

EGYPT'S "NEW" NGO LAW: AS DRACONIAN AS THE OLD ONE



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On August 19, 2019, Egyptian President Abdel Fattah al-Sisi ratified a new NGO law (Law 149/2019), replacing 2017 legislation widely criticized for imposing an extraordinary degree of state control over civil society. Egyptian officials and government supporters claim that the new law **meets** "100 percent of civil society's demands" and **shows** Egypt's "commitment to international standards on human rights." In reality, as numerous **Egyptian** and **international** organizations have noted, the new law contains only **minor changes**, while retaining numerous **draconian provisions** that stifle local and foreign NGOs, inhibit an independent civil society, and violate Egypt's international human rights obligations.

CONTINUING RESTRICTIONS

Immense state powers over Egyptian NGOs

- All civic groups must receive a license to operate under this law, or face dissolution. Informal, unregistered organizations are illegal.
- The state has broad discretion to suspend license applications on vague grounds.
- Government entities have vast, arbitrary powers to interfere in NGOs' work, including by entering NGO premises without prior notice, inspecting documents, challenging organizational decisions, and removing board members.
- The government can suspend or dissolve NGOs for minor administrative errors such as failing to notify the authorities of a new office address.

Criminalization of peaceful, legitimate civic work

- NGOs are allowed to conduct exclusively "societal development" work. "Political" or "religious" NGO activities, or any civic work deemed to "violate public order," is outlawed; in the past Egypt has used such restrictions to crack down on human rights monitoring and other peaceful NGO work critical of government practices.
- NGOs are not allowed to conduct public opinion surveys or field research without prior government permission.
- Cooperation of any kind with a "foreign entity" and employment of foreigners, even as volunteers, are illegal without a license from the Minister of Social Solidarity.

Potentially crippling funding constraints

- All fundraising activities require prior government approval.
- The government can block an NGO's use of any funds, local or foreign, suspend its activities, and dismiss its board for violating funding rules.
- The law defines NGOs' resources as "public funds," which means that any citizen may request an investigation into their expenditure. During an investigation, the government can freeze an organization's access to its funds. Violations may result in severe punishment.

MINOR IMPROVEMENTS

- The new law reduces the fee that Egyptian NGOs must pay to apply for a required operating license from 10,000 L.E. (~\$600) to 5,000 L.E. (~\$300).
- The fee for a foreign NGO's license, also mandatory, has been dropped from 300,000 L.E. (~\$18,000) to 50,000 L.E. (~\$3,000), and the fee to renew licenses reduced to 200,000 L.E. (~\$12,000).
- The new law removes the 2017 law's explicit requirement that local and foreign NGOs pay a portion of their grants to the state, an effective tax on donors that would have violated U.S. law (European countries expressed the same concern). The new law's language, however, is vague enough that Egypt could still impose such a tax on NGOs.

Severe Restrictions on Foreign NGOs

- Foreign NGOs must receive a license from the Foreign Ministry in order to operate in Egypt or be deemed illegal. The requirements for approval are vague and the ministry has wide discretion to reject licenses or suspend them once granted.
- Licensed foreign NGOs may only conduct activities "aligned with Egyptian society's needs and priorities." Numerous other restrictions amount to undue control over foreign NGOs.
- Foreign NGOs must have ministerial approval to receive any funds from a source not mentioned on their license and to transfer funds to any individual or entity outside Egypt.

OTHER LAWS THAT CAN BE USED TO REPRESS CIVIL SOCIETY

Although the new NGO law removes prison sentences as penalties, it includes fines, some exorbitant, as punishments; if individuals are unable to pay such fines, they can be imprisoned under Article 511 of the Criminal Procedures Law.

The government also has at its disposal other laws—such as the Penal Code, the anti-terrorism law, and the cybercrimes law—whose vague and repressive provisions can be used to imprison Egyptians for peaceful NGO work, including sentences up to life in prison.