

Freedom of Association in the Middle East and North Africa Region

An overview of trends, challenges and good practices

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I. Scope

1. This report addresses the right to freedom of association, with a focus on non-governmental organizations (NGOs)¹ that advocate for the protection of human rights in 10 countries that the Regional Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the Middle East and North Africa (ROMENA) engages with closely.² The report aims to stimulate reflection and dialogue on ways to respect, protect and fulfil the human right to freedom of association, and to encourage States and civil society to work together for the benefit of rights-holders.
2. The report reviews the laws, policies and practices related to the right to freedom of association in the countries under consideration. Drawing on information emanating from States' engagement with the United Nations human rights mechanisms,³ the report identifies challenges and examples of good practices in ensuring the right to freedom of association. The report also reflects inputs received directly from States regarding initiatives being undertaken to strengthen the right to freedom of association.⁴
3. The report does not endeavor to provide an in-depth country-by-country situation analysis, but rather an overview of experiences, trends, challenges and good practices, as well as a number of illustrative cases/examples. The report concludes with recommendations to States and other actors for priority action, aimed at strengthening laws, policies and practices to promote the enjoyment of the right to freedom of association within the region.

II. Introduction

4. The right to freedom of association enables individuals to join together in collective efforts to further a common cause or purpose. It is closely related to other human rights, such as the right to participate in public affairs, and rights to freedom of opinion and expression and of peaceful assembly. It is also fundamental to the enjoyment of a number of other rights. The presence of independent civil society organizations (CSOs), or lack thereof, can be an important indicator of a State's democratic and pluralistic nature.⁵ A vibrant and active civil society may suggest greater respect for diversity and space for differing opinions and beliefs, cultures, causes, and groups. Civil society can play a critical role, including as a watchdog in relation to the State's human rights obligations and partner in their observance and realization. Meaningful partnership between the authorities and a vibrant civil society can support the realization of the Sustainable Development Goals (SDGs), in particular SDG 16 – the promotion of just, peaceful and inclusive societies – by “work[ing] together to implement lasting solutions to reduce violence, deliver justice, combat corruption and ensure inclusive participation”.⁶
5. On the other hand, the exclusion of civil society from the opportunity to participate in shaping policies and practices, can be to the detriment of both, and ultimately of society as a whole, limiting or precluding opportunities for meaningful cooperation and dialogue.
6. While in general higher education levels, better infrastructure and new technologies globally have expanded opportunities for participation, civic space has come under increasing pressure.⁷ Governments across all regions have adopted laws and policies that have limited the space for civil society organizations and human rights defenders, online and offline.⁸ This includes gendered and intersectional restrictions targeting women in particular, exacerbating pre-existing inequalities and obstacles or restrictions on their participation in both public and private spheres.⁹
7. Consonant with this global trend, countries in the Middle East and North Africa (MENA) region have also witnessed attempts by authorities to shrink civic space, online and offline, particularly in relation to individuals, associations and media outlets that voice criticisms of public authorities and State policies. The presence and engagement of civil society organizations vary significantly

from country to country, with differing legal frameworks regulating their establishment and functions. It is difficult to ascertain the exact number of organizations working on human rights-related issues across the region, also due to the fact that they may not have sought or received formal approval/registration, and thus may not be reflected in any official register or statistics. Some unregistered organizations continue to operate, albeit risking strict punishments. .¹⁰

8. In many countries, the COVID-19 pandemic has also been seized on by governments to restrict further the space for civil society and to stifle critical voices.¹¹ Against this backdrop, the Special Rapporteur on the rights to freedom of peaceful assembly and of association (FoPAA) identified civil society “as an essential partner of governments in responding to the [COVID-19] crisis, in terms of helping to frame inclusive policies, disseminating information, building shared and cooperative approaches, and providing social support to vulnerable communities”.¹²
9. The report will provide an overview of the international legal framework regulating the right to freedom of association, and will thereafter evaluate national laws from across the region against these international human rights standards.

III. Legal framework

a) International and regional standards

10. The right to freedom of association is enshrined in several international human rights instruments, including the Universal Declaration of Human Rights (article 20), the International Covenant on Civil and Political Rights (ICCPR) (article 22), the International Convention on the Elimination of All Forms of Racial Discrimination (article 5 d(ix)), the Convention on the Elimination of All Forms of Discrimination against Women (article 7 c), and the Convention on the Rights of the Child (article 15).¹³ The International Covenant on Economic, Social and Cultural Rights (ICESCR) (article 8) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (article 26), also enshrine the right to freedom of association in the context of forming and join trading unions.¹⁴
11. Article 22, paragraph 1 of ICCPR provides that “everyone shall have the right to freedom of association with others, including to form and join trade unions for the protection of his interests”. According to the Human Rights Committee, although, with the exception of article 1, ICCPR does not mention the rights of legal persons or similar entities or collectivities, many of the right recognized by ICCPR, such as the freedom of association, may be enjoyed in community with others.¹⁵
12. The right to freedom of association equally protects associations that are not registered, as highlighted by the Special Rapporteur on FoPAA.¹⁶ The Special Rapporteur has noted that the right to freedom of association “protects your right to form or join a group of like minded people to pursue common interests. The group may be formal or informal, and there is no requirement that the association be registered in order for freedom of association rights to apply”.¹⁷
13. The right to freedom of association is also set out in other normative frameworks, including regional human rights instruments, declarations adopted by resolutions of the United Nations General Assembly , and resolutions of the United Nations Human Rights Council.
14. The Arab Charter on Human Rights (Arab Charter) additionally stipulates that “[c]itizens have the freedom of assembly and association in a peaceful manner” (article 28).¹⁸
15. The Declaration on Human Rights Defenders, adopted by the United Nations General Assembly, provides that: “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (article 1), and that “everyone has the right, individually and in

association with others, at the national or international levels ... [t]o form, join and participate in, and communicate with, non-governmental organizations, associations or groups” (article 5).¹⁹

16. In 2010, the United Nations Human Rights Council adopted resolution 15/21 on the rights to freedom of peaceful assembly and association, reaffirming that “everyone has the rights to freedom of peaceful assembly and of association” and that “freedom of peaceful assembly and of association are essential components of democracy”, while calling upon States “to respect and fully protect the rights of all individuals to assemble peacefully and associate freely ... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.
17. While the right to freedom of association is not absolute, the grounds for permissible restrictions are narrow. Specifically, article 22(2) of ICCPR provides that “[n]o 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 (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. As stated by the Human Rights Committee, “The mere existence of objective justifications for limiting the right to freedom of association is not sufficient. The State Party must further demonstrate that the prohibition of an association is necessary to avert a real and not only hypothetical threat to national security or democratic order, that less intrusive measures would be insufficient to achieve the same purpose, and that the restriction is proportionate to the interest to be protected”.²⁰ It is for the State to demonstrate that any restrictions it seeks to impose on freedom of association cumulatively meets the requirements of legality, necessity and proportionality, and that the restrictive measures are the least intrusive means to achieve the desired objective.²¹ Importantly, the permissible limitations set out in article 22(2) cannot be used as a means to restrict associations that dissent from the State’s policies or positions: the reference to the notion of ‘democratic society’ indicates ... that the existence and operation of associations, including those which peacefully promote ideas not necessarily favorably received by the government or the majority of the population, is a cornerstone of a democratic society.²²
18. The Committee has also found that the requirements for recognition of an organization, such as the requirement of registration, under certain circumstances may constitute a restriction incompatible with article 22 of ICCPR. In this connection, in cases related to refusal of registration of associations, the Committee stated that the reasons for a refusal of registration of an association must be assessed in the light of the consequences for the members of the association and their association itself, noting that even through such reasons were prescribed by the relevant law, the State had to demonstrate that why such measure is necessary in the sense of article 22(2) of ICCPR. Against this background, in the case of *Katsora et al v Belarus*, the Committee concluded that the refusal of registration that led directly to the unlawfulness of operation of the unregistered organization in the State’s territory and directly precluded the members from enjoying their freedom of association did not satisfy the requirements of article 22(2) of ICCPR.²³ Further, the Committee pointed out that the right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association to freely carry out its statutory activities. The protection afforded by article 22 extends to all activities of an association; the denial of State registration of an association and the association dissolution must satisfy the requirements of paragraph 2 of that provision.²⁴

b) National legal frameworks

i. Constitutions

19. Nine of the ten States covered in this report expressly enshrine freedom of association in their constitutions/basic laws.²⁵ For example, article 12 of the Moroccan Constitution provides that: “The associations of civil society and the non-governmental organizations are constituted and exercise their activities in all freedom, within respect for the Constitution and for the Law. They may not be dissolved or suspended by the public powers, except by virtue of a decision of justice. The associations interested in public matters and the non-governmental organizations, contribute, within the framework of participative democracy, in the enactment, the implementation and the evaluation of the decisions and the initiatives of the elected institutions and of the public powers...”²⁶
20. On the other hand, in Saudi Arabia, the Basic Law of Governance does not include express provisions on the right to freedom of association *per se*. It rather stipulates that the State shall “encourage organizations and individuals to participate in philanthropic activities”.²⁷
21. In Algeria, the Constitution of 2020 enshrines the right to form associations, which may be done by simple declaration and provides that an organic law determines the conditions and modalities for the establishment of associations, and that associations may only be dissolved by judicial decision (article 53).²⁸
22. The constitutions of the United Arab Emirates (article 33), and Lebanon (article 13) guarantee freedom of association within the limits of law. In Kuwait (article 43 of the Constitution), and Oman (article 40 of the Basic Law), freedom of association is limited to national-level associations, formed by “peaceful means”. The Constitution of Qatar (article 45) limits the establishment of associations to its citizens only. The constitutions of Jordan (article 16 (2)) and Bahrain (article 27) protect the establishment of associations insofar as they pursue both peaceful means and a lawful objective. The Bahraini Constitution further provides that the formation of associations must not infringe on “the fundamentals of the religion and public order” (article 27). In addition, the Basic Law of Oman also expressly prohibits “societies the activity of which is adverse to the order of society, secretive, or of a military nature”.²⁹
23. Another common feature of the constitutional protection of freedom of association in the MENA region is that the right is guaranteed “within the limits of the law”, whereby legislation delimits the scope of the right, as well as the grounds for restriction.

ii. Legislative frameworks

24. Provisions of national legislation of the countries of the MENA region regulate the full of extent of the right to freedom of association, including requirements and restrictions for its effective exercise. There often is a stand-alone law on associations, though the right may also be included in other pieces of legislation, including cybercrime laws, counter-terrorism laws, and laws regulating financial transactions. The following sections provide a comparative assessment of legislation from across the region governing the exercise of freedom of association.

Who can form an association?

25. In Lebanon, for example, the Law on Associations defines an association as “a group composed of several individuals who unite their information and efforts in a permanent fashion and the goal of which is not to divide profit”.³⁰ The law does not specify a minimum number of members, nor any form of personal qualification (e.g., age, nationality or background).
26. In Morocco, an association can be formed by two or more persons;³¹ in Oman, an association must have a minimum of four founders;³² in Jordan, a society must be composed of no less than seven

- persons;³³ a minimum of 10 persons in Kuwait³⁴ and Saudi Arabia;³⁵ while both Qatar³⁶ and the United Arab Emirates³⁷ require a minimum of 20 persons. In Algeria, the minimum number of founding members ranges from 10 to 25, depending whether the association is local or national.³⁸
27. While the requirement in terms of the minimum number of persons needed to establish an association varies from country to country across the region, it should be noted that the Special Rapporteur on FoPAA has identified as a best practice legislation that require “[n]o more than two persons to establish an association”, which is not a union or a political party.³⁹
 28. In terms of who is eligible to form an association, several countries limit membership – founding or ordinary – to citizens only, including Algeria,⁴⁰ Kuwait,⁴¹ Qatar,⁴² Saudi Arabia,⁴³ and the United Arab Emirates,⁴⁴ all of which further limit the minimum age to 18 years, except in Kuwait where the minimum age is 21 years.
 29. Several countries exclude persons from establishing associations where they have a criminal record, such as in Jordan⁴⁵ and the United Arab Emirates,⁴⁶ or specifically to have convictions related to “crimes involving moral turpitude” (Qatar),⁴⁷ (Saudi Arabia),⁴⁸ or “violating honor or honesty” (Kuwait).⁴⁹ However, this exclusion may often be waived where the person has been “rehabilitated” or the criminal record cleared.
 30. In addition, Qatar further provides that members of associations “must be of a good reputation and conduct”, though without further elaboration as to how this measure of character may be assessed.⁵⁰ In Kuwait, founding members are required to acquire a letter of “good conduct” from the Ministry of Interior.⁵¹
 31. In Oman, foreign communities have the right to establish associations in accordance with the Civil Associations Law.⁵² Similarly, in Lebanon, the law provides for the establishment of foreign associations. However, they are governed under distinct legislation (“Foreign Association Law”) that requires the association to obtain prior approval by a decree of the Council of Ministers.⁵³

Scope of the associations’ objectives

32. The scope of permitted objectives for associations also varies from country to country, though with the generally shared principle that they should be not-for-profit or philanthropic in nature. Some countries, such as for example in Jordan,⁵⁴ Lebanon,⁵⁵ and Morocco,⁵⁶ do not delimit in their legislation the scope of objectives that associations may pursue. By contrast, other countries have explicitly defined permitted areas of work within which associations may operate. For example, legislation across the countries of the Gulf Cooperation Council require that associations should undertake work that provides some form of public benefit, such as pursuing social, cultural, religious, scientific, environmental or educational aims (including Bahrain,⁵⁷ Kuwait,⁵⁸ Oman,⁵⁹ Qatar,⁶⁰ Saudi Arabia,⁶¹ and the United Arab Emirates⁶²), with similar delimitations provided under Algerian law.⁶³
33. Most of the countries expressly prohibit associations that are in breach of national laws, or contrary to public morals, public order or national security. In this vein, some countries proscribe associations from engaging in particular areas, including activities that are deemed to interfere in religion, in particular Islam, such as Morocco⁶⁴ and Kuwait.⁶⁵
34. Vaguely defined restrictions on the scope and permitted areas of work of associations may be used to hinder civil society engagement on a range of human rights issues, or used to stifle critique of Government policy. For such legal provisions to be compatible with ICCPR, the State must be able to show that the restriction can be justified under one of the grounds provided in article 22 (2), and that it meets the strict standards of legality, necessity, proportionality and non-discrimination.

35. The human rights treaty bodies have expressed concern that relevant laws have been applied arbitrarily. For example, in relation to Kuwait, the Human Rights Committee noted reports of “the arbitrary application of the law and its terms to limit dissent and the full participation of non-governmental organizations in civil society”.⁶⁶ The Committee recommended to Kuwait, inter alia, to clarify the vague, broad and open-ended definition of key terms in the laws, and to ensure that civil society organizations can operate free of undue government influence and without fear of reprisals or unlawful restrictions on their operations.⁶⁷ Similarly, in the case of Algeria, the Human Rights Committee expressed concerns about restrictive provisions of the law on associations that “subject an association’s stated objective to vague, imprecise general criteria, such as the public interest and respect for national values and principles”.⁶⁸ It called on Algeria to amend its legislation on associations “to make it fully consistent with the provisions of article 22 of the Covenant”.

Registering an association

36. The process of registering an association can be broadly divided into two approaches: (a) notification; or (b) prior authorization. A notification system generally makes it easier to establish an association. As explained by the Special Rapporteur on FoPAA, under the notification procedure, “associations are automatically granted legal personality as soon as the authorities are notified by the founders that an organization was created. In most countries, such notification is made through a written statement containing a number of elements of information clearly defined in the law, but this is not a precondition for the existence of an association. It is rather a submission through which the administration records the establishment of the said association”.⁶⁹ It should be noted, however, that the notification process in practice might still be susceptible to varying degrees of bureaucracy, as discussed below. On the other hand, systems of prior authorization are more restrictive as an application to establish an association must be submitted to the competent authority, which decides whether or not to register the association, for example based on an assessment of the mission statement and scope of the proposed activities, as well as background checks on its members.
37. International law neither obligates nor proscribes one approach or another. However, no requirement imposed under either approach can amount to a restriction incompatible with article 22 of ICCPR. The Special Rapporteur on FoPAA opined that “a ‘notification procedure’, rather than a ‘prior authorization procedure’ that requests the approval of the authorities to establish an association as a legal entity, complies better with international human rights law and should be implemented by States”.⁷⁰ Regardless of the system in place, States must, however, act “in good faith, in a timely and non-selective manner”.⁷¹ The Special Rapporteur has further emphasized as best practices procedures which are simple, non-onerous, expeditious (including online registration), and even free of charge, as seen in several countries around the world.⁷²
38. Only a small number of the countries covered in this report have adopted the notification system, such as Lebanon and Morocco, and most recently Algeria, at least at the constitutional level. However, even in countries with a notification system, there is information to suggest a discrepancy between what is prescribed by law and actual practice. In Lebanon, whereas the Law on Associations (1909) provides for a notification model, the reality can include significant administrative hurdles, often depending on the focus of the association. For example, lesbian, gay, bisexual, transgender and intersex (LGBTI) associations in Lebanon have faced significant delays in receiving official status, which is illustrative of the region-wide challenges in establishing associations working on LGBTI rights.⁷³ Though the Ministry of Interior and Municipalities (MoIM) is required to issue a registration receipt within 30 days of the association submitting the relevant documentation,⁷⁴ there have been instances of it withholding or delaying such receipts.⁷⁵ Moreover, MoIM refers the file to the Lebanese General Security to carry out background checks into the founders of the association prior to the formal registration.⁷⁶ Thus, the procedure may take several months, if not longer. In practice, however, even without the receipt of registration from MoIM, undeclared association still operate in Lebanon— but the lack

of legal standing has practical implications such as not being able to open a bank account or rent premises.⁷⁷

39. In Morocco, the law regulating freedom of association (1958)⁷⁸ also recognizes a system of notification. The law provides for the issuance by the local authority of a temporary receipt to the association, as soon as the necessary documentation has been submitted. This should be replaced by a permanent receipt within 60 days. However, there have been numerous instances where the authorities delayed or even refused to issue the receipts.⁷⁹
40. In Algeria, the provisions of the 2012 law regulating associations provided for a system of prior authorization, whereby the authorities had a set timeframe within which to decide whether to issue a registration receipt “having the value of approval” or to deny the association’s application.⁸⁰ However, as per constitutional amendments introduced in November 2020, associations may now be formed by simple declaration.⁸¹ In order to bring the legislation in line with the constitutional amendments, Algeria is in the process of finalizing a draft law on associations that will, inter alia, recognize the formation of an association by declaration.⁸²
41. The majority of the countries, including Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates adopted the system of prior authorization. The application process involves a review of the supporting documentation submitted by the association, which generally includes: statutes and bylaws of the association; minutes from the founding meeting; overview of the proposed activities; and personal information on the founders.

Registration approval

42. The competent authorities designated to review the registration applications differ between countries covered in this report, but tend to include the Ministry of the Interior or the Ministry of Social Development. It may also include the municipal-level councils (Algeria),⁸³ or a court of first instance (Morocco).⁸⁴ In Saudi Arabia, if the work of an association or foundation involves activities regulated by another governmental entity, the entity’s approval will be necessary for registration in addition to that of the Ministry of Labour and Social Development.⁸⁵ In Jordan, the law provides for the creation of a register within the Ministry of Social Development, whose board’s functions include the approval or rejection of registration applications. The board is made up of appointed representatives from relevant ministries, as well as four experts in the field of charitable or volunteer work.⁸⁶
43. The competent authorities undertake a review of the application and relevant dossier, and determine whether or not to register the association. In terms of timeframe, the Special Rapporteur on FoPAA considers that “under both notification and prior authorization regimes, registration bodies must be bound to act immediately and laws should set short time limits to respond to submissions and applications respectively”.⁸⁷ Amongst the countries covered, the timeframe prescribed in legislation for an association to be informed of the decision varies in the range of 30-60 days, although in Jordan it can be up to 97 days.⁸⁸
44. Contrary to the position of the Special Rapporteur that “[f]ailure to provide a response within a clear and short time limit should result in a presumption that associations are operating legally”,⁸⁹ most of the countries covered operate on the basis that where no decision is communicated by the authorities, this can be considered a de facto rejection of the application. For example, in Bahrain⁹⁰ and Qatar,⁹¹ legislation expressly prescribes that if the review period of 30 and 60 days, respectively, elapses and no reply has been received from the Ministry, this shall be deemed an implicit rejection of an application. On the other hand, the law in Saudi Arabia stipulates a period of 60 days in which the Ministry of Labour and Social Development must issue a decision on the registration. If the Ministry fails to respond within this timeframe, this signifies the application has been accepted.⁹²
45. Similarly, in Morocco, silence on the part of the authorities indicates a presumption of legality of the association. In Morocco, which operates a system of notification as discussed above, the law

provides that the association must be issued with a temporary receipt immediately upon submission of the relevant documentation.⁹³ The competent authorities have a period of up to 60 days to issue the final receipt – marking the recognition of the association as a legal entity – unless it formally rejects the dossier. If the final receipt is not issued within the 60 days, but the authorities have not formally opposed the establishment of the association, the latter may proceed with its operations on the basis of the initial receipt. However, in some instances, the authorities have prevented tacit approval by not issuing the provisional receipt, resulting in the association being unable to prove its application process.

46. Grounds for rejecting to register an association may be of a procedural nature, for example where threshold requirements are not met, such as a minimum number of founders as a registration requirement.⁹⁴ The authorities may also decide to reject the registration based on substantive grounds. This can include instances where the authorities determine that the objectives of the association are unlawful or contrary to the laws, public morals, public order or national security, as discussed above.⁹⁵ Sometimes the authorities may not reject the application outright, and can instead suggest amendments to the association’s bylaws, as in Kuwait and the United Arab Emirates. Meanwhile, some State authorities may refuse a registration if they determine that the association does not provide a public service, or where another association is already carrying out similar work, such as in Bahrain, Kuwait and Oman. Some national legislation affords particularly broad discretion to the competent authority insofar as they may decline to register an association “for any other reason [it] sees relevant” (Oman),⁹⁶ or simply provides no stipulations as to the grounds on which an application may be rejected (Kuwait).⁹⁷ Vague provisions and what appears to be extensive discretion run counter to permissible restrictions under international human rights law,⁹⁸ and arguably do not provide the requisite foreseeability to be considered “prescribed by law”. They also create uncertainty amongst associations as to whether and on what grounds their registration might be dismissed.
47. In all cases of rejection, associations should be informed in a timely manner as to the outcome and reasoning of the decision taken. As stated by the Special Rapporteur on FoPAA, “[a]ny decision rejecting the submission or application must be clearly motivated and duly communicated in writing to the applicant”.⁹⁹ The Special Rapporteur further emphasized that associations should also be provided with due process guarantees to “challenge the decision [of rejection] before an independent and impartial court”.¹⁰⁰ However, it is not always the case that these conditions are met in either law or in practice. For example, in Oman, the decision of the Ministry of Social Development is final and therefore cannot be challenged in judicial proceedings.¹⁰¹ In Kuwait, an association may challenge the rejection, but only before the same authorities that issued the original decision, *i.e.* the Ministry of Social Affairs and Labour.¹⁰² In Qatar, a rejection may be appealed to the Council of Ministers, albeit the appeal must first pass through the Minister of Social Affairs.¹⁰³
48. Other countries expressly provide a direct avenue of judicial appeal where a registration has been rejected. States including Algeria¹⁰⁴, Bahrain,¹⁰⁵ Lebanon,¹⁰⁶ and Saudi Arabia¹⁰⁷ also afford the opportunity to challenge the rejection before a court. In Jordan, whereas the law does not oblige the reviewing board to issue a justification with its decision of rejection, the association can appeal the decision before the High Administrative Court.¹⁰⁸
49. Most of the countries covered publish new registrations in the official gazette, upon which date the association gains its legal personality. Associations are generally prohibited from undertaking any activities before they gain the legal personality, and can be subject to hefty penalties, including imprisonment for so doing (e.g., Algeria,¹⁰⁹ Jordan¹¹⁰ and Qatar¹¹¹). In this context, it is important to note that according to the Special Rapporteur on FoPAA “the right to freedom of association equally protects associations that are not registered. Individuals involved in unregistered associations should indeed be free to carry out any activities ... and should not be subject to criminal sanctions”.¹¹² The Special Rapporteur further emphasized the importance of unregistered associations being able to function “when the procedure to establish an association

is burdensome and subject to administrative discretion, as such criminalization could then be used as a means to quell dissenting views or beliefs”.¹¹³

Grounds for dissolution

50. The powers vested in the competent authorities to dissolve an association vary significantly from country to country. Oftentimes, the rules of appeal for challenging the rejection of registration are echoed in dissolution proceedings.
51. The authorities may decide to dissolve the association on account of no longer meeting procedural requirements (e.g., when the members fall below the minimum statutory number) or on substantive grounds, where it is deemed that the association is operating outside the permissible grounds as specified in legislation. For example, Qatari legislation provides that the Minister of Social Affairs may dissolve an association if the membership number falls below twenty – a dissolution on procedural grounds.¹¹⁴ It further provides that an association can be dissolved in the case of a violation of the provisions of the law or when engaging in political matters – amounting to a dissolution on substantive grounds.¹¹⁵ However, instead of dissolving an association, the Minister may also decide to suspend the board of directors and appoint a temporary board of directors for up to one year, if it is considered “to best serve the public interest and achieve the purposes of the association”.¹¹⁶ Regarding the decision issued by the Minister to dissolve an association, or to appoint an interim board of directors, the same rules of appeal apply as for challenging a rejection of registration.¹¹⁷
52. In Morocco, any party of interest, including but not limited to the public prosecutor, may apply to the court to annul and dissolve an association on the grounds that it is based on a cause or with a view to an illegal objective, contrary to the laws, to good morals or which would aim to undermine the integrity of the national territory or the monarchical form of the State.¹¹⁸ Similarly, in Algeria, the competent public authority or a third party in conflict with the association may petition the court for its dissolution.¹¹⁹ The public authority may apply for a dissolution claiming, inter alia, that the association has carried out activities other than those provided for in its statutes, or that it has received foreign funding in a manner contravening the law.¹²⁰ It is worth noting that the penalties for operating an unregistered association equally apply to those engaged in an association that has been officially dissolved, namely a penalty of up to six months imprisonment and a fine of up to 300,000 Algerian Dinars.¹²¹
53. In Lebanon, the law on association confers power to the Council of Ministers to dissolve an association by a decree, and to ban any association established on illegitimate grounds that contradicts the provisions of laws and public mores.¹²² Though the law on association does not envisage a remedy against the decree of the Council of Ministers to dissolve and ban an association, the founders/members of the association have the right to present a complaint before the State Council against decisions and measures that obstruct their enjoyment of legal capacity.¹²³ In addition, under the Penal Code, the criminal court may dissolve associations found to be clandestine.¹²⁴ Such a judicial decision may be challenged pursuant to the remedial proceedings under the Criminal Procedure Code.

Access to foreign funding

54. Many States in the MENA region strictly limit associations’ abilities to receive external contributions. The policy argument that is often advanced is that funding may be motivated by external efforts to interfere in, or undermine, the State’s internal affairs, or that funding may be destined for criminal purposes (e.g., money laundering, support for terrorist or other such organizations).¹²⁵
55. As noted by the Special Rapporteur on FoPAA, “[t]he ability for associations to seek, receive and use resources from domestic, foreign, and international sources is an integral and vital part of the

right to freedom of association”.¹²⁶ The Special Rapporteur has further highlighted that the term ‘resources’ “encompasses a broad concept that includes financial transfers, in-kind donations, material resources, human resources, and more”.¹²⁷ Importantly, the Special Rapporteur emphasized that “[t]he receipt of domestic or foreign funding should not be subject to the approval of the authorities”,¹²⁸ and should extend to both registered and unregistered associations.¹²⁹

56. Limitations on foreign funding can also have a significant gendered impact. As pointed out by the SR on FoPAA, “[o]nerous and bureaucratic financial controls and reporting requirements, such as is the case ... with laws that mandate associations to report on all funds received from foreign sources can disproportionately impact women’s organizations. These laws can provide excessive discretion to authorities to deny women’s organizations access to foreign funds, exert extensive scrutiny over their internal affairs or subject women to intimidation or violence”.¹³⁰
57. Only a few of the countries covered do not prescribe some form of restriction on foreign funding. Lebanon is one example where there are few bureaucratic hurdles to accessing international contributions. Moroccan legislation also permits associations that are legally declared to receive grants from foreign organizations or international institutions.¹³¹ Most other countries strictly require prior authorization from the competent authorities to receive external funds, including Algeria,¹³² Bahrain,¹³³ Jordan,¹³⁴ Kuwait,¹³⁵ Qatar,¹³⁶ Saudi Arabia,¹³⁷ and the United Arab Emirates.¹³⁸
58. In Oman, while associations are required to obtain prior ministerial approval before they receive funds from any foreign persons or organization, there is no such requirement for amounts received for equipment and tools required for the association’s activities, or books and publications.¹³⁹
59. In Jordan, both human rights NGOs and United Nations treaty bodies have raised concerns about the strict restrictions on associations to access funding,¹⁴⁰ in particular foreign funding, which requires prior approval from the Council of Ministers.¹⁴¹ The Council of Ministers is not required by law to justify its decision, nor does the law indicate clear criteria on which such decisions should be based.¹⁴² In addition to the restrictions provided under the Law on Associations, the Council of Ministers issued in 2017 a resolution that includes CSOs as subject to the provisions of the Anti-Money Laundering and Counter-Terrorism Financing Law No. 46 (2007). Pursuant to the decision, CSOs are expected to comply with all provisions of the Law. As a result, the process for CSOs in Jordan to acquire funding (national or foreign) was made subject to more requirements, regulations and restrictions.¹⁴³

Engaging with organizations abroad

60. Civil society engagement beyond national borders can facilitate important partnerships. This may include peer-to-peer capacity building and knowledge sharing with other human rights NGOs that work towards similar aims at the national, regional or global levels, and in so doing can amplify advocacy efforts.
61. Freedom of association is also closely linked to the right to participate in public affairs.¹⁴⁴ This can include engagement with regional and international policy-making bodies, including meetings of the United Nations, to raise international awareness on human rights issues. As highlighted by OHCHR, civil society actors choosing to participate in regional and international meetings must be safe and not be subject to acts of reprisal.¹⁴⁵ States should respect, protect and facilitate the right to freedom of association in connection with the exercise of the right to participate at the international and regional levels, and access to international and regional forums should be provided without discrimination of any kind.¹⁴⁶

62. Yet, most states covered in this report prescribe prior approval before national associations may engage with associations or organizations abroad. This can include formal cooperation partnerships, or even participating in fora outside the country. The restrictions often also prescribe prior approval from competent authorities to invite foreign attendees to national events (conferences etc.).
63. Much in the same way as Lebanese associations are generally free to access foreign funding, they can also engage with organizations outside the country with little State interference. On the other hand, countries such as Algeria,¹⁴⁷ Kuwait,¹⁴⁸ Qatar,¹⁴⁹ Saudi Arabia,¹⁵⁰ and the United Arab Emirates,¹⁵¹ all require prior approval by the competent ministries for national associations to be permitted to engage with associations and organizations abroad.

IV. Key Challenges

64. The following section looks at the key concerns raised by the United Nations human rights mechanisms, taking also into account the views of CSOs, related to freedom of association in the MENA region.

Restrictions on foreign funding

65. As mentioned above, most of the countries covered in this report limit the ability of associations to access foreign funding by requiring pre-approval to receive funds from abroad. This kind of limitations can be particularly burdensome for grass-roots associations, and may disproportionately affect women's rights activists in particular, who are often highly concentrated at the local level.¹⁵² Restricting foreign funds can limit associations' abilities to implement activities that benefit those in need, and can be especially problematic when the State itself does not otherwise adequately support these efforts.¹⁵³
66. The Human Rights Committee has noted that "non-governmental organizations [should be enabled] to discharge their functions without impediments which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls, and administrative dissolution".¹⁵⁴ In a similar vein, according to the Special Rapporteur on FoPAA, "fundraising activities are protected under article 22 of [ICCPR], and funding restrictions that impede the ability of associations to pursue their statutory activities constitute an interference with article 22".¹⁵⁵ The Special Rapporteur further emphasized that the ability of CSOs to access funding and other resources from domestic, foreign and international sources is an integral part of the right to freedom of association, noting how a number of problematic constraints on seeking, receiving or utilizing funding violate article 22 of ICCPR and other human rights instruments, including ICESCR.¹⁵⁶
67. The importance of access to funding is also recognized in article 13 of the Declaration on Human Rights Defenders, which states, "everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means..." This provision makes no distinction between the sources of funding, be it from domestic, foreign or international sources. In addition, the Human Rights Council in its resolution 22/6, called upon States to ensure that reporting requirements "do not inhibit functional autonomy [of associations]"¹⁵⁷ and "do not discriminatorily impose restrictions on potential sources of funding".¹⁵⁸ Resolution 22/6 also calls upon States to ensure that "that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto".¹⁵⁹
68. In many instances, States will justify financial restrictions on the basis of safeguarding national security and public order. This may include measures to counter money laundering, and to ensure that funds are not being used for illicit purposes including the financing of terrorism.¹⁶⁰ On this, it should be recalled that the Human Rights Committee has consistently expressed concern on

funding restrictions as an impediment to fully realizing the right to freedom of association.¹⁶¹ The Human Rights Committee noted that “non-governmental organizations [should be enabled] to discharge their functions without impediments, which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls, and administrative dissolution”.¹⁶² The Committee has also stated that when a State invokes national security and protection of public order as a reason to restrict the right to freedom of association, the State Party must prove the precise nature of the threat.¹⁶³

69. The Special Rapporteur on FoPAA emphasized that it is a violation of international law for counter-terrorism or “anti-extremism” measures to be used as a pretext to constrain dissenting views or independent civil society. The Special Rapporteur has further highlighted that “[l]aws that restrict foreign funding on the grounds of national security or counter-terrorism may directly impact women belonging to minority groups or women seen as promoting views threatening “religious” or “national” values”.¹⁶⁴ In order to meet the proportionality and necessity test, restrictive measures must be the least intrusive means to achieve the desired objective and be limited to the associations falling within the clearly identified aspects characterizing terrorism only. Laws drafted in general terms limiting, or even banning funding under the justification of counter-terrorism do not comply with the requisites of “proportionality” and “necessity”.¹⁶⁵ The Special Rapporteur further noted that restrictions on civil society are counterproductive in the fight against terrorism. Specifically, the Special Rapporteur emphasizes that civil society organizations play a significant role in combatting terrorism “by their direct connections with the population ... including in politically complex environments”.¹⁶⁶ In such circumstances, “[u]nduly restrictive measures, which can lead donors to withdraw support from associations operating in difficult environments, can in fact undermine invaluable CSO initiatives in the struggle against terrorism and extremism, and ultimately have adverse consequences on peace and security”.¹⁶⁷
70. In its concluding observations on Jordan issued in 2017, the Human Rights Committee expressed concern that “civil society organizations ha[d] been subjected to severe restrictions, including on their funding”.¹⁶⁸ The Committee recommended that Jordan “should ensure that [CSOs] are able to operate freely, with access to funding”.¹⁶⁹ Concerns were also raised regarding restrictions on foreign funding during the Universal Periodic Review (UPR) of Jordan in November 2018.¹⁷⁰ Jordan received a recommendation to “...limit State interference, in particular restrictions on funding, and by ensuring that any such interference is exercised in an accountable and transparent way”.¹⁷¹ In justifying the State oversight on funding, Jordan highlighted the importance “to identify the funding party and to verify their good intentions in providing the funding ... In addition, financial oversight needs to be exercised in order to prevent personal profit and gain, to ensure that funding has no links with money-laundering or the financing of terrorism and to safeguard against funds being used to encourage extremism or divisive agendas”.¹⁷²
71. The implications of counter-terrorism laws on the right to association have also been highlighted by various United Nations human rights treaty bodies with respect to other countries in the region. For example, in its concluding observations on Bahrain, the Human Rights Committee expressed concern that the relevant counter-terrorism legislation included an overly broad definition of terrorism that provided too much room for interpretation and could result in violations of the right to freedom of expression, association and assembly.¹⁷³ The Committee further noted with concern that the application of the legislation could make it difficult for non-governmental organizations (NGOs) to register and pursue their activities,¹⁷⁴ and recommended the State Party to “amend relevant laws, regulations and practices with a view to bringing them into full compliance with articles 19 and 22 of the Covenant”.¹⁷⁵ Meanwhile, the Committee on the Elimination of Discrimination against Women (CEDAW) in its concluding observations on Saudi Arabia, recommended that the State Party “[e]nsure that women activists are able to exercise their rights to freedom of expression and association and that [inter alia] the 2014 Counter-Terrorism Act [is]

not invoked abusively to criminalize women human rights defenders”.¹⁷⁶ In addition, the Committee against Torture (CAT), in its concluding observations on Saudi Arabia in 2016, recommended that the State Party “consider revising the definition of terrorism in the Penal Law for Crimes of Terrorism and its Financing so that its criminalization provisions are as narrow as possible and cannot serve as a basis for prosecuting individuals engaged in non-violent expression and advocacy, especially in defence of human rights”.¹⁷⁷ Similarly, pursuant to his visit to Saudi Arabia in 2017, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, urged the State Party to establish an independent national security and due process review mechanism to re-examine all cases in which individuals are currently serving sentences of imprisonment based on acts that constitute, *inter alia*, the exercise of freedom of association.¹⁷⁸

State control in internal operations and powers of dissolution

72. In the MENA region, State authorities are often directly involved in supervision of the internal operation of the association, including monitoring and oversight of programmes, activities and accounts (including in Bahrain,¹⁷⁹ Jordan,¹⁸⁰ Kuwait,¹⁸¹ Qatar,¹⁸² Saudi Arabia,¹⁸³ and the United Arab Emirates¹⁸⁴), as well as attending the associations’ general assembly meetings (including in Bahrain,¹⁸⁵ Jordan,¹⁸⁶ Oman,¹⁸⁷ Saudi Arabia¹⁸⁸, and the United Arab Emirates¹⁸⁹).
73. State authorities may also undertake dissolution proceedings where they maintain that the association is operating outside the scope of the law. A measure of dissolution of an association is a restriction to the right to freedom of association in the sense under article 22(2) of ICCPR.¹⁹⁰ Where a State authority seeks to dissolve an association, it must be able to satisfy the requirements of legality, necessity, proportionality, and non-discrimination. In addition, the competent authorities must show that the restriction on freedom of association – in this case dissolution – is the least intrusive means to achieve the desired objective. Dissolution proceedings should not be undertaken simply because the organization is not favourably received by the Government. As noted by the Human Rights Committee, “the reference to the notion of ‘democratic society’ in the context of article 22 indicates ... that the existence and operation of associations, including those which peacefully promote ideas not necessarily favourably received by the government or the majority of the population, is a cornerstone of a democratic society”.¹⁹¹ The Human Rights Committee has found on several occasions that the severity of dissolution proceedings – given their significant impact on freedom of association – have not met the requirements of article 22(2) and have not been proportionate.¹⁹²
74. Some countries have drawn concern over their use of dissolution proceedings. For example, in the case of Bahrain, the Human Rights Committee in its concluding observations in 2018 expressed concern about reports that authorities had placed restrictions on human rights organizations and opposition groups, and in some cases dissolved them.¹⁹³ The Committee highlighted a particular instance of “the 2014 order of the Ministry of Labour and Social Development to close the Bahrain Centre for Human Rights”.¹⁹⁴ The Committee recommended that Bahrain “should amend relevant laws, regulations and practices with a view to bringing them into full compliance with articles 19 and 22 of the Covenant. In particular, it should refrain from dissolving human rights organizations and opposition groups for having legitimately exercised their rights and take all measures to re-establish such organizations”.¹⁹⁵ Similarly, in the case of Saudi Arabia, CAT highlighted serious concerns regarding State power of suspension and dissolution of human rights organizations. In its concluding observations in 2016, the Committee stated that it was “extremely concerned that the State Party ha[d] refused to grant operating licenses to human rights organizations, which ha[d] resulted in the disbanding or suspension of activities of groups, including the Saudi Arabian Civil and Political Rights Association, the Adala Center for Human Rights, the Union for Human Rights and the Monitor for Human Rights in Saudi Arabia”.¹⁹⁶

75. In 2019, several Special Procedures mandate holders of the Human Rights Council addressed a communication to Morocco regarding the dissolution of a non-profit association for having made its offices available for the production of a satirical show that was posted on YouTube in October 2018.¹⁹⁷ According to the communication, the Governor of Casablanca filed a complaint with the court demanding the dissolution of the association on the grounds that the show involved dialogues that insulted and humiliated public institutions and civil servants, who were accused of corruption, and attacked the Islamic religion. In April 2019, the Court of Appeal had upheld the judgment of a court of first instance ordering the dissolution of the association, as well as the liquidation of its assets, on the grounds that the association had organized activities that did not fall within the objectives set out in its statutes. In its response, the Government maintained that the association had hosted the programme that relayed abusive, insulting and/or defamatory statements against State officials, including accusations of corruption without tangible proof.¹⁹⁸ According to the Government, these actions constituted an attack on Moroccan morals and social values and did not correspond to the association's statutes. It therefore reasoned that the Court's verdict was justified, and that the decision was in line with article 7 of the law governing the right of association in Morocco.

Penalties for members of associations, including revocation of citizenship

76. Beyond administrative powers to either reject the registration or dissolve an association, some states also provide for strict individual penalties against members of associations in certain circumstances. For example, whereas several of the States covered in this reports prescribe fines and imprisonment for membership in an unregistered or dissolved association,¹⁹⁹ in other States penalties can include the revocation of citizenship of its members.
77. In Oman, the law on nationality (2014) provides for the revocation of citizenship, inter alia, for reasons related to persons exercising their right to freedom of association.²⁰⁰ Article 20 allows the State to revoke the citizenship of an Omani national "if he joins a group, a party or an organization supporting principles or beliefs that harm the interests of Oman".²⁰¹ The Committee on the Elimination of Racial Discrimination (CERD) in its concluding observations on Oman in 2016 raised concern about the implications of the nationality law.²⁰² It recommended that Oman "revise...the nationality law by ensuring that the Government cannot revoke citizenship rights of persons who exercise their fundamental rights, including the right to freedom of expression, assembly and association, with a view to preventing statelessness".²⁰³
78. Human rights treaty bodies have also raised concerns in other contexts where the revocation of citizenship has been used to penalize individuals associated with organizations considered hostile to the State. For example, in its concluding observations on Bahrain in 2017, CAT "remain[ed] concerned at numerous and consistent allegations of serious acts of intimidation, reprisals, threats, revocation of citizenship as a reprisal and arrests and arbitrary imprisonment of human rights defenders, journalists and their relatives in retaliation for their work".²⁰⁴ The Committee called on Bahrain to "[r]efrain from using revocation of citizenship as a form of reprisal against human rights defenders, journalists and any other critics who are political activists and not in favour of the authorities".²⁰⁵
79. In the case of Kuwait, the Human Rights Committee expressed concern that nationals could be deprived of citizenship on grounds of "undermining the social or economic system" or "threatening the higher interests of the State or its security", which the Committee noted was "increasingly be[ing] used arbitrarily for politically motivated reasons against governmental critics".²⁰⁶ The Committee recommended to Kuwait to make legislative amendments "to ensure that the peaceful exercise of the rights to freedom of opinion and expression and of association and assembly [could] never be used as grounds for revoking citizenship".²⁰⁷

Discriminatory practices

80. Article 2(1) of ICCPR requires that “[e]ach State Party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. As a foundational principle of international human rights law, non-discrimination is included in other international human rights treaties.²⁰⁸ In the context of freedom of association, States Parties should not restrict freedom of association based on a personal distinction of any kind as established article 2(1) above. A State cannot restrict the formation of an association if it would be allowed for one group of rights holders but not another based solely on a status marker.²⁰⁹ However, there have been cases in the countries covered in this report where particular groups of rights holders have faced challenges in exercising their right to freedom of association.
81. In Lebanon, the Ministry of Interior and Municipalities (MoIM) has faced criticism for failing to issue receipts to associations long after they have submitted notifications, in particular to those working on issues perceived as sensitive, such as LGBTI rights.²¹⁰ Such concerns were raised by several NGOs at Lebanon’s second and third UPR in 2015 and 2021 respectively.²¹¹ This includes the Lebanese LGBTI Association Helem, which has been awaiting formal receipt of its establishment since 2004, when it presented its notification of association to the Lebanese MoIM. Helem is the first LGBTI rights-based organization in the MENA region that focuses on “advocating and lobbying for the legal and social rights of people with alternative sexuality”.²¹² Despite submitting its dossier to the MoIM in 2004, Helem has still not received a registration number. This has resulted in the organization being unable to open a bank account or register its employees, which has had significant implications on its day-to-day operations.²¹³ To circumvent the obstacle, during the notification process relevant NGOs avoid mentioning dealing with LGBTI rights, and go for the more acceptable formula of “dealing with vulnerable groups”.²¹⁴
82. Freedom of association also has a significant gender component, both globally and at the regional level. Women human rights defenders are stigmatized for their activism, as are their families. In its most serious forms, discrimination against women human rights defenders can lead to so-called honour killings. This stigmatization disincentives women to establish and be active in civil society organizations.²¹⁵ In its General Recommendation 35, CEDAW affirmed “[h]armful practices and crimes against women human rights defenders, politicians, activists or journalists are also forms of gender-based violence against women affected by ... cultural, ideological and political factors”.²¹⁶ A similar pattern of discrimination is also seen across the MENA region, where women’s and girls’ efforts to participate in public and civic affairs can be met with stigmatization, hostility and gender-based violence, including threats of sexual assault, rape, harassment, and femicide.²¹⁷
83. In such circumstances, and in order encourage and strengthen the participation of women in public and political life, States should take all appropriate measures to ensure to women, on equal terms with men, the right, inter alia, to participate in non-governmental organizations and associations concerned with the public and political life of the country.²¹⁸ This may include temporary special measures to tackle de facto discrimination.²¹⁹
84. In Jordan, the strict procedures regulating access to foreign funding have negatively affected organizations supporting women. For example, the Jordanian Civil Coalition Against Torture raised concerns that the requirement of prior approval to receive foreign funding had been used to interfere with the work of organizations that provide free legal and judicial assistance to women and other groups.²²⁰ The coalition highlighted that the restrictions on funding compounded the financial barriers that prevent women from accessing the justice system due to the high cost of litigation, which most women cannot afford due to their unequal financial position.

85. In its concluding observations on Qatar in 2019, CEDAW “reiterate[d] its previous concerns about the lack of independent civil society organizations engaged in advocacy for women’s rights in the State Party, the burdensome registration requirements for those organizations and the prohibition against those organizations engaging on political issues...”.²²¹ The Committee recommended that Qatar amend the relevant law²²² to “create an enabling environment in which civil society organizations, in particular women’s non-governmental organizations and associations, may be freely established and engage in political and public life, in accordance with article 7 (c) of the Convention”.²²³
86. CEDAW raised similar concerns regarding the United Arab Emirates, in its concluding observations on the State in 2015. The Committee “remain[ed] concerned about the lack of a robust civil society in the State Party...[and] also regret[ted] the lack of information on the legal requirements for the registration and operation of NGOs in the State Party. It [was] further concerned that women human rights defenders and their relatives ha[d] allegedly been subjected to various forms of harassment”.²²⁴ The Committee recommended the United Arab Emirates “to create and ensure an enabling environment in which civil society and women’s rights groups may be established and may freely conduct their programmes and activities... [and to] refrain from any act of reprisal against women rights defenders and their relatives ...”.²²⁵
87. Various other human rights treaty bodies and Special Procedures mandate holders have also raised concerns about State practice in the region regarding freedom of association in relation to certain groups. For example, CERD raised concerns about the right of migrants to freedom of association and assembly in Saudi Arabia.²²⁶ Both the Human Rights Committee and the Special Procedures raised concerns about restrictions against human rights defenders in the territory of Western Sahara.²²⁷ Regarding persons with disabilities in the United Arab Emirates, the Committee on the Rights of Persons with Disabilities (CRPD) noted with concern that it had “not receive[d] any alternative reports from civil society in the United Arab Emirates, including from organizations of persons with disabilities”.²²⁸ The Committee recommended, inter alia, that the United Arab Emirates “[e]nsure that organizations of persons with disabilities have the freedom to engage independently with United Nations human rights mechanisms”.²²⁹

COVID-19

88. The COVID-19 pandemic has had a devastating impact on human rights globally, including in the MENA region, where several countries were already facing a precarious socio-economic and political situation. Women,²³⁰ migrant workers²³¹ and the region’s large number of refugees and displaced persons²³² have been at increased risk of discrimination due to the exacerbating effects of COVID-19. Furthermore, older persons²³³ and persons with disabilities²³⁴ have also been experiencing significant challenges throughout the pandemic, including due to social isolation and difficulties in accessing tailored services and support.
89. In such circumstances, CSOs play an important role in helping to ensure that society’s most marginalized and those most at-risk are not left behind. This includes contributing to tailored and inclusive COVID-19 response through liaising directly with rights holder, as well as the provision of services on the ground. Indeed, across the region, many CSOs have supported government efforts to provide assistance to the general population to mitigate the effects of pandemic. This has included organizing national fundraising efforts,²³⁵ distributing food aid,²³⁶ and running helplines offering psychological and legal support for women victims of domestic abuse during home confinement.²³⁷
90. Given the crucial role of civil society in mitigating the effects of the pandemic, it would not only be contrary to human rights, but also counterproductive to impose additional constraints on CSOs, including restrictions on their work beyond what is necessary in the context of preventive measures. As expressed by the Special Rapporteur on FoPAA in 2020:

“In some States, new associations are not being registered, where they are unable to demonstrate internal rules geared to the current crisis situation. While civil society workers have a key role to play in responding to the crisis and providing support to vulnerable populations, their ability to play that role has been limited by restrictive laws as well as by funding shortages, themselves brought on in part by limitations on access to cross-border funding ...”.²³⁸

91. In order to protect freedom of association in the context of the pandemic, the Special Rapporteur called on States to “ensure that [CSOs] may complete their registrations online, and should provide opportunities for them to participate, via online fora, in policy development”.²³⁹ He further emphasized the importance of “registering associations without constraint and by ensuring that civil society organizations are able to conduct advocacy freely, including on the international level”.²⁴⁰

V. Steps taken by Governments to strengthen protection

92. While the realization of the right to freedom of association is subject to challenges across the region, it is important to highlight the positive efforts undertaken by some States.
93. Bahrain, for example, has established an electronic system that aims to facilitate and automate the services provided by the Ministry of Labour and Social Development to NGOs.²⁴¹ This includes, inter alia, speeding up procedures with the Ministry, submitting applications online, and updating the organizations data through the Ministry’s website.²⁴² Furthermore, the Council of Ministers is undertaking efforts to use e-technology to train employees and volunteers in NGOs and charities to obtain professional certificates in financial management.²⁴³
94. As highlighted above, Lebanon, Morocco, and most recently Algeria,²⁴⁴ provide for a notification process for the registration of associations. This is the preferred system of registration advocated for by the Special Rapporteur on FoPAA, who is of the opinion that “a ‘notification procedure’, rather than a ‘prior authorization procedure’ ... complies better with international human rights law and should be implemented by States”.²⁴⁵
95. In Lebanon and Morocco, legislation regulating associations also does not limit the receipt of foreign funding.
96. Countries in the region have voiced their support for engagement with civil society, including Kuwait²⁴⁶ and Saudi Arabia.²⁴⁷ In emphasizing the important functions of civil society associations, Kuwait highlighted their role in monitoring the National Assembly elections, while Saudi Arabia identified civil society as substantial partners of governmental entities in the promotion and protection of human rights, in addition to their important consultative and awareness-raising roles. Saudi Arabia specifically commended the role of civil society in providing legal support and guidance for women in personal status cases, as well as in the development of other initiatives and programmes.
97. In addition to the above examples, States covered in this report have also taken broader important steps in strengthening their commitments to human rights by acceding to additional international human rights treaties that, inter alia, enshrine freedom of association.
98. The above examples provide elements of good practices from which other States may consider adapting to national contexts to achieve stronger and more uniform protection of freedom of association.

VI. Recommendations

99. Based on the assessment of freedom of association across 10 countries in the MENA region, the report recommends the following, also reflecting observations and recommendations by the United Nations human rights mechanisms:

(a) Restrictions and State oversight

- States must ensure that **any restrictions on the rights to freedom of association are prescribed by law, necessary in a democratic society in the interest 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 restriction shall be proportionate to the aim pursued and, therefore, the less intrusive means to achieve the desired objective. Any restrictions, including suspension and involuntary dissolution of associations, should be subject to an independent, impartial, and prompt judicial review.**
- Recognizing that freedom of association implies the freedom to carry out activities in an autonomous manner without undue bureaucratic or substantive hurdles, States should ensure that **associations are free to determine their statutes, structure and activities and to make decisions without State interference.**
- States should ensure **freedom of access to the Internet** in accordance with international human rights standards, **including the protection of the rights to freedom of peaceful assembly and to association online.**

(b) Registration

- Ensuring that any system in place complies with international human rights law and standards and that any requirements imposed, alone and/or cumulatively, do not amount to restriction incompatible with international human rights law. In particular, it is recommended registering an association through a system of notification rather than through prior authorization, which not only reduces bureaucratic obstacles for associations, but also complies better with international law. States should therefore consider **adopting a process of notification for the formation of associations.**
- States should endeavour to provide a **registration process that is simple, easily accessible, non-discriminatory, non-onerous, and preferably free of charge.**
- In the interests of due process, **registration bodies should provide a detailed and timely written explanation when denying the registration of an association.** Furthermore, **associations should be able to challenge any rejection before an impartial and independent court.**
- The right to freedom of association equally protects associations that are not registered. Ensuring that procedure to establish an association is not burdensome and subject to administrative discretion, and that criminalization is not used as a means to quell dissenting views or beliefs. States should, inter alia, ensure that **individuals involved in unregistered associations should be free to carry out any activities, including access to funding, and should not be subject to criminal sanctions for their membership or for merely carrying out the associations' activities.**

(c) Non-discrimination

- States should ensure that the right to freedom of association is enjoyed by everyone, including women and girls, youth, LGBTI people, indigenous peoples,

minorities, persons with disabilities, migrants, non-nationals, as well as activists and human rights defenders.

- Given the crucial role that women human rights defenders and women's rights organizations play in advancing gender equality, States should **ensure an enabling environment in which women's rights groups may be established and freely conduct their programmes and activities, and refrain from any act of reprisal against human rights defenders, including women human rights defenders.**
- States should adopt the measures necessary to ensure that **organizations of persons with disabilities can register as associations, participate and be consulted in matters of public affairs, and are enabled to contribute effectively to law and policymaking and to engage with United Nations human rights mechanisms.**
- States should ensure the **full respect for the right of all children, including child human rights defenders, to freedom of expression, association and peaceful assembly**, including by repealing all laws and regulations that restrict that right and by raising awareness and building the capacity of families, teachers and government officials to respect the exercise of those freedoms by children.
- States should ensure that there are **no administrative barriers to the establishment and registration of NGOs and associations working to defend the rights of minorities and indigenous peoples.**
- States should ensure the **right of migrants to freedom of association and peaceful assembly.**

(d) Funding

- States should **ensure that associations – registered and unregistered – can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities.**
- States should enable the **associations working on gender equality and empowerment in a developmental context to receive funding from international donors** without unnecessary administrative requirements, which may impair such activities.

(e) Preventing punitive measures, including reprisals

- While the formation of associations embracing minority or dissenting views or beliefs may sometimes lead to tensions, the State has a duty to ensure that everyone can peacefully express their views without any fear, and that **no one is criminalized for exercising the rights to freedom of association, nor is subject to threats or use of violence, harassment, persecution, intimidation or reprisals.**
- States should **end all acts of intimidation and reprisals against civil society actors engaging or seeking to engage with international forums**, including the United Nations, and/or participating in any related event. **States should investigate all allegations of acts of intimidation or reprisals, bring the responsible to justice and sanction them, provide effective remedies to the victims and adopt and implement preventive measures** to prevent their recurrence.

- States should further ensure that **the peaceful exercise of freedom of association can never be used as grounds for revoking citizenship.**
- States should ensure that **administrative and law enforcement officials, including judicial staff, are adequately trained in relation to international human rights norms and standards governing the rights to freedom of peaceful assembly and of association.**
- States should ensure that **law enforcement officials who violate the rights to freedom of peaceful assembly and of association are held accountable for such violations by an independent and impartial oversight body, and by the courts of law.**

(f) Counter-terrorism measures

- States should bring their counter-terrorism and counter-extremism legislation and practices into full compliance with the international law, including **clarifying and narrowing any broad concepts in criminal offences to ensure that they comply with the principles of legal certainty and predictability** and that the application of such legislation does not suppress protected conduct and speech, including as related to human rights defenders.

(g) Freedom of association and COVID-19

- Civil society organizations play an important role in the context of the pandemic, including in terms of contributing to tailored and inclusive COVID-19 responses and ensuring the continuation of provision of crucial community support services. States should ensure that civil society organizations can continue to enjoy freedom of association throughout the pandemic, including by enabling **registrations online, and by ensuring their meaningful participation, via online fora, in policy development. States should further make sure that civil society organizations are able to conduct advocacy freely, including at the international level, without arbitrary restrictions on freedom of association beyond what is strictly necessary for COVID-19 preventive measures.**

¹ Terms used throughout this report including human rights non-governmental organizations (NGOs), civil society and human rights defenders follow the working definitions provided in OHCHR “Manual on Human Rights Monitoring: Engagement and Partnerships with Civil Society (Chapter 16) (hereinafter MHRM), available at: <https://www.ohchr.org/Documents/Publications/Chapter16-MHRM.pdf>. Human rights organizations include non-governmental organizations, associations and victims’ groups; civil society actors are defined as individuals who voluntarily engage in various forms of public participation and action around shared interests, purposes or values that are compatible with the goals of the United Nations; and human rights defenders include all those who, individually and in association with others, act to promote and protect human rights and fundamental freedoms at the national and international levels. (MHRM, p. 4). A discussion of trade unions and professional associations is outside the scope of the current report, as is the legal framework for the formation of political parties.

² Apart from activities with a regional scope, ROMENA covers human rights monitoring and country engagement in 10 countries: Algeria, Bahrain, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, and United Arab Emirates.

³ In particular, the report draws on State reports submitted to and relevant observations and recommendations from human rights treaty bodies and the Universal Periodic Review, as well as recommendations of the UN Special Procedures..

⁴ OHCHR invited the 10 aforementioned States to share relevant national updates related to the right to freedom of association for consideration in the report (request by note verbale of 14 September 2021). OHCHR expresses its appreciation for all contributions received, which are reflected in the report.

⁵ See MHRM, p. 5.

⁶ https://www.un.org/sustainabledevelopment/wp-content/uploads/2019/07/16_Why-It-Matters-2020.pdf.

⁷ See OHCHR “Protecting and expanding civic space”. Available at: <https://www.ohchr.org/EN/Issues/CivicSpace/Pages/ProtectingCivicSpace.aspx>.

⁸ Ibid. In 2020, it was estimated that only 3.4 percent of the world’s population were living in countries with an open civic space rating, while 87 percent were living in countries rated as closed, repressed or obstructed. See CIVICUS Monitor 2020 “People Power under Attack 2020” <https://findings2020.monitor.civicus.org/downward-spiral.html>. The 2020 global rankings for civic space include: 3.4% open; 9.3% narrowed;

18.3% obstructed; 43.4% repressed; and 25.4% closed. CIVICUS noted that compared to its 2019 Global Report, “the [2020] story is one of further regression: more countries have moved towards the obstructed and repressed categories and there are few where civic space conditions have improved” <https://findings2020.monitor.civicus.org/downward-spiral.html>. By comparison, the 2019 global rankings showed: 3% open; 14% narrowed; 16% obstructed; 40% repressed; and 27% closed, available at <https://civicus.contentfiles.net/media/assets/file/GlobalReport2019.pdf>.

⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls, A/75/184 (distr. 20 July 2020), paras 38-39.

¹⁰ See illustrative example in the cases of Algeria, Jordan and Qatar in para. 49 below, where criminal sanctions include imprisonment and/or a fine.

¹¹ See “States responses to Covid 19 threat should not halt freedoms of assembly and association” – UN expert on the rights to freedoms of peaceful assembly and of association (14 April 2020). <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>

¹² See Freedoms of Assembly and associations during COVID-19: 10 principles for action <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/Covid19freedomAssembly.aspx>, specifically Principle 4 <https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Checklist-04.png>.

¹³ The treaties mentioned are into force for all States in the MENA region, with the exception of three States (Oman, Saudi Arabia, and United Arab Emirates) that have not yet ratified ICCPR. See also article 28 of the Arab Charter.

¹⁴ As mentioned above, trade unions are outside the scope of the current report.

¹⁵ Human Rights Committee general comment No. 31 (2004) on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 9.

¹⁶ See the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 56.

¹⁷ See “The Right to Freedom of Association Best Practices Fact Sheet” (November 2014) <http://freeassembly.net/wp-content/uploads/2014/11/Association-rights-factsheet-final-v2.pdf>.

¹⁸ With the exception of Morocco and Oman, the remaining eight countries covered in the report have ratified the Arab Charter.

¹⁹ “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” adopted by the UN General Assembly on 9 December 1998, A/RES/53/144.

²⁰ *Mikhailovskaya and Volchek v. Belarus*, Communication no. 1993/2010, CCPR/C/111/D/1993/2010 (distr. 26 August 2014), at para. 7.3.

²¹ Human Rights Committee general comment No. 31 (2004) on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 6.

²² United Nations Human Rights Committee, *Mikhailovskaya and Volchek v. Belarus*, Communication no. 1993/2010, para 7.3.

²³ Human Rights Committee, *Katsora et al v. Belarus*, Communication no. 1383/2005, para. 8.3. See also *Kungurov v. Uzbekistan*, Communication no. 1478/2006, paras. 8.5-8.7, and *Romanovsky v. Belarus*, Communication no. 2011/2010, paras. 7.2-7.4.

²⁴ Human Rights Committee, *Kungurov v. Uzbekistan*, Communication no. 1478/2006, para. 8.2; and *Korneenko et al v. Belarus*, Communication no. 1274/2004, para. 7.2.

²⁵ The Basic Law of Governance of Saudi Arabia does not expressly recognize the right to freedom of association.

²⁶ https://www.constituteproject.org/constitution/Morocco_2011.pdf (translated from French original).

²⁷ Article 26 of the Basic Law stipulates, “The State shall protect human rights in accordance with the Islamic Sharia”. Article 27 also stipulates that the State shall “encourage organizations and individuals to participate in philanthropic activities”.

²⁸ The Constitution was signed into law on 1 January 2021. See <https://www.aps.dz/algerie/115268-signature-de-la-constitution-par-le-president-tebboune-les-principaux-amendements-marquent-une-nouvelle-ere-democratique>

²⁹ *Royal Decree No. 6/2021* on the Basic Law of the State of the Sultanate of Oman.

³⁰ Article 1, Law on Associations no. 1325, (issued on 3 August 1909).

³¹ Article 1, Decree 1-58-376 on regulating the right of association (as amended by Decree 1-733-283 of 1973 and Decree 1-02-206 of 2002), unofficial EN translation: https://www.icnl.org/research/library/morocco_act-2002-en/.

³² Article 6 of the Royal Decree No. 14/2000 issuing the Non-Governmental Associations Law.

³³ Article 3 of the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009).

³⁴ Article 4 (3), Law no. 24 of 1962 on Clubs and Public Welfare Societies.

³⁵ Article 8 of the Law on Associations and Foundations, issued by Royal Decree No. M/8 of 1 December 2015, (entered into force on March 17, 2016) and its Implementing Regulations (14 April 2016).

³⁶ Article 2, Law no. 21 of 2020 on Associations and Private Institutions. The application of the 2020 Law for the regulatin of associations was communicated to OHCHR by the Permanent Mission of the State of Qatar to the United Nations Office in Geneva by note verbale (28 September 2021).

³⁷ Article 3, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.

³⁸ Article 6, Law No. 12-06 of 2012 on the regulation of Associations.

³⁹ See “The Right to Freedom of Association Best Practices Fact Sheet” (November 2014), referring to the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 54.

⁴⁰ Article 4, Law No. 12-06 of 2012 on the Regulation of Associations.

⁴¹ Article 4, Law no. 24 of 1962 on Clubs and Public Welfare Societies.

⁴² Article 2, Law no. 21 of 2020 on Associations and Private Institutions. The Constitution of Qatar, article 45, also expressly limits the establishment of associations to Qatari nationals only.

⁴³ Article 8 of the Law on Associations and Foundations.

⁴⁴ Article 3, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.

⁴⁵ Article 8 of the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009).

⁴⁶ Article 3, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.

⁴⁷ Article 2, Law no. 21 of 2020 on Associations and Private Institutions.

⁴⁸ Article 8 of the Law on Associations and Foundations, issued by Royal Decree No. M/8 of 1 December 2015, (entered into force on March 17, 2016) and its Implementing Regulations (14 April 2016).

⁴⁹ Article 4, Law no. 24 of 1962 on Clubs and Public Welfare Societies.

⁵⁰ Article 2, law no. 21 of 2020 on Associations and Private Institutions.

⁵¹ Article 8, para 1-D, of 1962 on Clubs and Public Welfare Societies.

⁵² Promulgated by Royal Decree No. 14/2000.

⁵³ As per the Foreign Association Law (decision no. 369) issued on 21 December 1939.

⁵⁴ Article 3 of of the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009), provides for the registration of society that “provide[s] or... undertakes[s] activities on a voluntary basis without aiming to derive or distribute profit, to realize any benefit for any of its members or for any specific persons...”

⁵⁵ Under article 1 of the Law on Associations no. 1325, (issued on 3 August 1909), an association is defined as, “a group composed of several individuals who unite their information and efforts in a permanent fashion and the goal of which is not to divide profit”.

⁵⁶ Article 1 of Decree 1-58-376 on regulating the right of association (15 November 1958), as amended by Decree 1-733-283 of 1973 and Decree 1-02-206 of 2002, describes as an association as “an agreement to achieve a constant cooperation between two or many persons using their information or activities for a non-profit purpose”.

⁵⁷ Article 2 of Decree law 21 of 1989- Law of social associations and clubs, cultural and private bodies operating in the field of youth, sports and private institutions adopted in 1989 (amended in 2002, 2009 and 2010) specifies “social, educational, cultural or charitable” activities. aims at conducting social, educational, cultural or charitable activity.

⁵⁸ Article 1 of Law no. 24 of 1962 on Clubs and Public Welfare Societies specifies “social, cultural, religious or sports” activities.

⁵⁹ Under article 4 of Royal Decree No. 14/2000 issuing the Non-Governmental Associations Law, associations can be established for the purpose of undertaking social, cultural or charitable activities.

⁶⁰ Article 1 (4) of the Law No. 21 of 2020 on Associations and Private Institutions delimits the work of an association to humanitarian, social, cultural, scientific, professional or charitable activities.

⁶¹ According to Article 5 of the Implementing Regulations on Associations and Foundations (14 April 2016), an association may be established to achieve: “(1) benevolence, solidarity, public services, or welfare; (2) a religious, social, cultural, health, environmental developmental, awareness-raising, technical, or seasonal activity; (3) an educational, pedagogical, scientific, research, professional, or training activity; (4) purposes related to professions, skills, creativity, youth, women, childhood, tourism, or voluntary work; (5) an activity related to protection of consumers and family protection; (6) providing assistance in crises or disasters and ensuring safety of the society; (7) family and social development; or (8) any other civil activity as decided by the Ministry of Labor and Social Development”.

⁶² Article 2 of the Federal Law No. 2 of 2008 Concerning Public Welfare Associations and Organizations delimits the work of an association “to achieve social, religious, cultural, educational, technical, feminine, creative or artistic activity or to render humane services or achieve any of the charity objects or other caring purposes whether through financial or moral aid or technical expertise”.

⁶³ Article 2 of Law n°12-06 on the regulation of associations (12 January 2012) delimits activities of associations to “professional, social, scientific, religious, educational, cultural, sporting, environmental, charitable and humanitarian” fields.

⁶⁴ Article 3 of Decree 1-02-206 of 2002 regulating the right of association nullifies any association that is founded on a cause or with a view to, inter alia, undermine the Islamic religion. On the dissolution of an association considered insulting to the Islamic religion, see joint communication [AL Mar 3/2019](#) sent by the Special Procedures to the Government of Morocco (2 July 2019).

⁶⁵ Article 6 of Law 24 of 1962 on Clubs and Public Welfare Societies prohibits clubs or associations from interfering with, inter alia, religious disputes.

⁶⁶ Concluding observations on the third periodic report of Kuwait, CCPR/C/KWT/CO/3 (distr. 11 August 2016), para. 44.

⁶⁷ *Ibid.*, para. 45.

⁶⁸ Concluding observations on the fourth periodic report of Algeria, CCPR/C/DZA/CO/4 (distr. 17 August 2018), para. 47.

⁶⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 58.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*, para. 57.

⁷² *Ibid.*

⁷³ See the case of the Lebanese LGBTI Association “Helem”, discussed below in para. 81. According to the latest UPR submission by Helem in the context of Lebanon’s third UPR review, “To date [2020], Lebanon has not approved the registration of any non-governmental organization or entity which includes LGBTIQ+ individuals as part of its target population for any reason including humanitarian aid, protection, and basic services”. See submission by Helem, para. 1, available at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8301&file=EnglishTranslation>. Also in the context of Lebanon’s third UPR, the Lebanese NGO “Proud Lebanon” submitted information that “the [Ministry of Interior] won’t grant the NGO the registration record if the application states that they are working for the LGBTIQ+ community... Accordingly, people wanting to create NGOs with a focus on the LGBTIQ+ community are forced to mask the term and register their organization under other subjects, such as dealing with vulnerable groups without specifically mentioning plans to perform LGBTIQ+ related activities”. See submission by Proud Lebanon, paras. 51-52, available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8094&file=EnglishTranslation>.

⁷⁴ As included in the Ministry of Interior Circular No. 10/AM/2006. Translation (unofficial) prepared by The International Center for Not-for-Profit Law <http://www.icnl.org/research/library/files/Lebanon/10-AM-2006-En.pdf>.

⁷⁵ Concerning the delay in issuing the receipt, “If the Ministry does not reply within two months, the association may consider the silence of the Ministry an implicit refusal to deliver the receipt of registration and may accordingly file a petition to the State Council within two months from the date of implicit refusal”. See joint UPR submission of Freemuse, PEN Lebanon and PEN International, ahead of Lebanon’s second UPR, at p. 6 (23 March 2015). https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/LBN/INT_CESCR_CSS_LBN_25177_E.pdf

⁷⁶ For an analysis of the notification process, see “Notification or Registration? Guarantees of Freedom of Association in Non-Democratic Environments: Case Studies of Lebanon and Jordan”, Mark Makary, International Journal of Not-for-Profit Law, Vol. 10, Issue 1, December 2007. Available at: <https://www.icnl.org/resources/research/ijnl/notification-or-registration-guarantees-of-freedom-of-association-in-non-democratic-environments-case-studies-of-lebanon-and-jordan>

⁷⁷ *Ibid.* It is worth mentioning that numerous undeclared associations operate in Lebanon without enjoying legal capacity. See the author’s discussion of the case *Assaa v. Turk*, Recueil Baz, Lebanese Court of Cassation, N° 70 dated July 25, 1963, p. 281, and the distinction between a secret association versus an undeclared association that operates its activities in public.

⁷⁸ Royal Edict 1-58-376, issued on 15 November 1958.

⁷⁹ For example, it has been reported that associations working on the rights of the Sahrawi people have been particularly affected by the delay or non-issuance of receipts and subsequent legal limbo for the associations’ status. See submission of the NGO CIVICUS in the context of Morocco’s second UPR: “While article 2 of the law only requires notification to register an organisation, in practice the authorities continue to wilfully delay the registration of applicant CSOs or fail to deliver the registration receipt of a CSO which is needed for financial transactions and organised demonstrations, among other crucial activities. As a result, several organisations, including primarily Western Sahara-based

organisations and those working on the promotion of the right to self-determination, lack legal recognition” See “Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC (6 October 2016), para 2.4, available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=4012&file=EnglishTranslation>.

⁸⁰ Law 12-06 on the regulation of Associations (12 January 2012), article 8. Depending on the size and scope of the association, the relevant authorities – ranging from municipal councils to the Ministry of the Interior, have 30-60 days, to issue their decision of approval or rejection of the association.

⁸¹ Article 53, Constitution of Algeria (2020).

⁸² As communicated to OHCHR by note verbale (24 September 2021) by the Permanent Mission of the People’s Democratic Republic of Algeria to the United Nations Office at Geneva and other international organizations.

⁸³ Depending on the size and scope of the association. The relevant authorities ranging from municipal councils to the Ministry of the Interior.

⁸⁴ Art. 5, Decree 1-58-376 on regulating the right of association, as amended by Decree 1-733-283 of 1973 and Decree 1-02-206 of 2002. The relevant local authority submits the application to the court of first instance, which delivers an opinion on the application.

⁸⁵ Arts. 5 and 6, Law on Associations and Foundations 2015.

⁸⁶ Arts. 4 and 5, the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009).

⁸⁷ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 60.

⁸⁸ Registering a society may legally take up to 97 days, while a rejection can take up to 82 days, articles 10 and 11, The Associations Act No. 51 (2008).

⁸⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 60.

⁹⁰ Article 11, Decree-Law No. 21 of 1989 Law on Associations.

⁹¹ Article 7 para. 2, Law No. 21 of 2020 on Associations and Private Institutions.

⁹² Article 8, the Law on Associations and Foundations (2015).

⁹³ Article 5 of Royal Edict 1-58-376 regulating the right of association (issued on 15 November 1958), as amended by Law No. 75-00 of 2002.

⁹⁴ See para. 26 above regarding illustrative examples of countries requiring minimum number of founders to form an association.

⁹⁵ See section on *Scope of the associations’ objectives* in para. 32 above.

⁹⁶ Article 11, Royal Decree No. 14/2000 issuing the Non-Governmental Associations Law.

⁹⁷ Article 9(2), Law no. 24 of 1962 on Clubs and Public Welfare Societies.

⁹⁸ See observations and recommendation of the Human Rights Committee on its review of Algeria in 2018, expressing concerns at Act No. 12-06 of 12 January 2012 (the Associations Act) “inasmuch as its provisions are restrictive and subject an association’s stated objective to vague, imprecise general criteria, such as the public interest and respect for national values and principles” and as under the law “associations may be dissolved by simple administrative decision for reasons of ‘interference with the domestic affairs of the country or affront to national sovereignty’” (CCPR/C/DZA/CO/4, para. 47) and Report of the Special Rapporteur on FoPAA on his visit Oman (September 2014), paras. 37,38, and 70(B) f.(A/HRC/29/25/Add.1).

⁹⁹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, para. 61.

¹⁰⁰ Ibid.

¹⁰¹ Article 11, Royal Decree No. 14/2000 issuing the Non-Governmental Associations Law.

¹⁰² Article 9(2), Law no. 24 of 1962 on Clubs and Public Welfare Societies. “The Ministry of Social Affairs and Labor may reject the registration of any club or society within one month of the date of submitting ... The club or society may appeal the rejection or amendment before the Minister of Social Affairs and Labor or the committees he appoints for that purpose. The decision issued after the appeal shall be considered final and not subject to any further appeal”.

¹⁰³ Article 7 para. 2, law no. 21 of 2020 on Associations and Private Institutions.

¹⁰⁴ Article 10, Law 12-06 on the regulation of Associations (12 January 2012).

¹⁰⁵ Article 12, Law of Associations, Social and Cultural Clubs, Special Committees Working in the Field of Youth and Sports, and Private Institutions (1989).

¹⁰⁶ Implicit decisions of refusal can be challenged before the State Shura Council (administrative court). See Makary (M.), Notification or registration? Guarantees of Freedom of Association in Non-Democratic Environments: Case studies of Lebanon and Jordan, The International Journal for Not-for-profit-Law, Vol. 10, issue 1, Dec 2007, p.86, and Arab NGO Network for Development, “Enabling Environment National Assessment Case Of Lebanon” (September, 2014), p. 11 https://www.civicus.org/images/EENA%20report%20Lebanon_English.pdf.

¹⁰⁷ Article 40, the Law on Associations and Foundations.

¹⁰⁸ See articles 10 and 11 regulation the registration and appeals process, the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009).

¹⁰⁹ Article 46, Law 12-06 on the regulation of Associations (12 January 2012), provides for up to six months imprisonment and a fine of up to 300,000 Algeria Dinars.

¹¹⁰ Article 160 of the Penal Code (1960) provides for up to two years imprisonment for anybody who, inter alia, joins or performs the functions of an unlawful (unregistered or dissolved) society.

¹¹¹ Article 50 (2) of Law No. 21 of 2020 provides for up to one year in prison or a fine of no more than 100,000 Qatari Riyals.

¹¹² Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 56.

¹¹³ Ibid.

¹¹⁴ Article 42, Law No. 21 of 2020 on Associations and Private Institutions.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ See articles 3 and 7, Decree 1-58-376 on regulating the right of association.

¹¹⁹ Article 43, Law 12-06 on the regulation of associations (12 January 2012).

¹²⁰ Ibid.

¹²¹ Ibid, article 46.

¹²² Article 3, Law on Associations no. 1325 of 3 August 1909 (amended by virtue of the Law of 26 May 1928).

¹²³ As stipulated in the State Council decision N° 135/2003-2004 of November 18 2003, the Lebanese State Council “[...] Considers that undeclared associations or dissolved associations enjoy the necessary legal capacity ... to file a nullification action against certain decisions and measures necessary to complete [the association’s] formation, or that undermine the goals it defends, as for example, the decision to refuse

to issue the *Ilm wa Khabar* receipt or the decision of its dissolution”. Chaden El Daif, “Enabling Environment National Assessment Case of Lebanon” Arab NGO Network for Development (ANND) (September 2014), p.18 <http://www.annd.org/data/item/pdf/22.pdf> and State Council, N° 135/2003-2004, November 18, 2003, *Association for the Defense of Rights and Liberties v. State*, AI AdI, 2004, vol. 2, p. 191.

¹²⁴ Article 337, and 338 (as amended by law 23 dated 27/5/1993) of the Lebanese Penal Code (1943) https://sherloc.unodc.org/res/cld/document/lebanon-penal-code.html/Lebanon_Penal_Code_1943.pdf.

¹²⁵ See report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, (distr. 24 April 2013), paras. 22-38.

¹²⁶ See “The Right to Freedom of Association Best Practices Fact Sheet” (November 2014), referring to reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 67, and A/HRC/23/39 (distr. 24 April 2013), para. 8.

¹²⁷ A/HRC/23/39, p. 5, para. 10.

¹²⁸ See “The Right to Freedom of Association Best Practices Fact Sheet” (November 2014), referring to Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, para. 68.

¹²⁹ A/ HRC/20/27, p 17, para. 68: “Any associations, both registered or unregistered, should have the right to seek and secure funding and resources from domestic, foreign, and international entities, including individuals, businesses, civil society organizations, Governments and international organizations”.

¹³⁰ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls, A/75/184 (distr. 20 July 2020), see para. 71.

¹³¹ Article 6, Decree 1-58-376 on regulating the right of association.

¹³² Article 30, Law 12-06 on the regulation of Associations (12 January 2012).

¹³³ Decision 65/2012 on fundraising licenses for social and cultural associations and clubs, and private institutions under the supervision of the Ministry of Labor and Social Development. Article 2 prohibits civic associations from accepting any funds from a person or entity within Bahrain without written permission from the Ministry of Labor and Social Development. In addition, it also prohibits them from receiving funds from/sending funds abroad without written permission of the Ministry unless these funds were sent as payments for the books, publications and scientific and technical records. Additionally, it prohibits civic Associations from fundraising in places of worship, funerals or any other places without providing a copy of the permission to the persons or entities in charge of these places.

¹³⁴ Article 17, the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009).

¹³⁵ Article 30, Law No. 24 of 1962 on Clubs and Public Welfare Societies.

¹³⁶ Articles 34 and 36, Law no. 21 of 2020 on Associations and Private Institutions.

¹³⁷ Under articles 21 para.12, 29 and 39 of the Law on Associations and Foundations, associations and foundations are required to obtain the prior approval of the Ministry of Labor and Social Development before fundraising or receiving donations. The same condition applies regarding foreign funding.

¹³⁸ Article 43, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.

¹³⁹ Articles 4 and 42, Royal Decree No. 14/2000 issuing the Non-Governmental Associations Law..

¹⁴⁰ See Human Rights Committee, Concluding observations on the fifth periodic report of Jordan, CCPR/C/JOR/5 (distr. on 4 December 2017), paras. 32-33.

¹⁴¹ Article 17 of the Associations Act (No. 51) (2008) stipulates that, when receiving funding or donations from Jordanian sources, a society is required to indicate it in its annual report and record in its financial records the name of the entity that made the donation or provided funding, the amount, the purpose for which such money will be disbursed, and any specific conditions related to this. Receiving foreign funding requires prior approval from the Council of Ministers.

¹⁴² A refusal may be appealed to the supreme administrative court.

¹⁴³ In practical terms, this means that Jordanian CSOs are now required to: a) Conduct due diligence to identify their customer (“customer” is not defined in the Law, nor it is clear what “customer” means in relation to CSOs), including the customer’s legal status, activity, nature and purpose of the business relationship (with the CSO); b) refrain from dealing with anonymous persons (natural or legal), or persons with fictitious or anonymous names; and c) Notify the Anti-money Laundering Unit immediately of any transactions suspected to be connected to money laundering or financing of terrorism (whether conducted or intended to be conducted). CSOs must also maintain copies of any documents related to such suspected transactions; d) Comply with any regulations, instructions, and/or decision issued by the Unit; e) Give due regard to high risk customers, relationships or transactions, and put in place risk management systems pursuant to which customers are categorized according to the degree of the risk they pose, measures to deal with such risks, and periodically review the said categorizations; and also put in place policies and measures for preventing the exploitation of new technologies for purposes of money laundering and financing of terrorism, and finally; and f) Maintain, inter alia, records of local and international transactions with necessary details that would make them identifiable See International Center for Not-for-Profit Law (ICNL) Civic Freedom Monitor for Jordan (last updated 13 May 2020), available at <https://www.icnl.org/resources/civic-freedom-monitor/jordan> .

¹⁴⁴ Human Rights Committee, General Comment no. 25, para. 26.

¹⁴⁵ Office of the United Nations High Commissioner for Human Rights, Guidelines for States on the effective implementation of the right to participate in public affairs, A/HRC/39/28, presented to Member States by the Human Rights Council through resolution 39/11, para. 96. Available at: https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf.

¹⁴⁶ Ibid., paras. 99-101.

¹⁴⁷ Article 22, Law 12-06 on the regulation of associations (12 January 2012).

¹⁴⁸ Article 30, Law No. 24 of 1962 on Clubs and Public Welfare Societies.

¹⁴⁹ Article 36, Law no. 21 of 2020 on Associations and Private Institutions .

¹⁵⁰ Article 39 (2), Law on Associations and Foundations, Royal Decree No. M/8 of 1 December 2015. Additionally, article 61 of the Implementing Regulations on Associations and Foundations, foundations are prohibited from opening branches abroad. Associations may establish branches abroad with the prior approval of the relevant ministry.

¹⁵¹ Articles 17 and 18, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.

¹⁵² Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls, A/75/184 (distr. 20 July 2020), see para. 72.

¹⁵³ See UN-Women and UNFPA “Funding for gender equality and the empowerment of women and girls in humanitarian programming (June 2020)”, available at: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Funding-for-GEEWG-in-humanitarian-programming-en.pdf>. The report highlights that a “lack of funding for programs focused on women and girls

does not necessarily indicate a lack of funding requested by program partners nor a lack of funding provided by donors”, but can be on account of government-imposed restrictions (pg 56). It adds that [t]The amount of funding available is influenced by a variety of factors, and local context can play a significant role in restricting funding for women and girls, even where this type of funding is a high priority. For example, government restrictions can limit certain types of programming” (pg. 11).

¹⁵⁴ See Human Rights Committee, Concluding Observations on Egypt, para. 21, U.N. Doc. CCPR/CO/76/EGY (November 28 2002).

¹⁵⁵ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, A/HRC/23/39 (distr. 24 April 2013), para. 16.

¹⁵⁶ *Ibid.*, para. 20. Constraints identified by the Special Rapporteur include “outright prohibitions to access funding; requiring CSOs to obtain Government approval prior to receiving funding; requiring the transfer of funds to a centralized Government fund; banning or restricting foreign-funded CSOs from engaging in human rights or advocacy activities; stigmatizing or delegitimizing the work of foreign-funded CSOs by requiring them to be labeled as “foreign agents” or other pejorative terms; initiating audit or inspection campaigns to harass CSOs; and imposing criminal penalties on CSOs for failure to comply with the foregoing constraints on funding” *ibid.*, para. 20.

¹⁵⁷ Human Rights Council resolution “Protecting human rights defenders” A/HRC/RES/22/6, adopted on 21 March 2013, para. 9(a).

¹⁵⁸ *Ibid.*, para. 9(b).

¹⁵⁹ *Ibid.*

¹⁶⁰ As discussed earlier in para. 54 above.

¹⁶¹ See Human Rights Committee, Concluding Observations: Egypt, para. 21, U.N. Doc. CCPR/CO/76/EGY (November 28 2002), and Human Right Committee, Concluding Observations on Ethiopia at para. 25, U.N. Doc. CCPR/C/ETH/CO/1 (August 19, 2011). See further discussion in “Analysis On International Law, Standards And Principles Applicable To The Foreign Contributions Regulation Act 2010 and Foreign Contributions Regulation Rules 2011” by the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (20 April 2016), para. 1.3 <http://freeassembly.net/wp-content/uploads/2016/04/UNSR-FOAA-info-note-India.pdf>.

¹⁶² *Ibid.*, Concluding Observations on Egypt, para. 21.

¹⁶³ Mr. Jeong-Eun Lee v. Republic of Korea, U.N. Human Rights Committee, Communication No. 1119/2002, U.N. Doc. CCPR/C/84/D/1119/2002 at para. 7.3 (2005).

¹⁶⁴ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls, A/75/184 (distr. 20 July 2020), see para. 71.

¹⁶⁵ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, para. 23.

¹⁶⁶ *Ibid.*, para. 26.

¹⁶⁷ *Ibid.*

¹⁶⁸ Human Rights Committee, Concluding observations on Jordan ([CCPR/C/JOR/CO/5](https://www.unhcr.org/refugees/jordan-ccpr-co-5)) (distr. 4 December 2017), para. 32

¹⁶⁹ *Ibid.*, para. 33.

¹⁷⁰ UPR of Jordan held on 8 November 2018. See Report of the Working Group on the Universal Periodic Review: Jordan (A/HRC/40/10),

¹⁷¹ Recommendation 136.16 made by Germany, *ibid.*, p. 19.

¹⁷² Report of the Working Group on the Universal Periodic Review, Addendum: Jordan (A/HRC/40/10/Add.1), p. 3.

¹⁷³ Human Rights Committee, Concluding observations on Bahrain (CCPR/C/BHR/CO/1) (distr. 15 November 2018), para. 29.

¹⁷⁴ *Ibid.*, para. 57.

¹⁷⁵ *Ibid.*, para. 58.

¹⁷⁶ In addition to the Anti-Cybercrime Law (2007) and Executive Regulation for Electronic Publishing (2011). Concluding observations on the combined third and fourth periodic reports of Saudi Arabia, CEDAW/C/SAU/CO/3-4 (distr. 9 March 2018), para. 56.

¹⁷⁷ Concluding observations on the second periodic report of Saudi Arabia, CAT/C/SAU/CO/2 (distr. 8 June 2016), para. 18.

¹⁷⁸ Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: visit to Saudi Arabia, A/HRC/40/52/Add.2 (distr. 13 December 2018), para. 29.

¹⁷⁹ Article 22, Decree-Law No. 21 of 1989 Law on Associations, provides that associations shall be under the supervision of the specialized administrative body, which may examine the activities of the association to ensure their compliance with the law, the bylaws of the association and the decision of the general assembly (the specialized administrative body is normally the Ministry of Social Affairs, except in the case of national cultural and artistic associations where the relevant body is the Ministry of Information, or in the case of clubs in the field of youth and sports which are under the supervision of the General Organisation for Youth and Sports).

¹⁸⁰ Under article of the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009), the society’s board of directors shall provide the relevant ministry with an annual workplan, annual report and audited annual budget.

¹⁸¹ Under article 21, Law no. 24 of 1962 on Clubs and Public Welfare Societies, management boards of established societies and clubs must provide the Ministry of Social Affairs and Labor with a copy of the closing statement of the ended year as well as draft budget of the coming year during a period not exceeding one month of the end of the fiscal year of the society or club signed by the treasurer and chairman after the approval of the board. The Ministry of Social Affairs and Labor may review books and records and dispatch representatives at meeting of the general assembly

¹⁸² Article 37, law no. 21 of 2020 on Associations and Private Institutions provides that the association’s activities and accounts are subject to the supervision and control of the Ministry of Administrative Development, Labor and Social Affairs, which may assign one or more auditors to audit the association’s accounts when necessary. The provision further provides the auditor the right to review the association’s books, records and documents, and request the data he deems necessary to perform his duty.

¹⁸³ Articles 4, 5 and 20, the Law on Associations and Foundations, issued by Royal Decree No. M/8 of 1 December 2015. Article 4 confers the Ministry of Labour and Social Development with the power to, inter alia, oversee and supervise the activities of associations and foundations, administratively and financially. Article 5 provides that where the work of an association or foundation involves activities regulated by another government entity (the overseeing entity), the overseeing entity shall also be responsible for the technical supervision and follow-up on activities of associations and foundations. Under Article 20, the association’s board of directors must submit to the Ministry of Labour and Social Development a detailed annual report approved by the general assembly on the financial statements for the fiscal year ending within four months from the end of the fiscal year. The report shall also include monitoring the activities of the association; a comprehensive financial report approved by the auditor; and a copy of the estimated budget for the new year.

¹⁸⁴ Articles 19-20, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare. Article 19 provides that the Ministry of Social Affairs shall be entitled, inter alia, to supervise “the program and projects of the association...”. Article 20 confers control to the Ministry of Social Affairs over the association’s “financial aspects” and is “entitled to peruse at any time the association books, registers and documents”.

¹⁸⁵ Article 33, Decree-Law No. 21 of 1989 Law on Associations stipulates, inter alia, that the specialized administrative authority may assign whomever it deems necessary to attend the meeting of the association's general assembly.

¹⁸⁶ Article 14 (B) of the Associations Act (No. 51) (2008), as amended by Law No. 22 (2009) "Both the Relevant Minister and the Registrar may name a representative to attend the meeting of a society's General Assembly".

¹⁸⁷ Article 23, Omani Civil Societies law: The Ministry must be informed of each meeting of the General Assembly at least fifteen days before its convening, with a copy of the invitation letter, agenda, documents and papers related to the meeting, and the Ministry may delegate whomever it deems necessary to attend the meeting.

¹⁸⁸ Article 18 the Law on Associations and Foundations, issued by Royal Decree No. M/8 of 1 December 2015. The general assembly elects the members of the association's board of directors. The Ministry of Labor and Social Development has the right to attend the elections and ensure its integrity; the Ministry has the right to revoke the results of the elections in case of violation of the law. In addition, article 86 of the Implementing Regulations on Associations and Foundations also provides that ministry representatives may attend meetings of the general assembly, though they do not have the right to vote in elections.

¹⁸⁹ Article 25, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare. The ministry can also instruct the board of directors to call a general assembly (Article 31).

¹⁹⁰ See para. 18 above, and further discussion in *Grounds for dissolution*, paras. 50-53.

¹⁹¹ *Korneenko et al v. Belarus*, Communication no. 1274/2004, para. 7.3.

¹⁹² As in the case of *Korneenko et al. v Belarus*, *ibid.*, as well as *Aleksander Belyatsky et al. v Belarus*, Communication no. 1296/2004.

¹⁹³ Human Rights Committee, Concluding observations on the initial report of Bahrain, CCPR/C/BHR/CO/1 (distr. 15 November 2018), para. 57.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*, para. 58.

¹⁹⁶ Concluding observations on the second periodic report of Saudi Arabia, CAT/C/SAU/CO/2 (distr. On 8 June 2016), para. 19.

¹⁹⁷ Communication under the Special Procedure mandates on freedom of opinion and expression, freedom of peaceful assembly and of association, and human rights defenders. 2 July 2019, Morocco JAL MAR 3/2019.

¹⁹⁸ See the response of the Permanent Mission of the Kingdom of Morocco to the United Nations in Geneva, issued on 3 October 2019 <https://spcommreports.ohchr.org/TmSearch/Mandates?m=24>

¹⁹⁹ Such as in Algeria, Jordan and Qatar – see earlier discussion in para. 49.

²⁰⁰ Royal Decree 38/2014 Promulgating the Omani Citizenship Law (as published in the Official Gazette – Issue No (1066)).

²⁰¹ Original Arabic text available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98580/117381/F1334217992/38-2014.pdf>

²⁰² Concluding observations on the combined second to fifth periodic reports of Oman CERD/C/OMN/CO/2-5 (distr. 6 June 2016).

²⁰³ *Ibid.*, para. 26.

²⁰⁴ Concluding observations on the second and third periodic reports of Bahrain, CAT/C/BHR/CO/2-3, (distr. 29 May 2017), para. 32.

²⁰⁵ *Ibid.*, para. 33.

²⁰⁶ Concluding observations on the third periodic report of Kuwait, CCPR/C/KWT/CO/3 (distr. 11 August 2016), para 48.

²⁰⁷ *Ibid.*, para. 49.

²⁰⁸ For example, article 2(2) of the International Covenant on Economic, Social and Cultural Rights.

²⁰⁹ On the other hand, special measures may be taken to enhance the ability of certain groups to exercise their rights, particularly in the context of elections (with, for example special measures, benefitting political parties or associations). As highlighted by the SR on FoPAA, "[i]n the context of elections, States' measures designed to enhance the ability of marginalized groups or groups most at risk to exercise their rights, such as women, victims of discrimination because of their sexual orientation and gender identity, youth, persons belonging to minorities, indigenous peoples, non-nationals, including stateless persons, refugees or migrants, and members of religious groups, as well as activists advocating economic, social, and cultural rights, and used as a mechanism to level the playing field, do not constitute discrimination (otherwise prohibited by article 2, ICCPR)". See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association A/68/299 (distr. 7 August 2013), para. 15.

²¹⁰ See Joint Submission 8, para. 73, submitted ahead of Lebanon's 2nd UPR (November 2015) https://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_november_2015/js8_upr23_lbn_e_main.pdf.

²¹¹ *Ibid.* See also Joint Submission 21, also submitted ahead of Lebanon's 2nd UPR (November 2015) https://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_november_2015/js21_upr23_lbn_e_main.pdf. In addition, see the submission by the NGO Proud Lebanon, submitted ahead of Lebanon's 3rd UPR (January 2021), which expresses "that the ministry [of Interior] won't grant the NGO the registration record if the application states that they are working for the LGBTIQ+ community", para. 51.

²¹² "HELEM A Case Study of the First Legal, Above-Ground LGBT Organization in the MENA Region" (21 October 2008) <https://www.moph.gov.lb/userfiles/files/Prevention/NationalAIDSControlProgram/Helem.pdf>.

²¹³ See "How far can suspending Beirut's "pride go? (24 May 2018) <https://www.beirutpride.org/press/2019/4/24/how-far-can-suspending-beirut-pride-go>.

²¹⁴ Submission to UN Human Rights Committee by Proud Lebanon, information submitted to treaty bodies – (20 January 2018):

"Issue 25: Registration of LGBTIQ+ organizations – Organizations are requested to register and won't be recognized by the authorities and therefore won't be able to open an independent bank account if they clearly state in their registration records or in their pre-recognition process that they are working for the LGBTIQ+ rights as it is the case of Helem. The following obstacle brought other organizations to play on the words and mention in their registration process that they deal with vulnerable groups instead of clearly stating the LGBTIQ+ community. In addition, all LGBTIQ+ themed organizations are not able to partner nor receive funding from any of the official entities and ministries and is strictly obliged to count on foreign funding and support". Available at: https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LBN/INT_CCPR_CSS_LBN_30037_E.pdf.

²¹⁵ See OHCHR Women Human Rights Defenders, available at: <https://www.ohchr.org/en/issues/women/wrgs/pages/hrdefenders.aspx>.

²¹⁶ Committee on the Elimination of Discrimination against Women General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35 (distr. 14 July 2017).

²¹⁷ See United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA) and the United Nations Economic and Social Commission for West Asia (ESCWA) "Gender Justice & Equality before the law: Analysis of Progress and Challenges in the Arab States Region" (2019), at pg. 5, available at: <https://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/publications/2019/12/gender%20justice%20report%20update%202019/full%20report/regionalreporteng.pdf?la=en&vs=2659>.

²¹⁸ CEDAW, art. 7: "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right: (a) to vote in all elections and public referenda

and to be eligible for election to all publicly elected bodies; (b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) to participate in non-governmental organizations and associations concerned with the public and political life of the country”. As further enshrined in ICCPR, arts. 2 (1) and 3, and ICESCR, art. 2 (2). See also Human Rights and Elections, Professional Training Series No. 2, OHCHR (forthcoming).

²¹⁹ “Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination...” CEDAW, art. 4.

²²⁰ The Jordanian Civil Coalition Against Torture, Shadow Report Responding to the List of Issues related to Jordan’s Fifth Periodical Report under the International Covenant on Civil and Political Rights adopted by the Human Rights Committee during its Session number 121 (19-20 October 2017), p. 10

²²¹ Concluding observations on the second periodic report of Qatar, CEDAW/C/QAT/CO/2 (distr. 30 July 2019), para. 21.

²²² Act No. 12 of 2004 on associations and private organizations. It should be noted that since the review by CEDAW, a new law was introduced for the regulation of freedom of association – Law no.21 of 2020 on Associations and Private Institutions, as referred to throughout this report..

²²³ Concluding observations on the second periodic report of Qatar, CEDAW/C/QAT/CO/2 (distr. 30 July 2019), para. 22.

²²⁴ Concluding observations on the combined second and third periodic reports of the United Arab Emirates, CEDAW/C/ARE/CO/2-3 (distr. 24 November 2015), paras. 19-20.

²²⁵ Ibid.

²²⁶ Concluding observations on the combined fourth to ninth periodic reports of Saudi Arabia, CERD/C/SAU/CO/4-9 (distr. 8 June 2018), para. 17. The Committee recommended that the State Party ensure the right of migrants to freedom of association and assembly, para 18(c).

²²⁷ Concluding observations on the sixth periodic report of Morocco, CCPR/C/MAR/CO/6 (distr. 1 December 2016), para. 41. See also the communication sent to Morocco by the Special Procedures mandate holders on human rights defenders; arbitrary detention; freedom of opinion and expression; and torture, 7 January 2021, JAL MAR 5/2020, and AL Mar 3/2019.

²²⁸ Concluding observations on the initial report of the United Arab Emirates, CRPD/C/ARE/CO/1 (3 October 2016), para. 9(a).

²²⁹ Ibid., para. 10(c).

²³⁰ See UN Women and UN ESCWA “The impact of COVID-19 on Gender Equality in the Arab Region” (2020), available at: <https://arabstates.unwomen.org/en/digital-library/publications/2020/04/the-impact-of-covid19-on-gender-equality-in-the-arab-region#view>. See further UN Secretary-General’s policy brief: The impact of COVID-19 on women (April 2020), available at: <https://www.unwomen.org/en/digital-library/publications/2020/04/policy-brief-the-impact-of-covid-19-on-women>.

²³¹ See international Organization for Migration (IOM) “Pandemic Hits Migrants the Hardest and the MENA Region Remains Most Crisis-Affected Globally - New IOM COVID-19 Strategy Launched” (June 2021), available at <https://rocairo.iom.int/pbn/pandemic-hits-migrants-hardest-and-mena-region-remains-most-crisis-affected-globally-new-iom>. See also OHCHR guidance document “COVID-19 and the human rights of migrants” (April 2020), available at: https://www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance_COVID19_Migrants.pdf.

²³² See United Nations High Commissioner for Refugees (UNHCR) “UNHCR Regional Bureau for the Middle East and North Africa (MENA) COVID-19 Response Update #23 (1 – 30 September 2021)”, available at: https://reporting.unhcr.org/sites/default/files/COVID-19%20Update%2023.pdf#_ga=2.254207179.250451330.1637661313-1332202094.1637661313

²³³ See OHCHR “COVID-19: Violence and neglect increases for older persons during lockdown, says UN expert” (June 2021), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27163&LangID=E>.

²³⁴ See OHCHR guidance “COVID-19 and the Rights of Persons With Disabilities” (April 2020), available at: https://www.ohchr.org/Documents/Issues/Disability/COVID-19/COVID-19_and_The_Rights_of_Persons_with_Disabilities.pdf.

²³⁵ See fundraising efforts by the Red Crescent Society in Qatar (April 2020), <https://thepeninsulaqatar.com/article/15/04/2020/Qatar-Red-Crescent-Society-launches-fundraising-drive-to-support-coronavirus-control-efforts>.

²³⁶ For example, the largescale distribution of food baskets by the Kuwaiti Red Crescent Society (March 2020), <https://www.kuna.net.kw/ArticleDetails.aspx?id=2881467>.

²³⁷ See the hotline established by the Moroccan women’s rights organization *Fédération de la Ligue Démocratique des Droits des Femmes* <https://www.facebook.com/watch/?v=960106127790588>.

²³⁸ “States responses to Covid 19 threat should not halt freedoms of assembly and association” – UN expert on the rights to freedoms of peaceful assembly and of association (14 April 2020). <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ See Bahrain [E-system for NGOs](#).

²⁴² Providing for expeditious procedures, such as online registration, is considered a best practice according to the Special Rapporteur on FoPAA. See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27 (distr. 21 May 2012), para. 57.

²⁴³ See further at <https://www.bna.bh/en/NGOsstafftobettrainedonfinancialmanagement.aspx?cms=q8FmFJgiscL2fwIzON1%2BDviP2jN8ajvMrHu6owHYisE%3D>.

²⁴⁴ See information provided by Algeria, supra at note 91.

²⁴⁵ Ibid., para. 58.

²⁴⁶ As communicated to OHCHR by the Permanent Mission of the State of Kuwait to the United Nations Office and other international organizations in Geneva via *note verbale* (23 September 2021), in 2021, the number of associations in Kuwait reached 150 civil associations, 143 charities (89 driven by religious institutions) and 82 volunteering teams.

²⁴⁷ As communicated to OHCHR by the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva by *note verbale* (27 September 2021), there are now 2,279 associations and foundations in the Kingdom, including: 1,625 associations, 284 cooperative associations, 219 civil foundations, and 151 family funds.