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The Muslim Brotherhood lays the foundations for a new police state by exceeding the Mubarak regime's mechanisms to suppress civil society

Joint press statement

The undersigned associations and organizations are deeply concerned by attempts to suppress civil society institutions, especially human rights organizations. The Muslim Brotherhood (MB) and its political arm, the Freedom and Justice Party (FJP), are currently seeking to curb the right to freedom of association through legal restrictions even more severe than those imposed by the Mubarak regime in Law 84/2002, through a bill titled "Civil Society Organizations" announced by the Presidency yesterday evening.

Shortly before it was toppled, the Mubarak regime pledged before the UN Human Rights Council to review articles of Law 84/2002 in response to UN recommendations to limit bureaucratic complications and administrative interference in the establishment and operation of NGOs, to reduce restrictions on the right of civic associations - including foreign NGOs - to receive funding, and to guarantee the right of human rights organizations to develop their financial resources. Sadly, however, the MB and the FJP, which controls the Shura Council, seem to be moving in the opposite direction by seeking to restrict civic work even further. The MB and FJP have disregarded criticisms of the FJP's bill made by UN Special Rapporteurs and the UN High Commissioner for Human Rights, who have all considered the bill and found it to threaten the activities of civil society organizations, rather than allowing these organizations to support the process of building a democratic state in Egypt.

The presidency's bill, reveals the MB's desire to cement full administrative control over all aspects of civic action. This is clear through the following points:

1. The bill seeks to subject civic entities to strict executive oversight under what is termed the "Coordinating Committee," which is given broad powers to adjudicate in all matters related to foreign funding for national organizations and the licensing and operation of foreign NGOs in Egypt. The Coordinating Committee would also have the power to determine whether national organizations are allowed to join foreign networks or affiliate themselves to international organizations, including the United Nations. In previous drafts of the bill, security bodies had been deliberately included among the official members of this committee, but due to the widespread criticism this provoked, the most recent draft does not specify the composition of the committee - rather, it notes only that it shall be formed by a decree from the prime minister. There is reason to believe that the committee will include representatives from the security apparatus, as was explicitly stated in the previous drafts. Membership on this committee will permit these bodies to control the activities of NGOs,

particularly by rejecting funding for certain activities. This raises the question of whether such governmental/security bodies, which might be implicated in human rights violations, would allow rights groups to receive funding or grant licenses to foreign NGOs to monitor human rights and document abuses for which these bodies may very well be primarily responsible.

The new bill sets the stage for the security apparatus to overpower human rights organizations. The security apparatus will be given the legal rights to gradually suppress the work of human rights organizations by blocking their sources of funding. Under Mubarak's police state, the security apparatus used to play this role behind closed doors. Organizations could thus challenge such procedures in the court room because they were considered illegal. If this law is passed however, the oversight of the security apparatus of the work of civil society will become legal. This is an extremely dangerous development with grave ramifications far beyond the realm of NGOs as it paves the way for the establishment of a new and more enshrined police state.

2. The bill limits the right of associations to develop the financial resources necessary to pursue their activities by making their right to collect donations conditional upon completion of a process of notification and the subsequent approval of the administrative authorities. Similarly, it would require organizations to notify the Coordinating Committee and to receive its official approval before receiving foreign funding. Article 13 of the bill makes access to funding from foreign organizations registered in Egypt or Egyptian natural or legal persons outside of Egypt, or foreigners residing in Egypt conditional upon a **notification** process without objection from the Coordinating Committee. Furthermore, the same article stipulates that funding coming from foreign NGOs without license to operate in Egypt or from foreigners who do not reside in Egypt also conditional upon the notification of the Coordinating Committee which is given 30 days to voice its objection, if any. Paradoxically, Article 63 stipulates that organizations must obtain a **permit** to access foreign funding thus contradicting the stipulations set out in Article 13.

The bill even restricts associations' ability to receive books, publications, and scientific or technical journals if their content is not consistent with the associations' activities. This represents a clear violation of the right to access to information and could in effect lead to monitoring of NGOs' correspondences.

3. In violation of Article 51 of the Egyptian Constitution, which states that associations shall be formed by notification, the bill provides that associations will only obtain legal personhood upon receipt of a permit. Article 6 of the draft law clearly states that organizations become legally recognized only after the lapse of a 30 day period from the time of notification without any objections from the designated authorities. Practically speaking, this signifies a blatant violation of Article 51 of the constitution and a clear bias towards restrictive permit policies, the cornerstone of all civil society laws from Nasser to Mubarak. .

4. The bill infringes on the right of civil society organizations to freely choose the legal framework that best suits the nature of their activities and requires all NGOs to be officially licensed in order to operate, whereas groups should be allowed to form and carry out activities without registering with the government if they so wish. Article 1 of the bill obliges all entities involved in any aspect of civic work to bring their legal status in compliance with the law. This puts other types of entities —such as civil companies, law firms, and possibly even the many youth and social movements formed before and after the revolution — at risk of dissolution and confiscation of their assets and funds.

5. The bill sets unjustified and arbitrary restrictions on the establishment of associations, such as requiring at least ten founding members for an association to be formed. This contradicts international standards for freedom of association, which require only two members. Egypt should follow the example of Tunisia and Morocco on this point, as these two Arab countries have already brought their NGO laws into compliance with this particular international standard.

In addition, foundations are required to have an endowment of at least LE 50,000 upon establishment, a restriction not found in the law currently in effect, nor even in Law 32/1964, which essentially nationalized civil society. If this bill is passed, such a requirement would impose a significant obstacle to existing civic foundations seeking to bring their legal status into compliance with the new law.

6. The bill imposes arbitrary restrictions and excessive administrative oversight. It denies associations the right to open chapters or branches in the governorates, giving this right only to *central* organization. The bill also prohibits associations from participating in joint activities with foreign entities or organizations without notifying the Coordinating Committee. This constitutes a particularly detrimental barrier to rights organizations, which seek international solidarity on human rights issues and engage international and regional human rights mechanisms. Similarly, any association that wishes to join, participate in, or become affiliated with any association or body with offices outside of Egypt must obtain the consent of the Coordinating Committee.

Several provisions in the bill impose other elements of excessive administrative oversight, including by confiscating the right of founders and members of associations to draft their own charters. Similar to the law currently in effect, the bill establishes rules for membership systems, general assemblies, and the schedule of meetings, even stipulating the way decisions are to be made by general assemblies of associations.

In dealing with federations, which should be established voluntarily by member associations, the bill sets out the objectives and prerogatives which may be sought by federations and stipulates how board elections should be run; these matters should be determined by member associations. The law also disallows associations from establishing more than one regional federation and calls for the

establishment of the General Federation of Associations.

7. The bill evinces hostility to foreign NGOs in Egypt, even those established pursuant to international conventions ratified by the Egyptian government. The bill makes the establishment of these organizations dependent upon the approval of the Coordinating Committee; no foreign NGO can operate without a license from the committee and none can set up branch offices in the governorates without the committee's approval. Further, the bill contains overly broad conditions under which foreign NGOs may be denied permits, such as if the activities of a foreign NGO are deemed to undermine national sovereignty or to fall within the purview of partisan activity. This could allow for the prohibition of activities aimed at political development or improving political participation. Instead, the bill should have specifically enumerated prohibited activities, such as political campaigning for specific parties or candidates, providing material support for candidates' campaigns, or slating candidates in elections in the name of the association.

Moreover, licenses for foreign NGOs are of limited duration, which gives the Coordinating Committee the power to refuse to renew them if an NGO's activities are viewed unfavorably by the government.

8. Although the bill does not impose prison sentences for violations to the associations law, it does levy fines and administrative penalties up to the dissolution of the association and the liquidation of its assets. Significantly, the bill does not enumerate the violations which would warrant a court order for its dissolution, instead leaving it to the courts to determine whether any particular violation would necessitate dissolution. In addition, the bill provides for excessive fines of up to LE 100,000 if the association receives foreign funding in violation of the law or spends its funds for non-specified purposes. Yet, the receipt of foreign funding does not constitute a crime in and of itself, unless it is spent in relation to criminal activity, in which case the Penal Code contains adequate deterrent penalties. Such punitive fines should therefore be removed from the bill, as they would constitute a heavy burden on associations and intimidate those involved in civic work.

The undersigned associations and organizations, which for many years faced attempts to stifle and control local civil society under the Mubarak regime, categorically reject the bill under consideration, as it displays a high level of hostility to the right to freedom of association as well as a tendency to impose increased administrative and security control on the work of civil society. We urge the executive and legislative authorities to delay passage of the law and to take sufficient time for thorough deliberations on and review of its provisions to ensure that they fully comply with international standards protecting the right to freedom of association. The authorities should show due regard for the observations and reservations of those involved in civic work for the concerns communicated to the authorities by national and international human rights experts. Due care should be taken to guarantee that the final version of the bill complies with the Egyptian government's obligations under the international conventions that it has ratified. .

Signatory organizations:

1. The Cairo Institute for Human Rights Studies
2. Misryon Against Religious Discrimination
3. The Egyptian Coalition for the Rights of the Child
4. Arab Program for Human Rights Activists
5. Egyptian Association for Economic and Social Rights
6. The Egyptian Association for Community Participation Enhancement
7. Rural Development Association
8. Mother Association for Rights and Development
9. The Human Right Association for the Assistance of the Prisoners
10. Arab Network for Human Rights Information
11. The Egyptian Initiative for Personal Rights
12. Initiators for Culture and Media
13. The Human Rights Legal Assistance Group
14. The Land Center for Human Rights
15. The International Center for Supporting Rights and Freedoms
16. Shahid Center for Human Rights
17. Egyptian Center for Support of Human Rights
18. The Egyptian Center for Public Policy Studies
19. The Egyptian Center for Economic and Social Rights
20. Andalus Institute for Tolerance and Anti-Violence Studies
21. Habi Center for Environmental Rights
22. Hemaia Center for Supporting Human Rights Defenders
23. Social Democracy Studies Center
24. The Hesham Mobarak Law Center 2. Arab Penal Reform Organization
25. Appropriate Communications Techniques for Development
26. Forum for Women in Development
27. Arab Penal Reform Organization
28. The Egyptian Organization for Human Rights
29. Tanweer Center for Development and Human Rights
30. Better Life Association
31. The Arab Foundation for Democracy Studies and Human Rights “Justice”
32. Arab Foundation for Civil Society and Human Right Support
33. The New Woman Foundation
34. Women and Memory Forum
35. The Egyptian Foundation for the Advancement of Childhood Conditions
36. Awlad Al Ard Association
37. Baheya Ya Masr
38. Association for Freedom of Expression and of Thought
39. Center for Egyptian Women’s Legal Assistance
40. Nazra for Feminist Studies