministry of Social Justice and Solidarity;
- cause any other “violations that result in the removal of the Board or the dissolution of the association”;
- send or receive funding abroad without approval of the government;
- spend the funds of an association or foundation “for personal purposes or for financial speculation”; or
- spend funds of a dissolved or liquidate association without approval from a government-appointed liquidator.

In the latter three cases, convicted persons shall also be fined an amount equal to what has been “received, sent, collected, spent, or disposed, as the case may be.”

Analysis: In most countries, general criminal laws, such as those against fraud, embezzlement, and terrorism, already apply to every individual—including those associated with CSOs. Because general criminal laws already apply, there is usually no need to impose additional criminal penalties specific to CSOs. Such criminal penalties are likely to be either redundant when they restate the Criminal Code, or improper and unfair when they impose additional criminal liability beyond that which normally applies for other individuals.

Equally disturbing, the draft law’s criminal penalties are applicable to conduct that is protected under international law. A person who establishes an unregistered organization is subject to penalties (Article 72(Second)). Similarly, anyone who participates in affiliating an Egyptian association or foundation with a foreign organization may be imprisoned or fined. (Article 72(Third)). Both examples are clear violations of the right to freedom of association as enshrined in Article 22 of the ICCPR.³³

When violations of the *Law on Associations and Foundations* are punishable with imprisonment and fines that are several times the average Egyptian’s annual income, it is clear that many individuals will not form or join civil society organizations. Furthermore, individuals associated with existing organizations may engage in self-censorship and limit their activities out of fear that activities that are

³³ See Sections II and IV, above.

more controversial might invite additional scrutiny and potential imprisonment. To the extent that the draft law provides punishments that are even more severe than Law 84 of 2002, the implications for Egypt's transition to democracy are troubling.

This is not to say that civil society laws should not contain any sanctions or compliance provisions. In order to ensure that associations and foundations comply with the law, it is appropriate to provide for sanctions such as small fines, penalties, loss of tax benefits, and in extreme cases dissolution of the organization, for violations peculiar to these types of organizations. However, these compliance provisions must be appropriate and proportional – that is, designed to promote good practices rather than to inhibit the legitimate activities of civil society organizations.

Recommendations: Delete Article 72 of the draft law. The draft law already provides for penalties, loss of benefits, and dissolution of organizations in the event of misconduct, and Egypt's general criminal laws already provide for imprisonment in case of fraud, embezzlement, and other crimes. Additional criminal penalties are improper and unnecessary.

IX. Inappropriate Suspension and Dissolution Procedures

Issue: Article 35 of the draft law allows the Ministry to suspend an association's activities or remove its board of directors upon a finding by the General Federation of Associations and Foundations and the Ministry that the association has:

- allocated or disposed of its funds “for purposes other than [the organization's] original purposes”;
- received or sent funds abroad without prior government approval;
- committed a “serious violation of the law such as wasting funds... or breaching public order or morals”;
- affiliated with a foreign organization without prior government approval;
- collected public donations without a license;
- failed to convene a General Assembly meeting for two consecutive years;
- failed to provide the government with reports on its activities; or
- moved to a new location without notifying the government.

In the event that the Ministry finds that the association “is unable to fulfill its purposes or continues committing any of the aforementioned violations” then it may “refer the matter to administrative courts for dissolution of the association” (Article 35).

Foundations are subject to the same provisions, except that dissolution of a foundation can be made by the Minister without a court order (Article 54).

Analysis: Under international norms protecting the freedom of association, an organization may be involuntarily suspended or dissolved only in the very limited circumstances that would justify an initial rejection of the registration application: that is, for a violation “prescribed by law” that is “necessary in a democratic society in the interest of national security or public safety, for the prevention of disorder or

crime, for the protection of health or morals or for the protection of the rights and freedoms of others“ (ICCPR Article 22).

The grounds stated in Article 35 for involuntary suspension of an association do not meet this strict test, and instead give the Ministry substantial discretion to decide whether to suspend an organization or remove its board of directors. In *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, the European Court of Human Rights stated that because involuntary dissolution “is the most drastic sanction possible in respect of an association” it should only “be applied in exceptional circumstances of very serious misconduct” and that “domestic law should delimit more precisely the circumstances in which this sanction could be applied.”³⁴ Moreover, the Court said that the situation is “exacerbated” when “involuntary dissolution [is] the only available sanction available under the domestic law against associations engaging in activities ‘incompatible with the objectives’” of an associations law.³⁵ The draft law conflicts with the Court’s holding because there are no sanctions other than suspension of activities or removal of the board of directors – both drastic remedies – to address infractions that are not “exceptional circumstances of very serious misconduct.”

Under Article 35, the Ministry may suspend an association for “wasting funds... or breaching public order or morals” – terms that are too vague for principled application and cannot be considered “precise” circumstances under which a sanction can be imposed. Similarly, an organization can be suspended for failure to submit activity reports – a violation that in the first instance might best be remedied with administrative sanctions or small fines.

No apparent limitations appear to be placed on the length of suspensions, and there does not appear to be a right for an association to appeal against such a decision. At a minimum, prior to suspension, an association should be given notice and the right to dispute or appeal the Ministry’s decision. The draft law only states that the Ministry “may refer the matter to administrative courts for dissolution of the association.” In addition, if the matter does go to the administrative court, then the laws should provide for appropriate procedures allowing associations to contest the allegations against them in the administrative court.

Finally, there is no reason why foundations should be treated any differently than associations with respect to their dissolution. According to the draft law, the Ministry may dissolve a foundation without a court order.

Recommendations: Revise Articles 35 and 54 to strictly limit the circumstances under which the Ministry may suspend or dissolve an association or remove its board of directors, and require the Ministry to receive approval from an independent court before taking these actions.

³⁴ *Case of Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, Application No. 37083/03 (2009), paragraph 63.

³⁵ *Id.*

X. Restrictions on Domestic Fundraising

Issue: The draft law prohibits associations from engaging in any collection of donations without a license from the Ministry (Article 14). The Ministry will define the procedures and conditions for obtaining a license in an implementing regulation. Foundations are required to obtain ministerial approval before collecting any funds on a case-by-case basis, and do not appear to be eligible for a general public fundraising license (Article 52).

Analysis: In general, legally registered organizations should be permitted to engage in any legitimate fundraising activity, including collecting private donations and engaging in public fundraising events. Certain limited regulations designed to protect public interests are appropriate – for example, rules may prohibit door-to-door solicitations at specified times out of concern for public safety. Similarly, rules requiring organizations to submit reports identifying in general terms their sources of funding and their major categories of expenses are appropriate. However, blanket prohibitions on the right to collect private donations or engage in any form of fundraising without prior permission are inappropriate. There is no justifiable reason to prevent associations or foundations from raising funds in Egypt without permission from the Ministry.

Recommendations: Delete Articles 14 and 52 in their entirety or amend the articles to specify clearly limited circumstances under which a license for public fundraising is required.

XI. Inappropriate Interference with CSO Operations

A. General Assembly Meetings

Issue: Associations may not hold general assembly meetings without first providing at least 15 days prior notice to the Ministry and the Regional Federation of Associations and Foundations (Article 23). Both the Ministry and the Regional Federation have the right to send representatives to attend any general assembly meeting (*Id.*).

Analysis: An association should not have to inform the Ministry and Regional Federation of its meetings. Meetings of the general assembly concern the association’s business, and there is no reason for government involvement, either in the form of notice of the meeting or the right to attend. Furthermore, forcing associations to admit nonmembers to their meetings undermines the “negative right to freedom of association” by depriving societies of the right to determine with whom they will *not* associate.³⁶

Recommendations: Delete Article 23.

B. Board of Directors Restrictions

Issue: The draft law includes a number of inappropriate restrictions on the operations and decision-making authorities of CSO boards of directors. It requires that CSOs notify both the Ministry and the Regional Federation of Associations and Foundations of a board election at least 60 days in advance.

³⁶ See Section XII, below.

Both agencies have the right to “object” to nominations and require the removal of any candidate who does not meet undefined “nomination conditions” (Article 30).³⁷ The board is required to meet a minimum of once every three months, and any board member who fails to appear at more than half the meetings in a single year is automatically resigned from his or her position (Article 33). Finally, the Ministry may “prevent the implementation of” any decision of the board of directors “considered by the [Ministry] as violating [the draft] law or the [association’s] Articles of Incorporation” (Article 19).

Analysis: Interferences with the internal operations of association and foundation boards of directors of this type are restrictions on freedom of association that do not meet the ICCPR Article 22 standard. It is unlikely that the government can assert a compelling state purpose that will allow interference with the appointment and removal of board members or the decision-making power of the association’s board, because there are less intrusive means available to achieve the goal of ensuring effective board oversight of CSOs.

A better approach is to give the aggrieved parties – the members of the organization – the right to remedy problems with the board of directors. If the board of directors takes an action that violates its own bylaws, the association should have the opportunity to remedy the problem on its own. For example, the draft law could be rewritten to give members of the organization – rather than the Ministry – the right to challenge actions taken by the board of directors. The law could establish a procedure for disputed actions in which members can allege improprieties to a court or administrative body and the CSO can be given an opportunity to answer these allegations. If an executive agency is the arbiter of these disputes, the losing party should be given the right to appeal the decision to an independent court of law. In this way the independence of organizations remains protected.

Recommendations: Delete or substantially amend Articles 19, 30, 31, and 33 to protect the independence of Egyptian associations and foundations.

C. Restrictions on the Use and Disbursement of Funds

Issue: Associations and foundations are required to spend their funds “for fulfilling [their] purposes” (Article 18). In addition, the draft law may be interpreted to require that any disbursement of funds require a separate resolution of the board of directors, an inappropriate interference with an association or foundation’s right to manage its own affairs.

Analysis: Use of Funds. CSOs should be able to use their resources to undertake activities, such as fundraising or economic activities, that are not directly related to the achievement of their objectives but are nonetheless critical to the development of the organization. For example, most fundraising activities require some cost. In order to organize a fundraising dinner, an association would likely have to provide a deposit for the dinner and the event space. If associations and foundations are limited to spending that directly furthers their missions, they will not be able to develop the resources necessary to build meaningful fundraising systems, strong and capable boards of directors, efficient management,

³⁷ Foundations need only “notify” the Regional Federation and Ministry of the appointment of board members; these agencies do not appear to have the right to object to or order removal of foundation board members.

sophisticated internet and communications technologies, and other institutional capacities necessary to become sustainable.

Disbursement of Funds. According to Article 18 of the draft law, “disbursement... shall be done solely by the chairman or his assignee and the treasurer based on a resolution from the Board of Directors.” It is not clear whether a Board resolution is required for each disbursement or solely for the nomination of the chairman’s assignees. If the draft law is meant to require a board resolution for any disbursement of funds, then associations and foundations will be subject to an inappropriate and unnecessary interference in their internal operations. As noted above, with the exception of certain minimum standards of conduct, associations and foundations should be free to define their own internal governance rules and financial controls.

Recommendations: Amend the first paragraph of Article 18 to remove any requirement that the board approve all disbursements of funds in advance, and delete the second paragraph of Article 18 in its entirety.

D. Restrictions on Association Membership

Issue: The draft law gives the Ministry the power to define the conditions under which a member may withdraw from membership, and excludes members from joining the general assembly until they have been members for three months.

Analysis: As noted above, interferences with the internal governance of associations of this type are generally inappropriate. Associations should be free to define their own rules for joining and withdrawing from their membership.

Recommendations: Delete Articles 21 and 22.

XII. Mandatory Membership in Regional Federations

Issue: The draft law requires that all associations and foundations “join membership in the Regional Federation in the governorate where [their] headquarters [are] located” (Article 57). Each Regional Federation is composed of a General Assembly made up of representatives from each association or foundation in the governorate.

Analysis: By mandating that every association or foundation in a given governorate send a representative to the General Assembly of the Regional Federation, the draft law violates the individual representatives’ negative right of freedom of association – that is, the right *not* to associate with others. Freedom of association is comprised of both a positive right (to associate with others) as well as a negative right (not to be forced to associate with others). Indeed, Article 10 of the *African Charter on Human and Peoples’ Rights* specifically states that “no one may be compelled to join an association,” as does Article 20 of the *Universal Declaration of Human Rights*. Thus, forcing at least one individual from each CSO in Egypt to associate with other CSO representatives at the governorate level via the Regional Federations violates the rights of those individuals *not* to associate with one another.

Recommendations: Restore the existing practice under Law 84 of 2002 by making membership in the Regional Federations voluntary rather than mandatory.

Conclusion

ICNL joins our partners in Egyptian civil society in calling for the draft law to be discarded and for a truly participatory process to be undertaken in which civil society has a substantial role in developing more enabling legislation. We note that despite statements by the Ministry that the draft law will be made available online, it is not yet posted on the Ministry's website. Posting an official draft and providing a clear mechanism for response would facilitate meaningful public comment.

We hope that these comments are useful, and we are pleased to answer any additional questions or provide further assistance.

Respectfully submitted,

The International Center for Not-for-Profit Law
23 January 2012

Appendix A: Full Text of the Draft Law (Arabic)

The following text was published in the *Al Shorouk* newspaper on 17 January 2012 in print and online at <http://shorouknews.com/news/view.aspx?cdate=17012012&id=92d5e88a-6464-4302-871e-608028724163>. ICNL has made minor edits for clarity.

**باسم الشعب
قرر مجلس الشعب القانون الآتي نصه:**

المادة الأولى

على الجمعيات والمؤسسات الأهلية والاتحادات المنشأة وفقا لأحكام القانون رقم 84 لسنة 2002 التي تتعارض نظمها الأساسية مع أحكام القانون المرافق أن تعدل نظمها وتوفق أوضاعها وفقا لأحكام هذا القانون ، وذلك خلال سنة من تاريخ العمل به.

المادة الثانية

تستمر مجالس إدارات الجمعيات والمؤسسات الأهلية والاتحادات المنشأة وفقا لأحكام القانون رقم 84 لسنة 2002 القائمة وقت العمل بالقانون المرافق وأجهزتها التنفيذية والإدارية في مباشرة أعمالها إلى أن يتم إعادة تشكيلها وفقا لأحكام هذا القانون.

المادة الثالثة

يحظر على أية جهة خاصة أن تمارس أي نشاط مما يدخل في أغراض الجمعيات والمؤسسات الأهلية دون أن تتخذ شكل جمعية أو مؤسسة أهلية وفقا لأحكام القانون المرافق ولوزير الشؤون الاجتماعية أو من يفوضه أن يصدر قرارا بوقف هذا النشاط واتخاذ الإجراءات اللازمة تجاه هذه الجهة وفقا لأحكام القانون المرافق.

كما يحظر على أية جهة غير الجهة المختصة وفقا لأحكام القانون المرافق أن تسمح - بأي شكل وتحت أي مسمى - بالترخيص في مزاولة أي نشاط مما يدخل في أغراض الجمعيات والمؤسسات الأهلية، ويكون هذا الترخيص منعما منذ صدوره ولا يرتب أي أثر.

المادة الرابعة

يصدر وزير الشؤون الاجتماعية اللائحة التنفيذية للقانون المرافق خلال ستة أشهر من تاريخ العمل به، وإلى أن تصدر هذه اللائحة يستمر العمل باللائحة والقرارات القائمة في تاريخ العمل بالقانون المرافق بما لا يتعارض مع أحكامه.

المادة الخامسة

يلغى قانون الجمعيات والمؤسسات الأهلية الصادر بالقانون رقم 84 لسنة 2002، كما يلغى كل نص يخالف أحكام القانون المرافق.

المادة السادسة

ينشر هذا القانون في الجريدة الرسمية، ويعمل به من اليوم التالي لتاريخ نشره. يبصر هذا القانون بخاتم الدولة ، وينفذ كقانون من قوانينها.

قانون الجمعيات والمؤسسات الأهلية

الباب الأول أحكام عامة

المادة 1

يقصد في تطبيق أحكام هذا القانون:

- 1- بالجمعية: كل جماعة ذات تنظيم قانوني مستمر تتألف من أشخاص طبيعيين أو أشخاص اعتبارية، أو منهما معا، لا يقل عددهم في جميع الأحوال عن عشرين، وذلك لغرض غير الحصول على ربح مادي لأعضائها.
- 2 - بالجمعية ذات النفع العام: كل جمعية تهدف إلى تحقيق منفعة عامة عند تأسيسها أو بعد تأسيسها ويكون نشاطها موجها إلى خدمة الجمهور، ويصدر بإضفاء صفة النفع العام عليها قرار من رئيس مجلس الوزراء.
- 3 - بالجمعية المركزية: كل جمعية يصدر بشهرها وفقا لأحكام هذا القانون قرار من الوزير المختص ويكون لها فرع أو أكثر في أكثر من محافظة، وتحدد اللائحة التنفيذية لهذا القانون أي معايير أخرى تتحقق بها صفة المركزية.
- 4 - بالمؤسسة: شخص اعتباري ينشأ بتخصيص شخص أو أكثر من الأشخاص الطبيعيين أو الاعتبارية أو منهما معا، مالا لا يقل عن مائة ألف جنيه عند التأسيس لتحقيق غرض غير الحصول على ربح.
- 5 - بالمنظمة الأجنبية: شخص اعتباري أجنبي يقع مركز إدارته الرئيس في مصر أو خارجها يصرح له بممارسة نشاط أو أكثر من أنشطة الجمعيات والمؤسسات الأهلية الخاضعة لأحكام هذا القانون ووفقا للقواعد المقررة فيه وبناء على الاتفاق الذي تبرمه المنظمة مع وزارة الخارجية.
- 6 - بالاتحاد الإقليمي: اتحاد تنشئه فيما بينها عشر على الأقل من الجمعيات أو المؤسسات الأهلية أو منهما معا تقع في نطاق محافظة واحدة أيا كان نشاطها، وتكون له الشخصية الاعتبارية.
- 7 - بالاتحاد النوعي: اتحاد مركزي تنشئه فيما بينها عشر على الأقل من الجمعيات أو المؤسسات الأهلية أو منهما معا تباشر أو تمول نشاطا مشتركا في مجال معين، على مستوى الجمهورية، ويتمتع بالشخصية الاعتبارية.
- 8 - بالاتحاد العام للجمعيات والمؤسسات الأهلية: اتحاد عام يشكل من أعضاء منتخبين في مجالس إدارات الاتحادات الإقليمية والنوعية وآخرين يعينهم رئيس الجمهورية وفقا لأحكام هذا القانون، ويتولى الإشراف على النشاط الأهلي الذي تمارسه الجمعيات والمؤسسات والمنظمات والاتحادات الإقليمية والنوعية المنشأة وفقا لأحكام هذا القانون، ويتمتع بالشخصية الاعتبارية، ويكون مقره مدينة القاهرة.
- 9 - بالعضو المؤسس: الشخص الطبيعي أو الاعتباري الذي يشترك في تأسيس الجمعية أو المؤسسة ويوقع على نظامها الأساسي.

10 - بالمحكمة المختصة: محكمة القضاء الإداري الواقع في دائرة اختصاصها مركز إدارة الجمعية أو المؤسسة الأهلية أو المنظمة أو أي من الاتحادات المنشأة وفقا لأحكام هذا القانون بحسب الأحوال.

11 - بالوزير المختص: وزير الشؤون الاجتماعية.

12 - بالجهة الإدارية: وزارة الشؤون الاجتماعية أو إحدى مديرياتها.

المادة 2

تسري على الجمعيات المنشأة بقانون أو استنادا إلى اتفاقيات دولية أبرمتها جمهورية مصر العربية، النظم الأساسية لهذه الجمعيات، وتطبق فيما لم يرد بشأنه نص خاص في تلك النظم أحكام هذا القانون.

الباب الثاني الجمعيات

الفصل الأول: تأسيس الجمعيات

المادة 3

يشترط لتأسيس الجمعية أن يكون لها نظام أساسي مكتوب وموقع عليه من المؤسسين وأن تتخذ لمركز إدارتها مقرا مستقلا وملائما في جمهورية مصر العربية. ويشترط في عضو الجمعية أن يكون متمتعا بحقوقه المدنية، ولم يصدر ضده حكم نهائي بعقوبة مقيدة للحرية في جنابة أو جنحة مخلة بالشرف أو الأمانة، ما لم يكن قد رد إليه اعتباره.

ويجوز لغير المصريين ممن لهم إقامة دائمة أو مؤقتة في مصر الاشتراك في عضوية الجمعية وفقا للقواعد الواردة باللائحة التنفيذية لهذا القانون. ويجوز لأي من الجاليات الأجنبية إنشاء جمعية تعنى بشئون أعضائها وفقا لأحكام هذا القانون وبشرط معاملة الجالية المصرية في شأن إنشاء الجمعيات في بلدتهم بالمثل.

المادة 4

يجب أن يشتمل النظام الأساسي للجمعية على البيانات الآتية:

(أ) اسم الجمعية على أن يكون دالا على غرضها، وغير مؤد إلى اللبس بينها وبين جمعية أخرى تشترك معها في نطاق عملها الجغرافي.

(ب) نوع وميدان ونشاط الجمعية ونطاق عملها الجغرافي.

(ج) عنوان المقر المتخذ مركزا لإدارة الجمعية.

(د) اسم كل عضو من الأعضاء المؤسسين ولقبه وسنه وجنسيته ومهنته ومحل إقامته.

(هـ) موارد الجمعية وطريقة استغلالها والتصرف فيها.

(و) أجهزة الجمعية التي تمثلها، واختصاصات كل منها، وكيفية اختيار أعضائها وطرق عزلهم أو إسقاط أو إبطال عضويتهم، والنصاب اللازم لصحة انعقاد هذه الأجهزة وصحة قراراتها، ووسيلة الدعوة التي يتحقق بها علم أعضائها.

(ز) نظام العضوية وشروطها وحقوق الأعضاء وواجباتهم، وعلى الأخص حق كل عضو في الاطلاع على مستندات الجمعية وحضور الجمعية العمومية والتصويت فيها.

(ح) نظام المراقبة المالية.

(ط) قواعد تعديل النظام الأساسي للجمعية وتكوين فروع لها وأحوال انقضاء الجمعية والجهات التي تتول إليها أموالها في هذه الأحوال. على أنه لا يجوز أن ينص النظام الأساسي للجمعية على أبولوة أموالها عند انقضائها إلا إلى صندوق دعم الجمعيات والمؤسسات الأهلية أو إلى إحدى الجمعيات أو المؤسسات الأهلية التي تعمل في ذات ميدان عمل الجمعية أو إلى أي من الاتحادات الخاضعة لأحكام هذا القانون.

(ي) تحديد المختص بطلب اكتساب الجمعية صفة النفع العام.

(ك) تحديد ممثل جماعة المؤسسين في اتخاذ إجراءات التأسيس.

ويرفق باللائحة التنفيذية لهذا القانون نظام أساسي نموذجي يجوز للجمعيات اتباعه.

المادة 5

يجب أن يكون طلب قيد ملخص النظام الأساسي للجمعية محررا على النموذج المعد لذلك ويقدمه إلى الاتحاد الإقليمي المنشأ وفقا لأحكام هذا القانون ممثل جماعة المؤسسين مصحوبا بالمستندات الآتية:

1- أربع نسخ من النظام الأساسي للجمعية موقعا عليها من جميع المؤسسين.

2- إقرار من كل عضو مؤسس متضمنا استيفاء الشروط المنصوص عليها في المادة (3) والبيانات الواردة بالبند (د) من المادة (4) من هذا القانون.

3- سند رسمي موثق بشغل مقر الجمعية.

4- طلب الانضمام إلى عضوية الاتحاد الإقليمي.

وعلى الاتحاد الإقليمي بعد التأكد من استيفاء هذه الأوراق إثبات تاريخ تقديم الطلب على صورة منه تسلم إلى الطالب مع قيده في سجل خاص لديه، ثم يخطر الاتحاد الإقليمي الجهة الإدارية في مدة أقصاها أسبوعان بالمستندات مستوفاة للحصول على موافقتها.

ويؤدي مقدم الطلب رسما مقداره مائة جنيه مقابل قيد نظام الجمعية في السجل الخاص بالجهة الإدارية تتول حصيلته إلى صندوق دعم الجمعيات والمؤسسات الأهلية. وتحدد اللائحة التنفيذية لهذا القانون إجراءات تقديم الطلب ويرفق بها نموذج لهذا الطلب.

المادة 6

تلتزم الجهة الإدارية بقيد ملخص النظام الأساسي للجمعية في السجل الخاص المعد لذلك خلال ثلاثين يوما من تاريخ إخطار الجهة الإدارية بطلب القيد مستوفى ومصحوبا بالمستندات المشار إليها في المادة السابقة، وإلا اعتبر القيد واقعا بحكم القانون. وتثبت الشخصية الاعتبارية للجمعية بحصول هذا القيد أو بمضي ثلاثين يوما من تاريخ إخطار الجهة الإدارية بطلب القيد مستوفى، أيهما أقرب.

فإذا تبين للجهة الإدارية خلال الثلاثين يوما المشار إليها أن من بين أغراض الجمعية نشاطا مما تحظره المادة(9) من هذا القانون، وجب عليها رفض طلب القيد بقرار مسبب يخطر به الاتحاد الإقليمي وممثل جماعة المؤسسين بموجب كتاب موصى عليه بعلم الوصول.

ويكون لممثل جماعة المؤسسين الطعن على هذا القرار أمام المحكمة المختصة خلال ستين يوما من تاريخ إخطاره به وفق الإجراءات المقررة.

وعلى الجهة الإدارية حال ثبوت الشخصية الاعتبارية للجمعية إخطار الاتحاد الإقليمي، واتخاذ إجراءات نشر ملخص النظام الأساسي للجمعية على الموقع الرسمي لوزارة الشؤون الاجتماعية على شبكة المعلومات الدولية(الإنترنت)، وذلك خلال ستين يوما من تاريخ ثبوت الشخصية الاعتبارية للجمعية. وللجمعية فور ثبوت شخصيتها الاعتبارية نشر ملخص نظامها الأساسي بالوقائع المصرية.

المادة 7

لكل ذي شأن حق الاطلاع على ملخص قيد النظام الأساسي للجمعية والحصول على صورة منه مصدق عليها بمطابقتها للأصل بعد أداء الرسم الذي تحدده اللائحة التنفيذية لهذا القانون بما لا يزيد على مائة جنيه تؤل حصيلته إلى صندوق دعم الجمعيات والمؤسسات الأهلية.

المادة 8

يتبع في تعديل النظام الأساسي للجمعية ما يتبع في تأسيسها من إجراءات وفقا لأحكام المادتين الرابعة والخامسة من هذا القانون.

الفصل الثاني: أغراض الجمعيات وحقوقها والتزاماتها

المادة 9

تعمل الجمعيات على تحقيق أغراضها في ميادين الرعاية الاجتماعية والتنمية وتنوير المجتمع، وتحدد اللائحة التنفيذية لهذا القانون المجالات المختلفة لهذه الميادين. ولا يجوز للجمعية أن تعمل في أكثر من ميادين إلا بعد موافقة الاتحاد الإقليمي وإخطار الجهة الإدارية.

ويحظر إنشاء الجمعيات السرية ، كما يحظر أن يكون من بين أغراض الجمعية أن تمارس نشاطا مما يأتي:

1-تكوين السرايا أو التشكيلات ذات الطابع العسكري.

2- تهديد الوحدة الوطنية أو مخالفة النظام العام أو الأداب أو الدعوة إلى التمييز بين المواطنين بسبب الجنس أو الأصل أو اللون أو اللغة أو الدين أو العقيدة.

3- أى نشاط سياسى تقتصر ممارسته على الأحزاب السياسية وفقا لقانون الأحزاب، وأى نشاط نقابى تقتصر ممارسته على النقابات وفقا لقوانين النقابات.

4- استهداف تحقيق ربح لأعضاء الجمعية أو ممارسة نشاط ينصرف إلى ذلك ، ولايعد اتباع الضوابط التجارية لتحقيق ناتج يساهم في تحقيق أغراض الجمعية نشاطا مخالفا وتحدد اللائحة التنفيذية هذه الضوابط.

المادة 10

يجوز ندب العاملين المدنيين بالدولة للعمل في الجمعيات والمؤسسات والاتحادات المنشأة وفقا لأحكام هذا القانون لتقديم المعاونة اللازمة لأداء رسالتها وذلك بناء على طلب الجمعية أو المؤسسة أو الاتحاد. ويصدر بالنذب لمدة سنة قابلة للتجديد قرار من الوزير أو المحافظ المختص بحسب الأحوال.

المادة 11

مع عدم الإخلال بأية مزايا منصوص عليها في قانون آخر، تتمتع الجمعيات والمؤسسات والاتحادات المنشأة وفقا لأحكام هذا القانون بالمزايا الآتية:

(أ) الإعفاء من رسوم التسجيل والقيود التي يقع عبء أدائها على الجمعية في جميع أنواع العقود التي تكون طرفا فيها كعقود الملكية أو الرهن أو الحقوق العينية الأخرى، وكذلك من رسوم التصديق على التوقيعات.

(ب) الإعفاء من ضرائب ورسوم الدمغة المفروضة حاليا والتي تفرض مستقبلا على جميع العقود والتوكيلات والمحركات والأوراق المطبوعة والسجلات وغيرها.

(ج) الإعفاء من الضرائب الجمركية والرسوم الأخرى المفروضة على ما تستورده من عدد وآلات وأجهزة وأدوات ولوازم إنتاج وكذا على ما تتلقاه من هدايا وهبات ومعونات من الخارج وذلك بقرار من رئيس مجلس الوزراء بناء على اقتراح الوزير المختص وعرض وزير المالية وبشرط أن تكون هذه الأشياء لازمة لنشاطها الأساسي ويحظر التصرف في الأشياء المعمرة منها التي تحدد بقرار من الوزير المختص بالاتفاق مع وزير المالية، وذلك قبل مرور خمس سنوات ما لم تدفع عنها الضرائب والرسوم الجمركية المستحقة.

(د) إعفاء العقارات المبنية المملوكة للجمعية من جميع الضرائب العقارية. على أن تراعى الجمعية عند ممارسة حقها في تملك العقارات بما يمكنها من تحقيق أغراضها، أحكام القوانين التي تنظم تملك الأجانب للعقارات.

(هـ) عدم خضوع المشروعات التي تقوم بها الجمعيات للضرائب بجميع أشكالها.

(و) تمنح تخفيضا مقداره (25\%) من أجور نقل المعدات والآلات على السكك الحديدية.

(ز) سريان تعريفه الاشتراكات والمكالمات التليفونية الخاصة المقررة للمنازل.

(ح) تمنح تخفيضا مقداره (25\%) من استهلاك المياه والكهرباء والغاز الطبيعي.

(ط) اعتبار التبرعات التي تقدم للجمعيات تكليفا على دخل المتبرع بما لا يزيد على (10\%) من دخله.

(ي) إعفاء ما تشتريه الجمعية من أجهزة وأدوات ووسائل نقل وكل ما يلزم لتنفيذ أغراضها وما تنتجه من سلع وما تؤديه من خدمات من ضريبة المبيعات.

المادة 12

يجوز للجمعية أن تمارس نشاطا لا يتنافى مع أغراضها بالتعاون مع جمعية أو هيئة أو منظمة أجنبية بشرط إخطار الجهة الإدارية والاتحاد الإقليمي بذلك ومضى ثلاثين يوما من تاريخ الإخطار دون اعتراض كتابي مسبب من الجهة الإدارية. وتحدد اللائحة التنفيذية ضوابط هذا التعاون وما يجب أن يتضمنه الإخطار من بيانات ومعلومات.

المادة 13

للجمعية الحق في تلقي الأموال وقبول التبرعات داخل الجمهورية من الأشخاص الطبيعيين، مصريين كانوا أو أجانب، ومن الأشخاص الاعتبارية المصرية والمنظمات الأجنبية المصرح لها بممارسة ودعم أنشطة الجمعيات وفقا لأحكام هذا القانون، أيا كانت طبيعة هذه الأموال، لدعم مواردها المالية في سبيل تحقيق أغراضها.

وفي جميع الأحوال لايجوز لأية جمعية أن تحصل على أموال من الخارج سواء من شخص مصري أو أجنبي أو من جهة أجنبية أو من يمثلها في الداخل، ولا أن ترسل أموالا إلى أشخاص أو منظمات في الخارج إلا بعد الحصول على إذن بذلك من الوزير المختص أو مرور ثلاثين يوما دون اعتراض كتابي منه، وذلك فيما عدا الكتب والنشرات والمجلات العلمية والفنية ورسوم الاشتراكات. وتبين اللائحة التنفيذية إجراءات الحصول على هذا الإذن وما يجب أن يتوافر عند طلبه من بيانات ومعلومات.

المادة 14

يجوز للجمعية في سبيل تحقيق أغراضها ودعم مواردها المالية جمع التبرعات متى صرحت لها الجهة الإدارية بذلك، وتبين اللائحة التنفيذية لهذا القانون الإجراءات والشروط المتطلبية للتصريح بجمع التبرعات، وتحدد هذه الشروط لكل حالة على حدة متى اقتضت المصلحة العامة ذلك.

المادة 15

على الجمعية أن تحتفظ في مركز إدارتها بالوثائق والمكاتب والسجلات الخاصة بها، وتبين اللائحة التنفيذية لهذا القانون هذه السجلات وكيفية إمسائها واستعمالها والبيانات التي تحتوى عليها. ويجب ختم هذه السجلات من الجهة الإدارية قبل استعمالها.

المادة 16

لكل عضو من أعضاء الجمعية حق الاطلاع على أي من سجلات الجمعية ومستنداتها ووثائقها. وإذا تعذر ذلك فعلى الاتحاد الإقليمي أن يتخذ الإجراءات اللازمة لتمكين أعضاء الجمعية من ذلك بناء على طلب موقع من 10\% من عدد الأعضاء على الأقل. ولممثلي الجهة الإدارية الذين يصدر بتحديدهم قرار من الوزير المختص دخول مقر الجمعية أو فروعها بعد إخطارها لمتابعة أنشطتها والاطلاع على سجلاتها للتأكد من مطابقتها لبياناتها لأحكام هذا القانون وفقا للإجراءات التي تحددها اللائحة التنفيذية لهذا القانون.

المادة 17

يكون لكل جمعية ميزانية سنوية، وعليها أن تدون حساباتها في دفاتر معتمدة من رئيس مجلس الإدارة وأمين الصندوق يبين فيها على وجه التفصيل مركزها المالي ومصروفاتها وإيراداتها بما في ذلك التبرعات ومصدرها.

فإذا تجاوز مجموع أصول ميزانية الجمعية عشرين ألف جنيه وجب على مجلس الإدارة عرض المركز المالي والحسابات الختامية على أحد المحاسبين القانونيين المرخص لهم في مزاولة مهنة المحاسبة والمراجعة مشفوعة بالمستندات المعدة وفقا لنظام محاسبي موحد، لفحصه وتقديم تقرير عنه قبل انعقاد الجمعية العمومية بشهر على الأقل.

ويعرض تقرير مجلس الإدارة وتقرير مراقب الحسابات والميزانية والحسابات الختامية في مقر الجمعية قبل انعقاد جمعيتها العمومية بأسبوعين على الأقل، وتظل كذلك حتى يتم التصديق عليها، وتبين اللائحة

التنفيذية لهذا القانون كيفية عرض هذه التقارير، ويصدر الوزير المختص قراراً بتحديد النظام المحاسبي الموحد الذي تتبعه الجمعيات والمؤسسات والمنظمات والاتحادات المنشأة وفقاً لأحكام هذا القانون.

المادة 18

تلتزم الجمعية بأن تودع لدى أي من البنوك أو صناديق التوفير في مصر أموالها النقدية بالاسم الذي قيدت به وباسم أي من أنشطتها أو مشروعاتها. ولا يجوز الصرف من هذه الحسابات إلا لرئيس الجمعية أو من يفوضه وأمين الصندوق بناء على قرار لمجلس الإدارة. وعلى الجمعية أن تخطر الاتحاد الإقليمي والجهة الإدارية بأسماء من لهم حق التوقيع.

ويجب على الجمعية أن تنفق أموالها فيما يحقق أغراضها، ولها أن تستثمر فائض إيراداتها على نحو يضمن لها الحصول على مورد مالي لدعم أنشطتها أو أن تعيد توظيفها في مشروعاتها الإنتاجية والخدمية لدعم مركزها المالي. وفي جميع الأحوال يمتنع على الجمعية الدخول في مضاربات مالية. وتبين اللائحة التنفيذية لهذا القانون الأحوال والشروط التي يجوز بمقتضاها استثمار أموال الجمعية.

المادة 19

في الأحوال التي تصدر فيها الجمعية قراراً ترى الجهة الإدارية أنه مخالف للقانون أو لنظامها الأساسي يكون لهذه الجهة أن تطلب من الجمعية بكتاب موصى عليه بعلم الوصول سحب القرار، وذلك خلال عشرة أيام من تاريخ إفادتها به وفقاً للفقرة الثالثة من المادة (23) من هذا القانون، فإذا لم تقم الجمعية بسحبه خلال خمسة عشر يوماً من تاريخ إخطارها به كان للجهة الإدارية - بعد إخطار الاتحاد الإقليمي التابعة له الجمعية - أن تتخذ الإجراءات اللازمة لوقف تنفيذ هذا القرار وفقاً لأحكام هذا القانون ولائحته التنفيذية.

المادة 20

لكل عضو حق الانسحاب من الجمعية في أي وقت يشاء على أن يخطر الجمعية بذلك بكتاب موصى عليه بعلم الوصول، ولا يخل ذلك بحق الجمعية في مطالبته بما قد يكون مستحقاً عليه من أموال أيا كانت طبيعتها. وتحدد اللائحة التنفيذية لهذا القانون إجراءات وقواعد الانسحاب من عضوية الجمعية.

الفصل الثالث: أجهزة الجمعية

الجمعية العمومية

المادة 21

تتكون الجمعية العمومية من جميع الأعضاء العاملين الذين مضت على عضويتهم ثلاثة أشهر على الأقل وأوفوا بالالتزامات المفروضة عليهم وفقاً للنظام الأساسي للجمعية.

المادة 22

تجتمع الجمعية العمومية بدعوة يتحقق بها علم كل عضو من أعضائها الذين لهم حق الحضور وفقاً لللائحة النظام الأساسية للجمعية، بمكان الاجتماع وموعده وجدول الأعمال، وتوجه هذه الدعوة من:

(أ) رئيس مجلس الإدارة، أو من يفوضه نصف أعضاء مجلس الإدارة على الأقل في ذلك.

(ب) من يفوضه (20\%) على الأقل من عدد الأعضاء الذين لهم حق حضور الجمعية العمومية.

(ج) الجهة الإدارية إذا رأت ضرورة لذلك.

المادة 23

تعقد اجتماعات الجمعية العمومية في مقر المركز الرئيس للجمعية، ويجوز أن تعقد في أى مكان آخر يحدد في الدعوة المرفق بها جدول الأعمال، وترسل نسخة من الأوراق المزمع طرحها على الجمعية العمومية إلى الجهة الإدارية إذا لم تكن هي الداعية إلى عقد اجتماعها وإلى الاتحاد الإقليمي قبل عقد الاجتماع بخمسة عشر يوما على الأقل، وللاتحاد أن يندب عنه من يحضر هذا الاجتماع، وللجهة الإدارية أن تندب عنها من يحضر الاجتماع الذي تكون هي الداعية إليه.

ولا يجوز للجمعية العمومية النظر في غير المسائل الواردة في جدول الأعمال ما عدا ما يقدم إلى مجلس الإدارة قبل موعد انعقاد الجمعية العمومية بأسبوعين على الأقل. ويجب إخطار كل من الاتحاد الإقليمي والجهة الإدارية بصورة من محضر اجتماع الجمعية العمومية خلال ثلاثين يوما من تاريخ عقده.

المادة 24

يجب دعوة الجمعية العمومية لاجتماع عادي مرة كل سنة على الأقل خلال الأربعة الأشهر التالية لانتهاؤ السنة المالية للجمعية، وذلك للنظر في تقرير مجلس الإدارة عن أعمال السنة والميزانية والحساب الختامي وتقرير مراقب الحسابات، ولانتخاب أعضاء مجلس الإدارة بدلا من الذين زالت أو انتهت عضويتهم، ولتعيين مراقب الحسابات وتحديد أتعابه ولغير ذلك مما يرى مجلس الإدارة إدراجه في جدول الأعمال.

المادة 25

تدعى الجمعية العمومية لاجتماعات غير عادية للنظر في تعديل النظام الأساسي للجمعية أو حلها أو اندماجها في غيرها أو عزل كل أو بعض أعضاء مجلس الإدارة أو لغير ذلك من المسائل التي يحدد النظام الأساسي للجمعية وجوب نظرها في اجتماع غير عادي.

المادة 26

يعتبر اجتماع الجمعية العمومية صحيحا بحضور الأغلبية المطلقة لأعضائها، فإن لم يتكامل العدد اللازم لتحقيق هذه الأغلبية أجل الاجتماع إلى جلسة أخرى تعقد خلال مدة أقلها ساعة وأقصاها خمسة عشر يوما من تاريخ الاجتماع الأول تبعا لما يحدده النظام الأساسي للجمعية ويكون الانعقاد في هذه الحالة صحيحا إذا حضره - بأنفسهم - عدد لا يقل عن عشرة في المائة من الأعضاء أو عن عشرين عضوا أيهما أقل بحيث لا يقل عدد الحاضرين في الحالة الأولى عن عشرة أعضاء.

المادة 27

لا يجوز لعضو الجمعية العمومية الاشتراك في التصويت إذا كانت له مصلحة شخصية في القرار المعروض، وذلك فيما عدا انتخاب أجهزة الجمعية.

المادة 28

تصدر قرارات الجمعية العمومية العادية بالأغلبية المطلقة للأعضاء الحاضرين. وتصدر قرارات الجمعية العمومية غير العادية بالأغلبية المطلقة لعدد أعضاء الجمعية ما لم ينص النظام الأساسي للجمعية على أغلبية أكبر.

مجلس الإدارة

المادة 29

يكون لكل جمعية مجلس إدارة يتكون من عدد فردي من الأعضاء لا يقل عن خمسة ولا يزيد على خمسة عشر وفقا لما يحدده نظامها الأساسي، تنتخبهم الجمعية العمومية لدورة مدتها ثلاث سنوات. ويكون تعيين أول مجلس إدارة عن طريق جماعة المؤسسين لمدة أقصاها ثلاث سنوات. وتحدد اللائحة التنفيذية لهذا القانون الشروط الأخرى التي يجب توافرها فيمن يرشح نفسه لعضوية مجلس الإدارة.

المادة 30

على مجلس الإدارة عرض قائمة بأسماء المرشحين لعضوية المجلس بمقر الجمعية في اليوم التالي لقفله باب الترشيح، وإخطار الاتحاد الإقليمي والجهة الإدارية بها خلال الثلاثة الأيام التالية لذلك وقبل موعد إجراء الانتخابات بستين يوما على الأقل.

وللاتحاد الإقليمي والجهة الإدارية ولكل ذي شأن إخطار الجمعية خلال السبعة الأيام التالية لعرض القائمة أو الإخطار بها، بحسب الأحوال، بمن يرى استبعاده لعدم توافر شروط الترشيح فيه، فإذا لم يثبت تنازله عن الترشيح خلال سبعة أيام من تاريخ إخطار الجمعية، وثبت للجهة الإدارية عدم توافر شروط الترشيح فيه وجب عليها أن تصدر قرارا باستبعاده، ويكون للمستبعد وكل ذي شأن أن يرفع دعوى إلى المحكمة المختصة خلال السبعة الأيام التالية لصدور هذا القرار، وتفصل المحكمة في الدعوى قبل الموعد المحدد لإجراء الانتخابات.

المادة 31

يحظر الجمع بين عضوية مجلس إدارة الجمعية والعمل في الجهة الإدارية أو غيرها من الجهات العامة التي تتولى الإشراف أو التوجيه أو الرقابة على الجمعية أو تمويلها. ولا يسرى هذا الحظر على الجمعيات التي تقتصر العضوية فيها على العاملين بإحدى الجهات المذكورة.

كما يحظر الجمع بين عضوية مجلس إدارة الجمعية والعمل بها أو بأي من الأنشطة أو المشروعات التابعة لها بأجر إلا بقرار يصدر من رئيس مجلس الوزراء أو من يفوضه لدواعي المصلحة العامة.

المادة 32

يتولى مجلس إدارة الجمعية إدارة شئونها، وتحدد اللائحة التنفيذية لهذا القانون اختصاصات كل من رئيس مجلس الإدارة ونائبه واختصاصات أمين الصندوق والأمين العام للجمعية، ويكون رئيس مجلس إدارة الجمعية هو الذي يمثلها أمام القضاء وقبل الغير.

ولمجلس إدارة الجمعية في سبيل إدارة شئونها القيام بأى عمل من الأعمال عدا تلك التى ينص هذا القانون أو النظام الأساسي للجمعية على ضرورة موافقة الجمعية العمومية عليها قبل إجرائها. ولمجلس الإدارة أن يعين مديرا للجمعية من غير أعضاء مجلس الإدارة، ويحدد قرار التعيين اختصاصات مدير الجمعية والمقابل الذى يستحقه.

المادة 33

يجتمع مجلس إدارة الجمعية مرة كل ثلاثة أشهر على الأقل، ولا يكون اجتماعه صحيحا إلا بحضور أغلبية أعضائه. وعلى عضو مجلس الإدارة الالتزام بحضور اجتماعات المجلس. وفي حال تغيبه دون عذر مقبول أكثر من نصف عدد الاجتماعات التي عقدها المجلس خلال عام، اعتبر مستقيلا، ويخطر بذلك بخطاب مسجل بعلم الوصول.

وتصدر قرارات مجلس الإدارة بموافقة الأغلبية المطلقة لعدد الحاضرين ما لم ينص النظام الأساسي على أغلبية أكبر، وعند تساوى الأصوات يرجح الجانب الذي منه الرئيس. وعلى مجلس الإدارة إخطار الاتحاد الإقليمي والجهة الإدارية بالقرارات التي تصدر عنه أو عن الجمعية العمومية وذلك خلال ثلاثين يوما من تاريخ صدورهما على الأكثر.

الفصل الرابع: حل الجمعيات

المادة 34

يجوز بموافقة الجمعية العمومية غير العادية حل الجمعية وفقا للقواعد المقررة فى نظامها الأساسي، ويصدر بالحل قرار من الوزير المختص متضمنا تعيين مصف أو أكثر وفقا لجدول المصفين الذي تعده الجهة الإدارية، وتحديد مدة التصفية، وأتعاب المصفي.

المادة 35

للجهة الإدارية أن تصدر قرارا بإيقاف النشاط المخالف أو بإزالة سبب المخالفة، بعد سماع أقوال الجمعية، وموافقة الاتحاد العام، وذلك في الأحوال الآتية:

- 1- تصرف الجمعية فى أموالها أو تخصيصها فى غير الأغراض التى أنشئت من أجلها.
 - 2- حصول الجمعية على أموال من جهة خارجية أو إرسال أموال إلى جهة خارجية بالمخالفة لحكم الفقرة الثانية من المادة(13) من هذا القانون.
 - 3- ارتكاب الجمعية مخالفة جسيمة للقانون كتبديد مال أو اختلاس أو إهدار المال العام أو مخالفة للنظام العام أو الآداب أو غير ذلك.
 - 4- انضمام الجمعية أو اشتراكها أو انتسابها إلى ناد أو جمعية أو هيئة أو منظمة مقرها خارج جمهورية مصر العربية بالمخالفة لحكم المادة(12) من هذا القانون.
 - 5- ثبوت أن حقيقة أغراض الجمعية استهداف أو ممارسة نشاط من الأنشطة المحظورة فى المادة(10) من هذا القانون.
 - 6- قيام الجمعية بجمع تبرعات بالمخالفة لحكم الفقرة الأولى من المادة(14) من هذا القانون.
 - 7- عدم انعقاد الجمعية العمومية عامين متتاليين.
 - 8- عدم تمكن الجهة الإدارية من متابعة أعمالها أو الانتقال إلى مقر جديد دون إخطار الجهة الإدارية.
- ويجوز للجهة الإدارية إذا استمرت الجمعية فى ارتكاب أي من المخالفات المنصوص عليها فى الفقرة السابقة أن تصدر بناء على موافقة الاتحاد العام للجمعيات والمؤسسات الأهلية قرارا بعزل مجلس إدارة الجمعية وتعيين مجلس مؤقت من أعضائها يباشر أعمال الجمعية لحين دعوة جمعيتها العمومية لانتخاب مجلس إدارة جديد وفقا
- لأحكام هذا القانون فى مدة أقصاها تسعون يوما من تاريخ إصدار قرار العزل. ولا يجوز لعضو المجلس المعزول الذي تثبت مسؤليته الشخصية عن وقوع مخالفات أدت إلى عزل المجلس الترشح لهذه الانتخابات.

وفي جميع الأحوال، إذا ثبت للجهة الإدارية عجز الجمعية عن تحقيق الأغراض التي أنشئت من أجلها أو تماديها في ارتكاب أي من المخالفات المشار إليها في الفقرة الأولى وجب عليها بعد موافقة الاتحاد العام للجمعيات إيقاف أنشطتها ورفع الأمر إلى القضاء الإداري للفصل في حل الجمعية وتعيين مصف لأموالها.

المادة 36

يجب على القائمين على إدارة الجمعية المنحلة وموظفيها المبادرة بتسليم أموال الجمعية وجميع المستندات والسجلات والأوراق الخاصة بها إلى المصفي بمجرد طلبها، وبممتنع عليهم كما يمتنع على الجهة المودع لديها أموال الجمعية والمدنيين لها التصرف في أي شأن من شئونها أو أموالها أو حقوقها إلا بأمر كتابي من المصفي.

المادة 37

يقوم المصفي بعد تمام التصفية بتوزيع ناتجها وفقا للأحكام المقررة في النظام الأساسي للجمعية. فإذا لم يوجد نص في هذا النظام أو استحال تطبيق ما ورد به آل ناتج التصفية إلى صندوق إعانة الجمعيات والمؤسسات الأهلية المنصوص عليه في الباب الرابع من هذا القانون. وتحدد اللائحة التنفيذية ضوابط أعمال التصفية ومدتها والإجراءات المتبعة في حال تعذر إتمامها.

المادة 38

تختص المحكمة الابتدائية التي يقع في دائرتها مقر الجمعية دون غيرها بالفصل في الدعاوى التي ترفع من المصفي أو عليه.

المادة 39

مع مراعاة حكم المادة(36) من هذا القانون، يحظر على أعضاء الجمعية المنحلة وأي شخص آخر قائم على إدارتها مواصلة نشاطها أو التصرف في أموالها، كما يحظر على كل شخص الاشتراك في نشاط أية جمعية تم حلها.

الفصل الخامس: الجمعيات ذات النفع العام

المادة 40

تخضع الجمعيات ذات النفع العام فيما لم يرد بشأنه نص خاص في هذا الفصل للأحكام المقررة في شأن الجمعيات.

المادة 41

كل جمعية مركزية أو غير مركزية تهدف إلى تحقيق مصلحة عامة عند تأسيسها أو بعد تأسيسها يجوز إضفاء صفة النفع العام عليها بقرار من رئيس مجلس الوزراء، وذلك بناء على طلب الجمعية أو بناء على طلب الجهة الإدارية أو الاتحاد العام للجمعيات والمؤسسات الأهلية وموافقة الجمعية في الحالين.

ويكون إلغاء صفة النفع العام بقرار من رئيس مجلس الوزراء. ويجوز اندماج الجمعيات ذات النفع العام في بعضها بموافقة كل من الجهة الإدارية والاتحاد العام للجمعيات والمؤسسات الأهلية، على أنه لا يكون الاندماج بين جمعيات النفع العام وغيرها من الجمعيات التي لم تطف عليها صفة النفع العام إلا بقرار من رئيس مجلس الوزراء.

المادة 42

تحدد بقرار من رئيس مجلس الوزراء امتيازات السلطة العامة التي تتمتع بها الجمعيات التي تضى عليها صفة النفع العام، وعلى وجه الخصوص عدم جواز الحجز على أموالها كلها أو بعضها، وعدم جواز اكتساب تلك الأموال بالتقادم، وإمكانية نزع الملكية للمنفعة العامة لمصلحتها تحقيقاً للأغراض التي تقوم عليها الجمعية.

المادة 43

للجهة الإدارية أن تعهد إلى إحدى الجمعيات ذات النفع العام بإدارة مؤسسة تابعة لها أو لجهة غيرها أو تنفيذ بعض مشروعاتها أو برامجها وفقاً للقواعد والإجراءات التي يصدر بها قرار من الوزير المختص.

المادة 44

مع مراعاة أحكام القوانين الأخرى، تخضع الجمعيات ذات النفع العام لرقابة الجهاز المركزي للمحاسبات، وله أن يراجع أعمالها بما في ذلك المشروعات المسندة إليها للتحقق من مطابقتها للقوانين واللوائح الداخلية ولائحة النظام الأساسي للجمعية وللنظام المحاسبي الموحد المرافق لللائحة التنفيذية لهذا القانون.

الفصل السادس: الإيواء

المادة 45

لا يجوز تخصيص أماكن لإيواء الأطفال والمسنين والمرضى بأمراض مزمنة وغيرهم من المحتاجين إلى الرعاية الاجتماعية وذوى الاحتياجات الخاصة، إلا بترخيص من الجهة الإدارية. وتحدد اللائحة التنفيذية لهذا القانون قواعد وإجراءات منح هذا الترخيص للجمعية أو لغيرها.

ويجوز للجهة الإدارية إلغاء الترخيص عند مخالفة شروطه. وتحدد اللائحة التنفيذية لهذا القانون قواعد وإجراءات إلغاء هذا الترخيص.

الباب الثالث المؤسسات الأهلية

المادة 46

تسرى على المؤسسات الأهلية فيما لم يرد بشأنه نص خاص فى هذا الباب الأحكام المقررة فى شأن الجمعيات.

المادة 47

تتسأ المؤسسة الأهلية بتخصيص مال أيا كانت طبيعته يتناسب وتحقيق الغرض من إنشائها وحجم الأنشطة التي تمارسها من أجل تحقيق هذا الغرض بما لا تقل قيمته عن مائة ألف جنيه عند التأسيس، لمدة معينة أو غير معينة. ولا يجوز أن تهدف المؤسسات الأهلية إلى تحقيق الربح المادي لأي من مؤسسيتها أو أعضاء مجالس أمنائها، وتراعى فى هذا الخصوص أحكام المادة (9) من هذا القانون.

المادة 48

يكون إنشاء المؤسسة الأهلية بواسطة مؤسس واحد أو مجموعة من المؤسسين من الأشخاص الطبيعيين أو الأشخاص الاعتبارية أو منهما معا، ويضع المؤسسون نظاما أساسيا يشمل على الأخص البيانات الآتية:

(أ) اسم المؤسسة ونطاق عملها الجغرافي ومقر مركز إدارتها بجمهورية مصر العربية.

(ب) الغرض الذي تنشأ المؤسسة لتحقيقه.

(ج) بيان تفصيلي بالأموال المخصصة لتحقيق أغراض المؤسسة.

(د) تنظيم إدارة المؤسسة بما فى ذلك طريقة تعيين رئيس وأعضاء مجلس الأمناء وطريقة تعيين المدير.

كما يجوز إنشاء المؤسسة الأهلية بسند رسمى أو بوصية مشهورة يعد أيهما فى حكم النظام الأساسى للمؤسسة بشرط اشتماله على البيانات المنصوص عليها فى الفقرة السابقة. ويرفق باللائحة التنفيذية لهذا القانون نظام نموذجى يجوز للمؤسسات الأهلية اتباعه.

المادة 49

متى كان إنشاء المؤسسة الأهلية بسند رسمى جاز لمن أنشأها أن يعدل عنها بسند رسمى آخر وذلك قبل أن يتم قيدها، كما يجوز إلغاء قيد المؤسسة إذا ثبت بحكم قضائي أن إنشاءها كان بغرض الإضرار بحقوق الغير.

المادة 50

يتقدم ممثل جماعة المؤسسين بطلب قيد المؤسسة إلى الاتحاد الإقليمي مرفقا به المستندات المحددة بنموذج طلب القيد المرافق لللائحة التنفيذية لهذا القانون، وبعد التأكد من استيفاء الطلب يخطر الاتحاد الإقليمي الجهة الإدارية للموافقة عليه. وتثبت الشخصية الاعتبارية للمؤسسة الأهلية اعتبارا من اليوم التالى لقيد نظامها الأساسى أو لقيد ما فى حكمه بالجهة الإدارية.

المادة 51

يكون لكل مؤسسة أهلية مجلس أمناء يتكون من خمسة أعضاء على الأقل ولا يزيد على خمسة عشر عضوا يعينهم المؤسس أو المؤسسون، ويجوز أن يكون منهم الرئيس والأعضاء. ويخطر الاتحاد الإقليمي والجهة الإدارية بالتعيين وبكل تعديل يطرأ على مجلس الأمناء.

وفى حالة عدم تعيين مجلس الأمناء أو خلو مكان أو أكثر بالمجلس وتعذر تعيين بديل منه أو منهم بالطريقة المبينة بالنظام الأساسى، تتولى الجهة الإدارية التعيين وتخطر الاتحاد الإقليمي بذلك. ويتولى مجلس الأمناء إدارة المؤسسة الأهلية وفقا لنظامها الأساسى، ويمثلها رئيسه أمام القضاء وقبل الغير.

المادة 52

مع مراعاة أحكام هذا القانون، يجوز للمؤسسة الأهلية أن تتلقى أموالا على سبيل لهبة أو الوقف أو غير ذلك أو تجمع تبرعات من الغير بعد موافقة الجهة الإدارية على ذلك وعلى الشروط التى قد يضعها مقدم المال. ويكون ما تتلقاه المؤسسة أو تجمعها من مال مالا مضافا إلى المال المخصص لتأسيسها.

المادة 53

يكون للمؤسسة الأهلية ميزانية سنوية، وحسابات ختامية يتم إعدادها طبقا للنظام المحاسبي الموحد الذي يصدر به قرار من الوزير المختص.

المادة 54

يجوز حل المؤسسة الأهلية بقرار مسبب من الوزير المختص بعد موافقة الاتحاد العام وبعد دعوة المؤسسة لسماع أقوالها إذا توافرت دلائل جديّة على ممارسة المؤسسة نشاطا من الأنشطة المحظورة في المادة (9) من هذا القانون.

ويتعين أن يتضمن قرار الحل تعيين مصف أو أكثر لمدة وبمقابل يحددهما. وللوزير المختص أن يكتفى في أي من الحالات المشار إليها بإصدار قرار بإلغاء التصرف المخالف أو بإزالة سبب المخالفة أو بعزل مجلس الأمناء وتعيين مجلس مؤقت لمباشرة أعمال المؤسسة لمدة عام قابلة للتجديد مرة واحدة إذا اقتضت الضرورة ذلك أو بوقف نشاط المؤسسة.

ولكل ذي شأن الطعن على القرار الذي يصدره الوزير المختص أمام محكمة القضاء الإداري وفق الإجراءات والمواعيد المحددة لذلك، وعلى المحكمة أن تفصل في الطعن على وجه الاستعجال وبدون مصروفات.

ويعتبر من ذوى الشأن فى خصوص الطعن أعضاء مجلس أمناء المؤسسة أو أى من مؤسسيها. وتتول الأموال الناتجة عن تصفية المؤسسة إلى صندوق إعانة الجمعيات والمؤسسات الأهلية.

الباب الرابع المنظمات الأجنبية

المادة 55

يجوز للوزير المختص التصريح للمنظمات الأجنبية بممارسة نشاط أو أكثر من أنشطة الجمعيات والمؤسسات الأهلية الخاضعة لأحكام هذا القانون وفقا للقواعد المقررة فيه وبمراعاة الاتفاق المبرم بين المنظمة ووزارة الخارجية.

وتحدد اللائحة التنفيذية لهذا القانون إجراءات تقديم طلب التصريح، ومدة التصريح، والبيانات والمعلومات التي يجب أن يتضمنها طلب التصريح، والمستندات التي يجب أن ترفق به، وقواعد ممارسة النشاط المصرح به.

وتحدد الجهة الإدارية قواعد ممارسة النشاط المصرح للمنظمة الأجنبية بممارسته. ويجب في جميع الأحوال أن يكون هذا النشاط متفقا واحتياجات البيئة المصرية ومراعي النظام العام والآداب.

المادة 56

تخضع المنظمة الأجنبية المصرح لها بالعمل داخل جمهورية مصر العربية لرقابة الجهة الإدارية المختصة، وعليها أن تقدم لهذه الجهة تقرير إنجاز سنويا خلال مدة ممارسة النشاط المصرح به. وفي حال مخالفة المنظمة لقواعد ممارسة النشاط المصرح به يكون للوزير المختص - بالتنسيق مع وزارة الخارجية - أن يصدر قرارا مسببا بإيقاف النشاط المخالف أو بإلغاء تصريح ممارسة النشاط، وتخطر وزارة الخارجية بهذا القرار خلال خمسة عشر يوما من تاريخ صدوره.

وتحدد اللائحة التنفيذية لهذا القانون الأحوال التي يتم فيها إلغاء الترخيص للمنظمة الأجنبية والإجراءات التي تتخذ بشأنها وكيفية التصرف فيما تتركه من أموال أيا كانت طبيعتها.

الباب الخامس الاتحادات

الفصل الأول: الاتحاد الإقليمي

المادة 57

تنشئ الجمعيات والمؤسسات الأهلية الواقعة في نطاق المحافظة أيا كان نشاطها اتحادا إقليميا فيما بينها يكون له نظام أساسي مكتوب، ويقيد بالجهة الإدارية المختصة، وتكون له شخصية اعتبارية، ويرفق باللائحة التنفيذية لهذا القانون نموذج النظام الأساسي للاتحاد الإقليمي.

ويجب على كل جمعية أو مؤسسة أهلية تنطبق عليها أحكام هذا القانون أن تنضم خلال مدة أقصاها ثلاثة أشهر من ثبوت شخصيتها الاعتبارية إلى عضوية الاتحاد الإقليمي بحسب نطاقها الجغرافي، فإذا كان للجمعية أكثر من فرع في أكثر من محافظة وجب عليها الانضمام إلى الاتحاد الإقليمي في المحافظة التي يقع بها مركز إدارتها الرئيس.

وتحدد اللائحة التنفيذية لهذا القانون إجراءات الانضمام إلى هذا الاتحاد والرسم الواجب أدائه سنويا بما لا يزيد على مائتي جنيه يسدد نصفه لحساب الاتحاد الإقليمي ونصفه الآخر لحساب الاتحاد العام للجمعيات والمؤسسات الأهلية.

المادة 58

يعمل الاتحاد الإقليمي على مستوى المحافظة، ولا يجوز إنشاء أكثر من اتحاد إقليمي واحد في المحافظة الواحدة. ويجب على كل جمعية أو مؤسسة أهلية تنطبق عليها أحكام هذا القانون أن تقدم سنويا تقرير إنجاز إلى الاتحاد الإقليمي المنضمة إليه تبين فيه نوع وحجم الأنشطة التي مارستها خلال العام، وما حققته من خدمات للمواطنين أو من برامج التنمية التي تضعها الدولة كما يوافق الاتحاد العام بنسخة من هذا التقرير.

المادة 59

يكون لكل اتحاد إقليمي مجلس إدارة يتكون من خمسة عشر عضوا لدورة مدتها ثلاث سنوات تنتخب الجمعية العمومية للاتحاد الإقليمي من بين أعضائها عشرة منهم، ويعين الوزير المختص بالتنسيق مع رئيس الاتحاد العام للجمعيات والمؤسسات الأهلية الأعضاء الخمسة الآخرين من الشخصيات العامة.

المادة 60

يختص الاتحاد الإقليمي بما يلي:

(أ) تلقي طلبات قيد الجمعيات مستوفاة وإخطار الجهة الإدارية بها وفقا لأحكام المادة الخامسة من هذا القانون.

(ب) تنفيذ السياسة العامة التي يضعها مجلس إدارة الاتحاد العام للجمعيات والمؤسسات الأهلية والإشراف على تنفيذ القرارات التي يصدرها المؤتمر السنوي.

(ج) إجراء البحوث الاجتماعية اللازمة داخل المحافظة والمشاركة في البحوث الاجتماعية العامة التي يتولاها الاتحاد العام.

(د) دراسة احتياجات البيئة وإمكانياتها ومواردها بما يضمن تكامل جهود الجمعيات والمؤسسات الأعضاء في تادية خدماتها.

(هـ) دراسة مشاكل تمويل الجمعيات والمؤسسات الأعضاء والعمل على إيجاد الحلول المناسبة لها.

(و) وضع خطط التدريب والتأهيل ومتابعة تقييم برامج التدريب الخاصة بالأنشطة التي يتولاها داخل المحافظة.

(ز) إنشاء قاعدة للبيانات والمعلومات الكافية عن الجمعيات والمؤسسات الأهلية الأعضاء داخل المحافظة والعمل على تحديثها بصفة مستمرة.

(ح) عقد مؤتمر سنوي لتقييم الإنجازات التي حققتها الجمعيات والمؤسسات الأعضاء ودراسة ومناقشة الموضوعات التي تحال إليه منها.

الفصل الثاني: الاتحاد النوعي

المادة 61

تنشئ الجمعيات والمؤسسات الأهلية التي تباشر أو تمويل نشاطا مشتركا فى مجال معين، سواء على مستوى الجمهورية أو إحدى محافظاتا، فيما بينها، اتحادا نوعيا مركزيا لكل نشاط على حدة يكون له نظام أساسى مكتوب، ويقيد بالاتحاد العام والجهة الإدارية المختصة، وتكون له شخصية اعتبارية، ويرفق باللائحة التنفيذية لهذا القانون نموذج النظام الأساسي للاتحاد النوعي.

ويجوز لكل جمعية أو مؤسسة أهلية تنطبق عليها أحكام هذا القانون أن تنضم فور ثبوت شخصيتها الاعتبارية إلى عضوية الاتحاد النوعي بحسب نشاطها، وتحدد اللائحة التنفيذية لهذا القانون إجراءات الانضمام إلى هذا الاتحاد.

المادة 62

يعمل الاتحاد النوعي على مستوى الجمهورية، ولا يجوز إنشاء أكثر من اتحاد نوعى واحد لكل ميدان من ميادين عمل الجمعيات الأهلية، ويجوز للاتحاد الإقليمي بالتنسيق مع الاتحاد النوعي المركزي إنشاء لجان نوعية فرعية تتولى ممارسة أنشطة الاتحاد النوعي في نطاق المحافظة.

المادة 63

يكون لكل اتحاد نوعي مجلس إدارة يتكون من خمسة عشر عضوا لدورة مدتها ثلاث سنوات تنتخب الجمعية العمومية للاتحاد النوعي من بين أعضائها عشرة منهم، ويعين الوزير المختص بالتنسيق مع الاتحاد العام للجمعيات والمؤسسات الأهلية الخمسة الأعضاء الآخرين من الشخصيات العامة ذوي الخبرات الداعمة لأنشطة الاتحاد.

المادة 64

يختص الاتحاد النوعى بما يلي:

(أ) تخطيط برامج الرعاية والتنمية الاجتماعية في ميدان العمل المتصل بأغراض الاتحاد وفقا لسياسة الدولة.

- (ب) إنشاء قاعدة للبيانات والمعلومات الكافية عن الجمعيات والمؤسسات الأهلية الأعضاء وتصنيفها بحسب ميدان العمل.
- (ج) إجراء البحوث المتصلة بميدان العمل وتوزيعها على الجمعيات والمؤسسات الأعضاء للاستفادة منها والعمل بها.
- (د) متابعة الجمعيات والمؤسسات الأعضاء لتقييم تفعيلها للأبحاث والدراسات المقدمة في ميدان العمل.
- (هـ) تنظيم البرامج وتنسيق الجهود بين الجمعيات والمؤسسات وموظفيها على أن تعتمد هذه البرامج من الاتحاد الإقليمي المختص قبل تنفيذها.
- (و) وضع برامج الإعداد الفني والإداري لأعضاء مجالس الجمعيات والمؤسسات وموظفيها على أن تعتمد هذه البرامج من الاتحاد الإقليمي المختص قبل تنفيذها.
- (ز) نشر دليل بقوائم الجمعيات المقيدة في مجال عمل الاتحاد وما يتعلق بهذا الميدان من أبحاث ودراسات، وكذلك المؤتمرات المحلية والدولة ذات الصلة بأنشطتها.
- (ح) الإعداد لإجراء الانتخابات الخاصة بمجلس إدارة الاتحاد وإخطار كل من الاتحاد العام والجهة الإدارية بنتائج هذه الانتخابات.

الفصل الثالث: الاتحاد العام للجمعيات والمؤسسات الأهلية

المادة 65

- ينشأ اتحاد عام للجمعيات والمؤسسات الأهلية تكون له الشخصية الاعتبارية ويضم الاتحادات الإقليمية والنوعية، ويكون مقره مدينة القاهرة. ويتولى إدارة الاتحاد العام مجلس إدارة يتكون من واحد وثلاثين عضواً يعين رئيس الجمهورية عشرة منهم من المهتمين بالمسائل الاجتماعية ويعين من بينهم رئيس الاتحاد العام، وينتخب الباقون من بين أعضاء مجالس إدارات الاتحادات الإقليمية والنوعية المنتخبين من خلال جمعية عمومية تعقد بانتهاء مدة المجلس كل ثلاث سنوات.
- يضع مجلس الإدارة لائحة بالنظام الداخلي للاتحاد وكيفية إدارته وتنظيم العمل به ويصدر باللائحة قرار من الوزير المختص. ويختص الاتحاد العام للجمعيات والمؤسسات الأهلية بما يأتي:
- (أ) إنشاء قاعدة للبيانات والمعلومات الكافية عن جميع الجمعيات والمؤسسات الأهلية والمنظمات والاتحادات الإقليمية والنوعية المنشأة وفقاً لأحكام هذا القانون.
- (ب) وضع إستراتيجية تحدد دور الجمعيات والمؤسسات الأهلية في دعم وتنفيذ برامج التنمية.
- (ج) إجراء الدراسات اللازمة لتوفير التمويل اللازم للجمعيات والمؤسسات الأهلية لتنمية مواردها، والقيام بالاتصال بالجهات الداخلية والخارجية بما يساعد على توفير الإعانات والمساعدات وإبداء المشورة لها عن وسائل دعم قدراتها المالية.
- (د) تنظيم برامج الإعداد والتدريب الفني والإداري لموظفي الجمعيات والمؤسسات الأهلية وأعضائها بالتنسيق مع الاتحادات الإقليمية والنوعية والجمعيات والمؤسسات الأهلية.

(هـ) توثيق التجارب الرائدة والناجحة التي تقوم بها الجمعيات والمؤسسات الأهلية مع الترويج للمشروعات الصغيرة والمتوسطة التي تساعد على مكافحة الفقر وحل مشكلة البطالة.

(و) التعاون مع الهيئات المحلية والأجنبية المعنية بالعمل الأهلي وعقد البروتوكولات أو الاتفاقيات مع هذه الجهات وغيرها من الجهات المحلية الأخرى المعنية بالعمل الاجتماعي والتنموي في ميادين عمل الجمعيات والمؤسسات الأهلية.

(ز) الإعلام عن دور الجمعيات والمؤسسات في تعزيز العمل الأهلي وتدريب المتطوعين على المساهمة في أنشطة الجمعيات والمؤسسات الأهلية.

(ح) عقد المؤتمرات وورش العمل اللازمة لرفع القدرات الخاصة بالجمعيات والمؤسسات الأهلية والاتحادات الإقليمية والنوعية.

(ط) إعداد تقرير سنوي شامل لما تحققة منظمات المجتمع المدني المنشأة وفقا لأحكام هذا القانون من إنجازات على مدار العام يتضمن تقييما لقدراتها وحلولا للمعوقات التي تعترض عملها.

(ي) اقتراح التعديلات على التشريعات المنظمة للعمل الأهلي واستصدار القرارات اللازمة لتحقيق المرونة في تسييره .

المادة 66

يعقد الاتحاد العام سنويا مؤتمرا عاما يتكون من رؤساء مجالس إدارة الاتحادات الإقليمية والنوعية، وعدد يحدده الاتحاد العام ويختاره من الجمعيات والمؤسسات الأهلية الموفية بالتزاماتها لدى الاتحادات الإقليمية أو النوعية المقيدة بها. وللاتحاد العام أن يدعو إلى حضور هذا المؤتمر شخصيات معنية بالمسائل الاجتماعية لدراسة المسائل التي تحال إليه من لجانة الفنية أو من الاتحادات الإقليمية والنوعية.

المادة 67

تسري على الاتحاد العام والاتحادات الإقليمية والنوعية فيما لم يرد بشأنه نص خاص في هذا الباب الأحكام المقررة في شأن الجمعيات.

الباب السادس صندوق دعم الجمعيات والمؤسسات الأهلية

المادة 68

ينشأ بوزارة الشئون الاجتماعية صندوق لتوفير الدعم المالي لاستمرارية الأنشطة التي تقوم بها الجمعيات والمؤسسات الأهلية والاتحادات المنشأة وفقا لأحكام هذا القانون.

المادة 69

يكون لصندوق دعم الجمعيات والمؤسسات الأهلية مجلس إدارة برئاسة الوزير المختص، وعضوية كل من:
- رئيس الاتحاد العام للجمعيات والمؤسسات الأهلية، نائبا للرئيس.

- رئيس مجلس إدارة أحد الاتحادات الإقليمية ورئيس مجلس إدارة أحد الاتحادات النوعية يرشحهما مجلس إدارة الاتحاد العام.

- رئيسي مجلسي إدارة جمعيتين إحداهما من جمعيات النفع العام ورئيس مجلس إدارة إحدى المؤسسات الأهلية، يرشحهم مجلس إدارة الاتحاد العام.

ويشترط أن يكون الاتحاد والجمعية والمؤسسة الممثلة في الصندوق من ذوات النشاط الملحوظ وأن يكون مركزها المالي سليماً وفقاً لتقارير مراقب الحسابات عن الثلاث السنوات السابقة على الترشيح وألا تكون قد ارتكبت أية مخالفة من المخالفات المنصوص عليها في هذا القانون خلال الخمس السنوات السابقة على الترشيح.

- ثلاثة من رؤساء الإدارات المركزية بوزارة الشؤون الاجتماعية على أن يكون من بينهم رئيس الإدارة المركزية للمؤسسات والجمعيات الأهلية.

- ثلاثة من الشخصيات العامة المعنية بالمسائل الاجتماعية يختارهم الوزير المختص. وتكون مدة مجلس إدارة الصندوق ثلاث سنوات، ويجوز إعادة تعيين العضو بالمجلس مدداً أخرى. ويصدر بتشكيل مجلس إدارة الصندوق ونظام العمل به وكيفية إدارته قرار من الوزير المختص.

المادة 70

يختص مجلس إدارة صندوق دعم الجمعيات والمؤسسات الأهلية بما يلي:

- (أ) رسم السياسة العامة لدعم الأنشطة والمشروعات التي تقوم بها الجمعيات والمؤسسات الأهلية ووضع الضوابط الخاصة بدعم هذه الأنشطة والمشروعات.
- (ب) إجراء الدراسات اللازمة بشأن الأوضاع المالية للجمعيات والمؤسسات الأهلية وأولويات دعم الأنشطة والمشروعات القائمة، ودعم هذه الأنشطة والمشروعات.
- (ج) جمع البيانات المالية اللازمة لأداء نشاط الصندوق والخاصة بالجمعيات والمؤسسات الأهلية والاتحادات المنشأة وفقاً لأحكام هذا القانون وحدود التوسع في أنشطتها، وذلك من خلال مركز المعلومات الخاص بالاتحاد العام للجمعيات والمؤسسات الأهلية وبالتنسيق مع الجهة الإدارية.
- (د) إعداد ونشر دليل سنوي ببيان الجمعيات والمؤسسات الأهلية والاتحادات النوعية والإقليمية لتمكين المواطنين من الإسهام فيها والمشاركة في العمل الاجتماعي التطوعي.
- (هـ) متابعة وتقييم الصرف من الدعم المالي للجمعيات والاتحادات.
- (و) إصدار النشرات التي تمكن المتبرعين في الداخل والخارج من تحديد قدر إسهاماتهم وضمان حسن توجيهها.
- (ز) اتخاذ ما يلزم لتنمية موارد الصندوق.

المادة 71

تتكون موارد الصندوق على الأخص مما يأتي:

(أ) المبالغ المدرجة بالموازنة العامة للدولة لإعانة الجمعيات والمؤسسات الأهلية المنشأة طبقاً لأحكام هذا القانون.

(ب) حصيلة رسم قيد الجمعيات والمؤسسات المنشأة وفقاً لأحكام هذا القانون في السجل الخاص بالجهة الإدارية.

(ج) الهبات والإعانات والتبرعات التي يتلقاها الصندوق.

(د) ما يتول إليه من أموال الجمعيات والمؤسسات الأهلية والاتحادات التي يتم حلها.

(هـ) الرسوم الإضافية المفروضة لصالح الأعمال الخيرية.

(و) حصيلة الغرامات التي يقضي بها وفقاً لأحكام هذا القانون.

(ز) أي موارد أخرى يقرها مجلس إدارة الصندوق.

الباب السابع العقوبات

المادة 72

مع عدم الإخلال بأية عقوبة أشد منصوص عليها في قانون العقوبات أو في أي قانون آخر، يعاقب على الجرائم المنصوص عليها في هذا الباب بالعقوبات التالية:

أولاً: يعاقب بالحبس مدة لا تزيد على سنة وبغرامة لا تزيد على عشرة آلاف جنيه أو بإحدى هاتين العقوبتين كل من أنشأ جمعية ثبت أن حقيقة أغراضها ممارسة الأنشطة المحظورة بالبندين (1) و(2) من المادة (9) من هذا القانون.

ثانياً: يعاقب بغرامة لا تقل عن عشرة آلاف جنيه ولا تزيد على عشرين ألف جنيه كل من:

(أ) أنشأ كياناً تحت أي مسمى وبأي شكل - ولو كان قانونياً - غير شكل الجمعيات والمؤسسات الأهلية المنشأة وفقاً لأحكام هذا القانون يقوم بنشاط من أنشطة هذه الجمعيات والمؤسسات دون أن يتبع الأحكام المقررة فيه، ويعتبر هذا الكيان منحلًا بحكم القانون وتسري عليه أحكام الفصل الرابع من الباب الأول من هذا القانون.

(ب) باشر نشاطاً من أنشطة الجمعية أو المؤسسة الأهلية رغم صدور حكم أو قرار بوقف نشاطها أو بحلها.

(ج) تلقى بصفته رئيساً أو عضواً في جمعية أو مؤسسة أهلية سواء كانت هذه الصفة صحيحة أو مزعومة، أموالاً في الخارج أو أرسل للخارج شيئاً منها أو قام بجمع التبرعات دون موافقة الجهة الإدارية.

(د) أنفق أموالاً للجمعية أو للمؤسسة الأهلية أو للاتحاد في أغراض شخصية أو ضارب بها في عمليات مالية.

(هـ) تصرف فى مال من أموال الجمعية أو المؤسسة الأهلية التى حكم أو صدر قرار بحلها وتصفيته، أو أصدر قرارا بذلك دون أمر كتابى من المصطفى.

وفى الحالات المشار إليها فى البنود(ج، د ، هـ) تقضى المحكمة كذلك بإلزام المحكوم عليه برد ما تلقاه أو أرسله أو جمعه أو أنفقه أو ضارب به أو تصرف فيه من أموال، بحسب الأحوال.

ثالثا: يعاقب بغرامة لا تقل عن خمسة آلاف جنيه ولا تزيد على عشرة آلاف جنيه فى أى من الحالات الآتية:

(أ) كل من باشر نشاطا من أنشطة الجمعية أو المؤسسة الأهلية قبل إتمام قيدها عدا أعمال التأسيس.

(ب) كل عضو من أعضاء مجلس إدارة الجمعية أو المؤسسة الأهلية أو من مديرها ساهم بفعله فى انضمامها أو اشتراكها أو انتسابها إلى ناد أو جمعية أو هيئة أو منظمة مقرها خارج جمهورية مصر العربية، وذلك دون إخطار الجهة الإدارية أو رغم اعتراضها.

(ج) كل مصف قام بتوزيع أموال الجمعية أو المؤسسة الأهلية بالمخالفة لأحكام هذا القانون.

(د) كل عضو من أعضاء مجلس إدارة الجمعية ذات النفع العام ساهم بفعله فى إدماج الجمعية فى أخرى دون موافقة الجهة الإدارية.

رابعا: يعاقب بغرامة لا تقل عن ألف جنيه ولا تزيد على خمسة آلاف جنيه كل عضو بمجلس إدارة جمعية أو مؤسسة أو اتحاد تسبب بصفته الشخصية أو بوصفه عضوا بالمجلس فى وقوع مخالفات أدت إلى عزل المجلس أو حل الجمعية وفقا لأحكام هذا القانون. والله الموفق.

Appendix B: Unofficial English Translation of the Draft Law (Arabic)

The following unofficial translation has been prepared by ICNL.

In the Name of the People,

The People's Assembly has approved the following law, which we now promulgate:

[Preamble]

ARTICLE 1

Associations, foundations and federations established under Law 84 of 2002 whose Articles of Incorporation contradict the provisions of the attached law shall rectify and amend their status pursuant to this law within one year of its effectiveness.

ARTICLE 2

Existing Boards of Directors of associations, foundations and federations established pursuant to provisions of Law 84 of 2002 and their executive and administrative bodies shall continue to operate until amended according to this law.

ARTICLE 3

It is prohibited for any private entity to practice any of the activities of associations and foundations without taking the form of associations or foundations pursuant to the provisions of this law. The Minister of Social Affairs *[translator's note: Arabic refers to the Minister/Ministry of Social Affairs even though this agency has been renamed the Ministry]* or his assignee may issue a resolution suspending any such activity and taking necessary actions against this entity pursuant to the attached law.

No [government] entity other than the entity permitted by the attached law may, under any form or title, license the practice of any of the activities of associations and foundations. Such a license shall be null and void and shall have no legal effect.

ARTICLE 4

The Minister of Social Affairs shall issue the Executive Statute [Implementing Regulation] of the attached law within six months as of the date of its effectiveness. Until the issuance of such regulation, the

current regulation and resolutions may continue to be effective excluding any contradictions with the provisions of the attached law.

ARTICLE 5

The *Law on Associations and Foundations* (Law 84 of 2002) is hereby abolished, as is any provision of any other law that contradicts the provisions of the attached law.

ARTICLE 6

This law shall be published in the *Official Gazette* and is applicable as of the day following its publication. This law shall be stamped with the official Seal of the State and implemented as any ordinary law.

THE LAW ON ASSOCIATIONS AND FOUNDATIONS

CHAPTER ONE GENERAL PROVISIONS

ARTICLE 1

The following definitions apply to the terms used in this law:

1. **Association:** A group of a continuous legal personality composed of natural or legal persons, or both, whose number in all cases is not less than 20, formed to pursue not-for-profit purposes.
2. **Public Benefit Association:** an association that aims to realize a public benefit upon or after its establishment and whose activities serve the public. Public benefit status shall be granted by a resolution of the Council of Ministers.
3. **Central Association:** an association whose declaration is endorsed, according to the provisions of this law, by a decision from the Competent Minister, having a one or more branches in one more than province. The Executive Statute [Implementing Regulation] of this law shall define any other requirements for central associations.
4. **Foundation:** A legal person established by one or more natural or legal persons, or both, with an endowment of no less than one hundred thousand pounds, to pursue t for not-for -profit purposes.
5. **Foreign Organization:** a foreign legal person, whose main office is located within or outside Egypt, licensed to perform one or more activities of associations and

foundations subject to the provisions of this law and an agreement concluded between the organization and the Ministry of Foreign Affairs.

6. **Regional Federation:** a federation established by at least 10 associations or foundations or both located in one governorate, regardless of the activity, and having a legal personality.
7. **Specialized Federation:** a central federation established by at least 10 associations or foundations, or both, who perform common activities in specific fields within the Republic [of Egypt], having a legal personality.
8. **General Federation of Associations and Foundations:** a general federation established from elected members of regional and specialized federations' boards and others appointed by the President of the Republic in accordance with this law. This federation shall supervise the activities of associations, foundations, organizations, and Regional and Specialized Federations pursuant to the provisions of this law. The federation shall enjoy legal personality and shall be headquartered in the city of Cairo.
9. **Founding Member:** a natural or a legal person who participates in the formation of an association or foundation and signs its Articles of Incorporation.
10. **Competent Court:** The administrative court having jurisdiction in the area where an association, foundation, organization or federation is established.
11. **Competent Minister:** The Minister of Social Affairs.
12. **Administrative Body:** The Ministry of Social Affairs or any of its departments.

ARTICLE 2

Associations established by a law or pursuant to international conventions concluded by the Arab Republic of Egypt shall be subject to the agreements governing these associations. For any issue not specifically contained in those agreements, the provisions of this law shall apply.

CHAPTER TWO ASSOCIATIONS

Section One: Establishment of Associations

ARTICLE 3

It is required for the formation of an association to have written Articles of Incorporation signed by the founders. An independent and appropriate management center in the Arab Republic of Egypt shall be secured. It is required for members of associations to enjoy full civil rights and with no judgments against them concerning a crime or offense of honest, unless acquitted.

It is permitted for non-Egyptians having permanent or temporary residence in Egypt to join membership of any association following the rules contained in the Executive Statute [Implementing Regulation] of this law.

It is permitted for any foreign community to establish an association observing the affairs of its members pursuant to the provisions of this law and with the condition of reciprocal treatment for the Egyptian community in that relevant country.

ARTICLE 4

Articles of association of any association shall contain the following data:

- a. Name of the association, which should be indicating to its purposes, and not creating any confusion with any other association within the same geographic scope.
- b. Type, scope and activities of the association and its geographic scope.
- c. Address of the association management center.
- d. Name, surname, age, nationality, profession and domicile of each founder.
- e. Resources of the association, their utilization and disbursement.
- f. Bodies that represent the association, the competencies of each, the method of members selection, dismissal or invalidation of membership as well as the quorum for the meetings of these bodies, the validity of their decisions and the means of invitations for informing members.
- g. Membership system, conditions, rights and duties of members; especially the right of every member to review the document of the association, attending and voting in the General Assembly.
- h. Financial control system.
- i. Rules for amending the Articles of Incorporation of the association, establishing its branches, the cases for its termination and entities that shall benefit from its funds in these cases. It is impermissible to have the Articles of Incorporation of any organization providing that the funds of the association shall inure to anybody except the National Associations and Foundations Support Fund or any association or foundation working in the same field of the association or to any of the federations subject to the provisions of this law.
- j. Identification of the competent person for applying to public benefit status.
- k. Identification of the representative of founders for foundation procedures.

The Executive Statute [Implementing Regulation] of this law shall contain model Articles of Incorporation that associations may follow.

ARTICLE 5

The application of the entry of summarized Articles of Incorporation shall be written in the standard format and presented to the Regional Federation established pursuant to this law by the representative of the founders enclosed with the following documents:

1. Four copies of the Articles of Incorporation of the association signed by all founders.
2. Acknowledgment for each founding member undertaking to fulfill conditions stipulated in Article (3) and data contained in item (d) of Article (4) herein.
3. An official certified document confirming the occupancy of the association's premises.
4. A request to join the membership of the Regional Federation.

The Regional Federation, after verifying the completeness of these documents shall evidence the date of application submission on a copy given to the applicant along with entering the application in a special register. Then, the Regional Federation shall notify the Administrative Body within two weeks to obtain its approval.

The applicant shall pay a fee of one hundred pounds for the entry of the Articles of Incorporation in the Administrative Body register. These fees shall go to the Fund for the Support of Associations and Foundations. The Executive Statute [Implementing Regulation] of this law shall define the procedures for the application along with providing the application format.

ARTICLE 6

The Administrative Body shall enter the summarized Articles of Incorporation in the special register within 30 days of being notified by the complete application along with necessary documents mentioned in the previous article; otherwise, the entry shall be valid by virtue of the law. The legal personality of the association is affirmed by making such entry or the elapse of 30 days after the notification of the Administrative Body by the application, whichever first.

If the Administrative Body finds, within the 30-days period, that purposes of the association contain an activity prohibited by Article (9) hereunder, it shall reject the application by a justified decision to be notified to the Regional Federation and the founders' representative by a registered letter with receipt confirmation.

The founders' representative may challenge this decision before the competent court within sixty days of being notified following prescribed procedures.

Upon affirmation of the legal personality of the association, the Administrative Body shall notify the Regional Federation and take necessary actions to publish the summarized Articles of Incorporation in the official website of the Ministry of Social Affairs within sixty days of the affirmation of the legal personality of the association. The association, upon affirmation of its legal personality, has the right to publish its summary Articles of Incorporation in Egyptian newspapers.

ARTICLE 7

Any concerned person may review the summary entry of the Articles of Incorporation of any association and obtaining certified copies thereof after paying due fees as defined in the Executive Statute [Implementing Regulation] of this law (not exceeding one hundred pounds). These fees shall go for the National Associations and Foundations Support Fund.

ARTICLE 8

Procedures followed for the amendment of Articles of Incorporation shall be the same as for the establishment of the association as stipulated in articles 4 and 5 hereunder.

Section Two: Purposes, Rights and Obligations of Associations

ARTICLE 9

Associations shall work to achieve the purposes of social welfare, development, and the enlightenment of society. The Executive Statute [Implementing Regulation] of this law shall define specific fields of these activities. No association is allowed to work in more than two fields except after receiving approval from the Regional Federation and notifying the Administrative Body.

Establishment of clandestine associations is prohibited. It is also prohibited that the purposes of any association contain the following:

1. Formation of brigades or formations of a military nature.
2. Threatening the national unity, violating public order or morals or calling for discrimination between citizens on the bases of sex, race, color, language, religion or belief.
3. Any political activities limited to political parties pursuant to the *Law on Political Parties* or any syndicate [or trade union] activities limited to syndicates pursuant to the *Law on Syndicates*.
4. Targeting the realization of any profit for members of the association or performing any activities leading to this result. Following commercial practices to realize profits assisting

in the purposes of the association shall not be considered a violating activity. The Executive Statute [Implementing Regulation] shall define these terms.

ARTICLE 10

It is permitted to second civil workers in the state to work in associations, foundations or federations established pursuant to this law to provide necessary assistance to fulfill their missions based on a request from the relevant association, foundation or federation. Secondment shall be for one year renewable by a decision from Competent Minister or governor as the case may be.

ARTICLE 11

Without prejudice to any other privileges provided for in other laws, associations, foundations and federations established pursuant to the provision of this law shall enjoy the following benefits:

- a. Exemption from registration and entry fees due on the association with regards to all contracts where the association is party to such as property and mortgage contracts or any other in-kind rights, as well as exemption from signature endorsement fees.
- b. Exemption from current taxes and stamp duties and those imposed in the future on all contracts, powers of attorney, documents, printed materials, registers...etc.
- c. Exemption from custom charges and other fees imposed on the imports of equipment, machines, instruments, tools and production needs as well as on any received gifts, grants and assistance from abroad. The exemption should be via a resolution from the Prime Minister based on a proposal from the Competent Minister and the approval of the Minister of Finance. It is provided that these materials are necessary for the basic activities of the association. The permanent materials thereof, defined by a decision from the Competent Minister in agreement with the minister of finance, shall not be disposed except after five years of their importation unless due taxes and custom charges thereon are paid.
- d. Exemptions for properties owned by the association from real-estate tax. The association, upon exercising its right in owning properties for fulfillment of its purposes, shall observe laws governing the ownership of foreigners of properties.
- e. Projects implemented by associations shall be exempted from all forms of taxes.
- f. Associations are granted 25% reduction from the transportation fees of machines and equipment on railways.
- g. Telephone calls and subscriptions fees applicable to houses shall apply to associations.
- h. Associations are granted a 25% reduction from the costs of water, electricity and natural gas consumption.

- i. Donations granted to associations are offset against the income of the donator of no more than 10% of the net profits.
- j. Procurements of associations of transportation means and all equipment necessary for their purposes shall be exempted from general sales tax.

ARTICLE 12

An association may perform any activities not contradicting with its purposes in cooperation with any foreign association, agency or organization provided the Administrative Body and the Regional Federation are notified and the elapse of 30 days of the notification date with no written objection from the administrative body. The Executive Statute [Implementing Regulation] shall define controls for such cooperation and the contents of the notification of data and information.

ARTICLE 13

An association may receive funds from inside the Republic from natural persons, Egyptians or foreigners, and from Egyptian legal persons and foreign organizations licensed to practice the activities of associations pursuant to the provisions of this law, regardless of the nature of these funds, to enhance its financial resources for fulfilling its purposes.

In all cases, no association is permitted to obtain funds from outside neither from Egyptian or foreign persons or entities or their representatives inside the country, nor sending funds to persons or organizations abroad except after obtaining a permission from the Competent Minister or after the elapse of 30 days with no written objection from the Competent Minister. This is with the exception of purchasing books, scientific and technical bulletins and journals and subscription fees. The Executive Statute [Implementing Regulation] shall define the procedures for obtaining such permission and its requirements in terms of data and information.

ARTICLE 14

An association, for the purpose of meeting its purposes and enhancing its financial resources, may collect donations, as licensed by the Administrative Body. The Executive Statute [Implementing Regulation] of this law shall define procedures and conditions for such license to collect donations. These conditions may be defined on case-by-case basis as required for the public interest.

ARTICLE 15

The association shall maintain its documents, libraries and registers in its management center. The Executive Statute [Implementing Regulation] of this law shall define these registers, their keeping and use and data they contain. These registers shall be stamped by the administrative body before being used.

ARTICLE 16

Every member of the association has the right to review the records of the association, its documents and instruments. If this right is not granted, the Regional Federation may interfere to enable members of the association of this right based on a request signed by no less than 10% of the members.

Representatives of the Administrative Body, nominated via a decision from the Competent Minister, may enter to the association premises or its branches to monitor its activities and review its records to ensure that they are compliant with the provisions of this law and procedures defined by the Executive Statute [Implementing Regulation] of this law.

ARTICLE 17

Every association shall have an annual balance sheet. Accounts should be recorded in books approved by the chairman and the cashier defining in details its financial position, expenditures and revenues including donations and their sources.

If the total assets in the association balance sheet exceed twenty thousand pounds, the Board of Directors shall present its financial position and final accounts to a chartered accountant, licensed to conduct accounting and auditing profession, supported by documents prepared following standard accounting system for examination and submission of a report no less than one month before the convention of the General Assembly.

The Board of Directors report along with the auditor's report, balance sheet and final accounts shall be displayed in the association's premises no less than two weeks before the convention of the General Assembly and shall remain displayed until endorsed. The Executive Statute [Implementing Regulation] of this law shall determine the way of displaying these reports.

The Competent Minister shall issue a resolution defining the standard accounting system to be followed by associations, foundations, organizations and federations established pursuant to the provisions of this law.

ARTICLE 18

The association shall deposit with any bank or saving fund in Egypt its cash monies under its registered name or under the name of any of its activities or projects. Disbursement from these monies shall be only done by the chairman, or his assignee, and the cashier based on a resolution from the Board of Directors. The association shall notify the Regional Federation and the Administrative Body by the names of those authorized to sign.

The association shall spend its funds for fulfilling its purposes and may invest the surplus of its revenues in a way to ensure securing financial resources to support its activities or reusing the funds in productive or service projects to strengthen its financial position. In all cases, associations are not allowed to engage in financial speculations. The Executive Statute [Implementing Regulation] of this law shall define conditions and controls for the investment of the association funds.

ARTICLE 19

In cases where the association issues a decision considered by the Administrative Body as violating this law or the Articles of Incorporation, the Administrative Body may request the association, via a registered letter with receipt confirmation, to withdraw the decision within ten days of being notified pursuant to paragraph 3 of article 23 hereunder. If the association does not withdraw the decision in question within fifteen days as of being notified, the Administrative Body, following notifying the relevant Regional Federation, may take necessary actions to prevent the implementation of the decisions pursuant to provisions of this law and its Executive Statute [Implementing Regulation].

ARTICLE 20

Every member has the right to withdraw from the association at any time provided that the association is notified by a receipt-acknowledged letter. This may not prejudice the right of the association to claim for any due funds on the member of any nature.

The Executive Statute [Implementing Regulation] of the law shall define the procedures and rules for withdrawal from membership of an association.

Section Three: Bodies of the Association

The General Assembly

ARTICLE 21

The General Assembly shall compose of operating members who spent no less than three months in membership and fulfilled all their obligations pursuant to the Articles of Incorporation of the association.

ARTICLE 22

The General Assembly shall convene by an invitation to be notified to all its members having the right to attend according to the Articles of Incorporation, informing them the venue, time and agenda of the meeting. This invitation shall be sent from:

- a. The Chairman, or whom authorized by half number of the members of the Board of Directors.
- b. A person authorized by no less than 20% of the members having the right to attend the General Assembly meetings.
- c. The Administrative Body as deemed necessary.

ARTICLE 23

Meetings of the General Assembly shall be held at the headquarters of the association and may be convened anywhere else as identified in the invitation enclosed with the agenda. Copy of the papers to be presented to the General Assembly shall be sent to the Administrative Body, if the latter is not the inviting party for the meeting, and to the Regional Federation no less than fifteen days before the meeting. The Federation may send a representative to attend this meeting and the Administrative Body may send a representative to the meeting it invited to.

The General Assembly may not consider issues other than those contained in the agenda except issues presented to the Board of Directors at least two weeks before the convention of the General Assembly. The Regional Federation and the Administrative Body shall be provided with copy of the General Assembly minutes of meeting within thirty days of the date of the meeting.

ARTICLE 24

The General Assembly shall call for an ordinary meeting once a year at least within four months following the end of the fiscal year of the association. The purpose of the meeting shall be to review the Board of Directors' report on the activities of the year, the balance sheet, final accounts and auditor's report, to elect members of the board to replace those whose terms expired, to appoint an auditor and set his/her charges and for any other issues as proposed by the Board of Directors for inclusion in the agenda.

ARTICLE 25

The General Assembly may be invited to extraordinary meetings to decide on amending the Articles of Incorporation, resolving or merging the association, dismissal of all or some of its board members or any other issues as defined in the Articles of Incorporation for extraordinary meetings.

ARTICLE 26

General Assembly meetings are valid if attended by the absolute majority of its members. If the necessary number for this majority is not present, the meeting shall be postponed to a further session to be held in no less than one hour and no more than fifteen days as of the date of the first meeting according to the Articles of Incorporation. The second meeting shall be valid if attended by no less than ten percent of the members or twenty members whichever is less, so the number of attendees in the first case shall not be less than ten members.

ARTICLE 27

Members of the General Assembly may not participate in voting if having personal interest in the proposed decision except for the election of the association bodies.

ARTICLE 28

Decisions of the ordinary General Assembly shall be passed by the absolute majority of present members.

Decisions of the extraordinary General Assembly shall be passed by the absolute majority of members unless the Articles of Incorporation provide for larger majority.

The Board of Directors

ARTICLE 29

Each association shall have a Board of Directors composing of an odd number of members not less than five and not more than fifteen pursuant to the Articles of Incorporation. Members shall be elected by the General Assembly for a term of three years. The first Board of Directors shall be appointed by the founders for a term not exceeding three years. The Executive Statute [Implementing Regulation] of this law shall define other conditions to be met by those nominating themselves for membership of the Board of Directors.

ARTICLE 30

The Board of Directors shall display the names of candidates for membership of the Board of Directors in the second day following the closure of the nomination period. The Regional Federation and the Administrative body shall be notified within the three following days but sixty days at least before the elections date.

The Regional Federation, the Administrative Body and whoever concerned may notify the General Assembly within seven days following the display or notification of the list, as the case may be, by any objections on members not meeting the conditions. If the concerned candidate does not withdraw nomination within seven days of the notification to the General Assembly, and it is proven to the Administrative Body that this candidate is not meeting nomination conditions, the Administrative Body must issue a decision removing this person. The removed person, or whoever concerned, may submit a claim before competent court within seven days following the issuance of this decision. The court shall decide in the case before the date of the elections.

ARTICLE 31

It is prohibited to combine between membership of the Board of Directors of the association and working in the Administrative Body or other public entities supervising, guiding or monitoring the association and its funding. This prohibition does not apply to associations whose membership is limited to those working in any of the aforementioned entities.

It is also prohibited to combine between membership of any Board of Directors in an association and paid work in the association or any of its activities or project except by a resolution from the Prime Minister or his assignee for the public interest.

ARTICLE 32

The Board of Directors of an association shall manage its affairs. The Executive Statute [Implementing Regulation] of this law shall define the competencies of the chairman, the deputy chairman, the cashier and the secretary general of the association. The chairman is the person representing it before judiciary and third parties.

The Board of Directors, for the management of the association's affairs, may conduct any works other than the activities indicated in this law or the Articles of Incorporation as activities requiring the prior approval of the General Assembly. The Board of Directors may appoint a general manager for the association, who may not be a member of the board. The appointment decision shall define competencies of the manager and his/her remuneration.

ARTICLE 33

The Board of Directors shall meet at least once every three months. The meeting may not be valid unless attended by the majority of members. Members of the board shall attend its meetings. In case a member is absent, without an acceptable excuse, for more than half the meetings convened by the board in one year's time, the member is considered as has resigned and shall be notified by this via a registered letter with receipt acknowledged.

Decisions of the Board of Directors shall be passed by the consent of the absolute majority of present members unless the Articles of Incorporation provide for a larger majority. If votes are equal, the chairman shall have a casting vote. The Board of Directors shall notify the Regional Federation and the Administrative Body by decisions passed by it or the General Assembly within thirty days of issuance.

Section Four: Dissolution of Associations

ARTICLE 34

An association may be dissolved by decision of the Extraordinary General Assembly following the approved rules in its Articles of Incorporation. The dissolution shall be approved by a resolution from the Competent Minister including appointing one or more liquidators from the liquidators' list prepared by the Administrative Body. The resolution shall define period of liquidation and liquidator's fees.

ARTICLE 35

The Administrative Body may issue a resolution suspending any activity or removing the cause of the violation after hearing the arguments of the General Assembly and approval of the General Federation in the following cases:

1. If the association disposes or allocates its funds for purposes other than its original purposes.
2. If the association receives funds from an external entity or sends funds to an external entity in violation to the provisions of paragraph 2 of article 13 hereunder.
3. If the association commits a serious violation of the law such as wasting of funds, embezzlement, wasting of public funds or breaching public order or morals.
4. If the association joins, subscribes or affiliates to a club, association, authority or organization whose location is outside the Arab Republic of Egypt in violation to provisions of Article (12) hereunder.
5. If it is proven that the real objectives of the association are to target or to exercise any prohibited activity in article 10 hereunder.
6. If the association collects donations in violation to provisions of paragraph 1 of article 14 hereunder.
7. If the General Assembly does not convene for two consecutive years.
8. If the Administrative Body is not enabled of monitoring the works of the association or in case of moving to a new premises without notifying the Administrative Body.

In case the association continues to commit any of the violations indicated in the previous article, the Administrative Body, after approval of the General Federation, may issue a decision removing the Board of Directors and appointing a temporary board running the affairs of the association until its General Assembly is invited to elect a new Board of Directors pursuant to the provisions of this law within no more than ninety days of the date of the removal decision. The removed board member, whose personal liability on violations is proven, may not nominate himself for these elections.

In all cases, if it is proven to the Administrative Body that the association is unable to fulfill its purposes or continues committing any of the aforementioned violations in the first paragraph, the Administrative Body, after approval of the General Federation, must suspend the activities of the association and refer the matter to administrative courts for dissolving the association and appointing a liquidator for its funds.

ARTICLE 36

Managers of a dissolved association and its staff shall handover the funds of the association and all its documents, records and papers to the liquidator as requested. These managers and the entity with whom monies of the association are deposited, and its debtors may not make any transactions in the affairs, funds or rights of the association except by a written order from the liquidator.

ARTICLE 37

The liquidator, upon conclusion of the liquidation process, shall distribute its outcomes as stipulated in the Articles of Incorporation. If the Articles of Incorporation do not contain such provisions or if it becomes impossible to implement these provisions, the outcomes of the liquidation shall be given to the National Associations and Foundations Support Fund as provided in Chapter Four hereunder. The Executive Statute [Implementing Regulation] shall define controls of the liquidation process, its term and procedures to be followed in case it is not possible to complete this process.

ARTICLE 38

The first instance court, having jurisdiction in the area in which the association premises is located, shall decide in claims submitted by or against the liquidator.

ARTICLE 39

Subject to provisions of article 36 hereunder, it is impermissible for members of the dissolved association or any other person running its affairs to continue its activities or dispose its funds. It is also not allowed for any person to participate in the activities of a dissolved association.

Section Five: Public Benefit Associations

ARTICLE 40

Public benefit associations shall be subject to provisions governing other associations for any matter not specifically covered in this section.

ARTICLE 41

A central or non-central association willing to achieve a public interest upon or after its establishment may acquire the public benefit status via a resolution from the Prime Minister based on a request from

the association, the Administrative Body or the General Federation of National Associations and Foundations and the approval of its General Assembly in both cases.

Cancellation of the public benefit status shall be via a resolution from the Prime Minister. Public benefit associations may join each other by approval from the Administrative Body and the General Federation of National Associations and Foundations. Merger between public benefit associations and other associations not having public benefit status may be conducted only by a resolution from the Prime Minister.

ARTICLE 42

Through a resolution from the Prime Minister, privileges of public benefit associations shall be defined , especially the non-seizure of part of or all their funds, the non-acquisition of these monies by obsolescence and the possibility of expropriation of properties for the public benefit to fulfill purposes of the association.

ARTICLE 43

The Administrative Body may assign to a public benefit association the management of an affiliated foundation or entity or implementing any of its projects or programs following the rules and procedures to be determined via a decision from the Competent Minister.

ARTICLE 44

Public benefit associations shall be subject to the control of the Central Auditing Organization, which may review the works of the association including projects assigned to it to ensure the compliance with laws, internal regulations, the Articles of Incorporation and the standard accounting system attached to the Executive Statute [Implementing Regulation] of this law.

Section Six: Shelters

ARTICLE 45

No buildings shall be allocated for the hosting of children, elderly people, patients with chronic diseases and other needy people for social care and people of special needs, except after obtaining a permit from the Administrative Body. The Executive Statute [Implementing Regulation] of this law shall define rules and procedures for granting such permit to an association or other parties.

The Administrative Body may cancel this permit if its conditions are violated. The Executive Statute [Implementing Regulation] of this law shall define rules and procedures for the cancellation of such permit.

CHAPTER THREE FOUNDATIONS

ARTICLE 46

Provisions applicable to associations shall apply to foundations for matters not specifically covered by this chapter.

ARTICLE 47

A foundation is established by allocating a sum of money in line with the purpose of its establishment and the size of its proposed activities but no less than 100,000 pounds. National foundations may not target realizing financial gains for the benefit of any of its founders or trustees. In this respect, provisions of article 9 hereunder shall be observed.

ARTICLE 48

The establishment of a foundation may be made by one or more founders of natural or legal persons or both. Founders shall develop Articles of Incorporation that contain in particular the following information:

- a. Name of the foundation, its geographical scope and its management location in the Arab Republic of Egypt.
- b. The purpose behind the establishment of the foundation.
- c. Detailed statement of funds allocated for the realization of the foundation purposes.
- d. Organization of the foundation management including the methods of appointing the chairman and members of the board of trustees and the method for appointing the manager.

A foundation may be established by an official instrument or a declared bequest, each of which may be considered as Articles of Incorporation for the foundation provided it contains the information mentioned in the previous paragraph. The Executive Statute [Implementing Regulation] of this law may be enclosed with model Articles of Incorporation that may be followed by foundations.

ARTICLE 49

Whenever the establishment of a foundation is via an official instrument, it is permissible for the founder(s) to abolish it by another official instrument before its entry. The entry of the foundation might also be cancelled if proven through a court order that its establishment is meant to damage the rights of third parties.

ARTICLE 50

Representative of founders shall apply to the Regional Federation requesting entry of the foundation attaching with the request details shown in the application form attached to the Executive Statute [Implementing Regulation] of this law. After verification of application completeness, the Regional Federation shall notify the Administrative Body for its approval. The legal personality of the foundation is affirmed as of the next day after entry of its Articles of Incorporation or similar documents by the Administrative Body.

ARTICLE 51

Every foundation shall have a board of trustees composing of no less than five members and not exceeding fifteen members to be appointed by the founder or founders. They chairman and members may be from those trustees. The Regional Federation and the Administrative Body shall be notified by such appointment and any changes in the board of trustees.

In case no board of trustees is appointed or the vacancy of one or more positions in the board and it is not possible to appoint their substitutes following the method indicated in the Articles of Incorporation, the Administrative Body shall make such appointment and notifies the Regional Federation thereby. The board of trustees shall manage the foundation according to its Articles of Incorporation and its chairman shall represent the foundation before judiciary and third parties.

ARTICLE 52

Subject to the provisions of this law, a foundation may receive funds in the form of grants, endowments or other forms, or may collect donations from third parties after the approval of the Administrative Body and observing the conditions that might be set by the donor. Monies received or collected by the foundation shall be added to monies allocated for its establishment.

ARTICLE 53

The foundation shall have annual balance sheet and final accounts to be prepared following the standard accounting system issued by a decision from the Competent Minister.

ARTICLE 54

A foundation may be dissolved by a justified decision from the Competent Minister after consent of the General Federation and inviting the foundation to hear its arguments if serious evidences exist proving that the foundation is practicing any of the prohibited activities in Article (9) hereunder.

The dissolution resolution shall include the appointment of one liquidator or more for defined remuneration. In any of the aforementioned cases, the Competent Minister may deem it sufficient to issue an order cancelling any violating action, removing the cause of violation or dismissing the board of trustees and appointing a temporary board to run the affairs of the foundation for one year, renewable if necessary only once, or may suspend activities of the foundation.

Whoever concerned may appeal against the decision of the Competent Minister before the administrative court following defined procedures and deadlines. The court shall decide on the appeal as an urgent matter with no expenses.

Members of the board of trustees and founders are considered as concerned persons for the purposes of this appeal. Monies resulting from the liquidation of the foundation shall inure to the National Associations and Foundations Support Fund.

CHAPTER FOUR FOREIGN ORGANIZATIONS

ARTICLE 55

The Competent Minister may license foreign organizations to perform one or more activities of the activities of associations and foundations subject to this law and its rules with due consideration to the agreement concluded between the organization and the Ministry of Foreign Affairs.

The Executive Statute [Implementing Regulation] of this law shall define procedures for license application, the term of the license, data and information to be contained in the license application, documents to be attached thereto and rules for conducting licensed activities.

The Administrative Body shall define rules for conducting the licensed activities for a foreign organization. In all cases, such activities shall be consistent with the needs of the Egyptian environment and observing public order and morals.

ARTICLE 56

A foreign organization licensed to work inside the Arab Republic of Egypt shall be subject to the control of the competent administrative body and shall present to this entity annual progress reports during the period of conducting its licensed activities. In case the organization violates the rules for conducting licensed activities, the Competent Minister, in coordination with the Ministry of Foreign Affairs, may issue a decision suspending the violating activity or cancelling the activity license. The Ministry of Foreign Affairs shall be notified by such decision within fifteen days as of the date of its issuance.

The Executive Statute [Implementing Regulation] of this law shall define conditions under which licenses to foreign organizations are cancelled as well as the procedures to be followed and the disposal of its monies or equipment.

CHAPTER FIVE FEDERATIONS

Section One: The Regional Federation

ARTICLE 57

Associations and foundations within every province, regardless of their activities, shall establish a Regional Federation among them. The Federation should have written Articles of Incorporation, entered with the competent Administrative Body and shall have a legal personality. Model Articles of Incorporation for regional federations shall be attached to the Executive Statute [Implementing Regulation] of this law.

Each association or foundation falling under the provisions of this law, within three months of acquiring legal personality, shall join membership in the Regional Federation in its geographic location. If the association has more than one branch in more than one province, it shall join membership in the Regional Federation in the governorate where its headquarters is located.

The Executive Statute [Implementing Regulation] of this law shall define the procedures for joining this federation and the annual fees, which shall not exceed 200 pounds; half of which shall be paid to

account of the Regional Federation and the other half to the account of the General Federation of Associations and Foundations.

ARTICLE 58

The Regional Federation shall work at the level of the province. No more than one Regional Federation shall be established in any one province. Every association or foundation falling under provisions of this law shall submit annual progress reports to its Regional Federation indicating type and size of activities performed during the year, the services it rendered to the people or to the development programs set by the state. The General Federation shall be provided with copies of these reports.

ARTICLE 59

Each Regional Federation shall have a Board of Directors composing of fifteen members for a term of three years. Ten members shall be elected by the General Assembly of the Regional Federation from among its members and the Competent Minister, in coordination with the Chairman of the General Federation of Associations and National Foundations, shall appoint the other five members from public figures.

ARTICLE 60

The Regional Federation shall undertake the following tasks:

- a. Receiving complete applications for entry of associations and notifying the Administrative Body according to article 5 hereunder.
- b. Implementing general policies formulated by the General Federation of Associations and National Foundations and supervising the implementation of decisions issued in the annual conference.
- c. Conducting necessary social researches inside the province and participate in general social researches conducted by the General Federation.
- d. Studying the needs of the environment, its capacities and resources to ensure complementation of the efforts of different member associations and foundations in rendering their services.
- e. Studying funding problems of member associations and foundations and work to create appropriate solutions.
- f. Developing training and qualification plans and evaluate training programs related to activities implemented in the province.

- g. Establishing a complete database on member associations and foundations inside the province and work to update the database continuously.
- h. Holding an annual conference to evaluate accomplishments realized by member associations and foundations, study and discuss issues referred from the conference.

Section Two: The Specialized Federation

ARTICLE 61

Associations and foundations conducting or funding joint activities in specific fields, either nationwide or at the level of any province, shall establish, among themselves, a central specialized federation for every activity separately. Such Federation shall have written Articles of Incorporation, shall be entered with the General Federation and the competent administrative body and shall have a legal personality. Model Articles of Incorporation for a specialized federation shall be enclosed with the Executive Statute [Implementing Regulation] of this law.

Each association or foundation falling under the provisions of this law may, immediately after affirmation of its legal personality, join membership of the specialized federation in its activity fields. The Executive Statute [Implementing Regulation] of this law shall define the procedures for joining membership of this federation.

ARTICLE 62

The Specialized Federation shall work nationwide. It is not allowed to establish more than one specialized federation for each field of the associations' work. The Regional Federation, in coordination with the central Specialized Federation may establish specialized subcommittees responsible for conducting the activities of the Specialized Federation within provinces.

ARTICLE 63

Each Specialized Federation shall have a Board of Directors composing of fifteen members for a term of three years. Ten members shall be elected by the General Assembly of the Regional Federation from among its members and the Competent Minister, in coordination with the Chairman of the General Federation of Associations and National Foundations, shall appoint the other five members of public figures having experiences in fields related to the Federation activities.

ARTICLE 64

The Specialized Federation shall undertake the following tasks:

- a. Plan the programs of social care and development in the domains related to the Federation purposes in line with the state policy.
- b. Establish a complete database on member associations and foundations and classify them according to their field of activity.
- c. Conduct researches related to the fields of activity and circulate these researches to member associations and foundations for making use of and implementing them.
- d. Monitor member associations and foundations to assess their application of researches and studies related to the work field.
- e. Organize programs and coordinate efforts between associations, foundations and their staff. These programs shall be approved by the relevant Regional Federation before implementation.
- f. Develop programs for technical and administrative preparation of board members of associations and foundations and their staff. These programs shall be approved by the competent Regional Federation before implementation.
- g. Circulate a guide including lists of enrolled associations in the federation's field of activity, related researches and studies as well as local and international conferences related to their activities.
- h. Prepare for the holding of elections for the Federation's Board of Directors and notify the General Federation and the Administrative Body by results of these elections.

Section Three: The General Federation of Associations and Foundations

ARTICLE 65

A General Federation for Associations and Foundations shall be established having legal personality and composing of regional and specialized federations. The headquarters of this Federation shall be in Cairo city.

Management of the General Federation shall be assumed by a Board of Directors composing of thirty one members, ten of them shall be appointed by the President of the Republic from those interested in social issues including the Chairman of the Federation, and the rest shall be elected from among members of Boards of Directors of regional and specialized federations elected by a General Assembly that convenes upon the expiry of the board term every three years.

The Board of Directors shall develop the internal regulation of the Federation, its management and organization of its works. The regulation shall be issued by a decision from the Competent Minister.

The General Federation of Associations and Foundations shall undertake the following tasks:

- a. Establish complete databases on all associations, foundations, organizations, regional and specialized federations established pursuant to the provisions of this law.
- b. Develop a strategy for the role of associations and foundations in supporting and implementing development programs.
- c. Conduct necessary studies to secure needed funding for associations and foundations to develop their resources as well as communicating with internal and external entities to secure donations and support as well as advice on how to leverage financial capacities.
- d. Organize technical and administrative training and qualification programs for employees and members of associations and foundations in coordination with regional, specialized federations, associations and foundations.
- e. Document pioneer and successful experiences of associations and foundations along with promoting small and medium enterprises assisting in poverty alleviation and creating job opportunities.
- f. Cooperate with relevant local and foreign entities, conclude protocols or agreement with these entities and other local entities concerned with social and development works in the fields of associations and foundations work.
- g. Inform about the role of associations and foundations in enhancing civil activities and train volunteers to contribute in the activities of associations and foundations.
- h. Hold conferences and workshops to upgrade the capacities of associations, foundations, regional and specialized federations.
- i. Prepare an annual comprehensive report on the achievements of civil society organizations established under this law. The report shall include evaluation of their capacities and proposed solutions for encountered obstacles.
- j. Propose amendments to legislations regulating civil work and issue necessary resolutions to achieve flexibility in its management.

ARTICLE 66

The General Federation shall hold an annual general conference gathering chairmen of regional and specialized federations, associations and foundations fulfilling their obligations towards their relevant federations. The General Federation may invite to the conference any figures concerned with social issues to study matters referred to the conference from its technical committees or from regional or specialized federations.

ARTICLE 67

The General Federation, Regional Federations, and Specialized Federations shall be subject to the provisions applicable to associations for whatever matters are not covered in this chapter.

CHAPTER SIX FUND FOR THE SUPPORT OF ASSOCIATIONS AND FOUNDATIONS

ARTICLE 68

A fund shall be established at the Ministry of Social Affairs to provide financial support for the sustainability of activities implemented by associations, foundations and federations established pursuant to provisions of this law.

ARTICLE 69

The Associations and Foundations Support Fund shall have a Board of Directors chaired by the Competent Minister and the following members:

- Chairman of the General Federation of Associations and Foundations – Vice-Chairman.
- Chairman of a regional federation and a chairman of a specialized federation as nominated by the Board of Directors of the General Federation.
- Chairmen of two associations; one of them is a public benefit association and the second is a chairman of a foundation, to be nominated by the Board of Directors of the General Federation.

It is provided that any federation, association or foundation represented in the Fund should have remarkable activities with sound financial positions according to the auditor's report for three years preceding nomination. Moreover, there should be no violation committed during the five years preceding nomination.

- Three members from central departments at the Ministry of Social Affairs, including the Head of the Central Department for Associations and Foundations.
- Three public figures interested in social issues selected by the Competent Minister.

The term of the Fund Board of Directors shall be three years. It is permissible to reappoint a member for further term(s). A decision from the Competent Minister shall be issued forming the Fund Board of Directors, its working system and management.

ARTICLE 70

The Board of Directors of Associations and Foundations Support Fund shall undertake the following tasks:

- a. Formulate the general policies to support activities and projects implemented by associations and foundations and set controls for the support of these activities and projects.
- b. Conduct necessary studies on financial positions of associations and foundations, the priorities for support of existing activities and projects as well as the current support of these activities and projects.
- c. Collect necessary financial data for the work of the Fund related to associations, foundations and federations established pursuant to provisions of this law and the expansion of their activities through the information center belonging to the General Federation and in coordination with the Administrative Body.
- d. Develop and disseminate an annual guide of associations, foundations, specialized and regional federations to enable citizens of contributing in them and participating in voluntary social work.
- e. Monitor and evaluate disbursements from the financial support allocated for associations and federations.
- f. Issue bulletins that enable internal and external donors of determining their contributions and ensuring the appropriate direction of these contributions.
- g. Take necessary actions to develop resources of the Fund.

ARTICLE 71

Resources of the Fund shall compose, in particular, of the following:

- a. Amounts allocated in the state budget for assisting associations and foundations established pursuant to the provisions of this law.
- b. Fees for entry of associations and foundations, established under this law, in the Administrative Body register.
- c. Donations, assistance and grants received by the Fund.
- d. Monies inuring from the dissolution of associations and foundations.
- e. Additional fees imposed for charitable works.
- f. Fines imposed pursuant to provisions of this law.
- g. Any other resources approved by the Fund's Board of Directors.

CHAPTER SEVEN
PENALTIES

ARTICLE 72

Without prejudice to any severer penalty stipulated in the penal code or any other law, the following crimes shall be punished as follows:

First: Imprisonment for no more than one year and a fine not exceeding ten thousand pounds or either of these penalties shall be imposed on whoever established an association, which real purposes are proven to be to conduct prohibited activities contained in paragraphs 1 and 2 of article 9 hereunder.

Second: A fine not less than ten thousand pounds and not exceeding twenty thousand pounds shall be imposed on whoever:

- a. Establishes, under any name or form, any entity that performs any of an association or foundation without following provisions of this law. Any such entity shall be abolished by law and shall be subject to the provisions of Chapter One, Section Four of this law.
- b. Conducts an activity of any association or foundation despite the issuance of a verdict or a decision suspending its activities or dissolving it.
- c. Receives as a chairman or a member in an association or a foundation, either in a true or alleged capacity, funds from abroad or sends money to abroad or collects donations without the approval of the Administrative Body.
- d. Spends funds of an association or a foundation for personal purposes or for financial speculation.
- e. Disposes monies of an association or a foundation, against which a verdict or decision of dissolution and liquidation was issued or issuing a decision in this regard without a written order from the liquidator.

In cases mentioned in items c, d and e, the court shall also impose on the convicted person a fine equal to the amount received, sent, collected, spent, speculated or disposed, as the case may be.

Third: A fine not less than five thousand pounds and not exceeding ten thousand pounds shall be imposed in any of the following cases:

- a. Whoever conducts activities of an association or a foundation before the completion of its registration with the exception of establishment activities.

- b. Any member of any Board of Directors of an association or a foundation or any manager who participates in having this association or foundation joins, subscribes or affiliates to a club, association, agency or authority which location is outside the Arab Republic of Egypt without notifying the Administrative Body or despite its objection.
- c. Any liquidator who disposes the monies of an association or a foundation in violation to provisions of this law.
- d. Any member of the Boards of Directors of public benefit associations who contributed in merging the association with another body without approval of the Administrative Body.

Fourth: A punishment of no less than one thousand pounds and not exceeding five thousand pounds shall be imposed on any member of a board of director in an association, foundation or federation who, in his personal capacity or as a member of the board, causes violations that result in the removal of the Board or dissolution of the association pursuant to this law.