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Freedom of Association in the Middle East and North Africa Region



An overview of trends,
challenges and good practices

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Table of contents

| | |
|--|-----------|
| 1- Scope | 1 |
| 2- Introduction | 2 |
| 3- Legal and regulatory frameworks | 4 |
| (a) International and regional standards | 4 |
| (b) National legal framework | 5 |
| i. Constitutional recognition | 5 |
| ii. Legislative framework | 6 |
| Who can form an association? | 6 |
| Scope of the associations' objectives | 7 |
| Registering an association | 7 |
| Approving or rejecting registration | 9 |
| Grounds for dissolution | 11 |
| Access to foreign funding | 12 |
| Engaging with organizations abroad | 13 |
| 4- Key Challenges | 14 |
| Restrictions on foreign funding | 14 |
| State control in internal operations and powers of dissolution | 16 |
| Penalizing freedom of association – revocation of citizenship | 17 |
| Discriminatory practices | 18 |
| COVID-19 | 20 |
| 5- Steps taken by governments to strengthen protection | 21 |
| 6- Recommendations | 22 |



Scope

1. This report focuses on the right to freedom of association of non-governmental organizations (NGOs) that advocate for the protection of human rights in 10 countries that the Regional Office for the Middle East and North Africa (ROMENA) engages with closely.¹ The report aims to stimulate reflection and dialogue on ways to enhance the promotion, enjoyment and protection of the human right to freedom of association, and to encourage States and civil society to work together for coordinated and collaborative human rights action.

2. The report reviews from the regional perspective the laws, policies and practices regulating 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,² the report identifies challenges and examples of good practices in ensuring the right to freedom of association. The report also includes input received directly from States regarding initiatives being undertaken to strengthen the right to freedom of association.³

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, building upon examples of good practices identified in the region and beyond, which are aimed strengthening laws, policies and practices to promote the enjoyment of the right to freedom of association within the region.



Introduction

4. The right to freedom of association is a fundamental human right that 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 right to freedoms of opinion, expression and peaceful assembly. It is also fundamental to the enjoyment of a number of other rights, including a range of civil, political, economic, social, and cultural rights. The presence of independent civil society organizations, or lack thereof, is an important indicator of a State's democratic and pluralistic nature. A vibrant and active civil society suggests greater respect for diversity and space for differing opinions and beliefs, cultures, causes, and groups, including minorities. Where the State supports the formation of collective civil initiatives, society as a whole benefits from a more representative, participatory, tolerant, and engaged population. In this sense, civil society plays a critical role as both a watchdog and partner for the State's human rights obligations. Furthermore, meaningful engagement between the State and a vibrant civil society supports 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.”⁴

5. On the other hand, a poor relationship between the State and civil society is to the

detriment of both parties, and ultimately to society as a whole, limiting or precluding as it does opportunities for meaningful cooperation and dialogue. The State loses the opportunity to better understand the needs of its population, and limits its potential capacity to respond to those needs through the absence of a partner that can support it in its obligations under international human rights law. Meanwhile, civil society in all its diversity is excluded from the opportunity to participate in shaping policies and practices related to development and human rights protection.

6. In recent years, while higher education levels, better infrastructure and new technologies globally have expanded opportunities for participation, civic space has come under increasing pressure. Governments across all continents have adopted laws and policies that detrimentally impact the space for civil society organizations and human rights defenders, online and offline. This includes gendered and intersectional restrictions targeting women in particular, exacerbating already existing inequalities and obstacles or restrictions on their participation in both public and private spheres.⁵ In many countries, the COVID-19 pandemic has also been seized on by Governments as to restrict further the space for civil society and to stifle critical voices. This is despite the fact that to effectively address the pandemic, 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.”⁶ 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.⁷

7. Consonant with this global trend, the MENA⁸ region has also witnessed attempts by various 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 activity level of civil society organizations operating within the MENA region vary significantly from country to country, with differing legal frameworks regulating (and often restricting) their establishment and functions. In such an environment, it is difficult to ascertain the exact number of organizations working on human rights-related issues across the region,

as many 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 if discovered.

8. This report discusses analyses national laws, policies and practices across the MENA region that impact on the enjoyment of the right to freedom of association in line with relevant international human rights standards. The findings suggest that in several States in the region, the registration and operation of NGOs is often strictly regulated, with significant scope for state oversight and limitations or restrictions on their organization and operations. However, it can also be seen that certain States have adopted more enabling environments for freedom of association, including through strengthening legal protections and improving registration processes. The concluding recommendations aim to further encourage and guide States in the region to ensure robust protection of the right to freedom of association, as guided by the international human rights mechanisms.



1. Legal and regulatory frameworks

A International and regional standards

9. The right to freedom of association is expressly 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), the Convention on the Elimination of All Forms of Discrimination against Women (article 7), and the Convention on the Rights of the Child (article 15).

These treaties have been ratified by all States in the MENA region, with the exception of three States (Oman, Saudi Arabia, and United Arab Emirates) that have not yet ratified the ICCPR.

10. The right to freedom of association is also set out in other normative frameworks, including declarations, regional human rights instruments, and resolutions of the United Nations Human Rights Council.

11. The Arab Charter on Human Rights (Arab Charter) stipulates that “[c]itizens have the freedom of assembly and association in a peaceful manner” (article 28).

12. The Declaration on Human Rights Defenders, adopted by consensus in 1998 by the UN 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).⁹

13. In 2010, the United Nations Human Rights Council adopted resolution 15/21 (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”.

14. By the same resolution, in 2010, the Human Rights Council established the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (FoPAA).¹⁰ Since then, through thematic reports, country visits and communications with States, the Special Rapporteur has engaged with countries throughout the world to promote the protection of the rights to freedom of peaceful assembly and of association.¹¹

15. The right to freedom of association, as summarized by the SR on FoPAA, “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.”¹²

16. While the right to freedom of association is not absolute, the grounds for permissible restrictions are narrow. Specifically, article 22(2) of the 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 both the United Nations Human Rights Committee¹³ and the Special Rapporteur on FoPAA,¹⁴ it is for the State to demonstrate that any restrictions it seeks to impose on freedom of association satisfy the requirements of legality, necessity and proportionality, and that the restrictive measures are the least intrusive means to achieve the desired objective.¹⁵ Furthermore, restrictions must be applied in a non-discriminatory manner.¹⁶ 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.”¹⁷

17. At the regional level, the Arab Charter has defined even fewer legitimate objectives for permissible restrictions on freedom of association. Article 28 provides that, “No restrictions shall be imposed on [freedom of association] except when it is necessary for national security, or public safety, or the protection of the rights and freedoms of others.” In contrast to article 22(2) of ICCPR, the Arab Charter does not refer to the protection of public health or morals, nor the interests of public order, as legitimate grounds for restrictions, although many states in the region also include a morality clause in national legislation. As will be seen below, however, State practice in the region often restricts associations on much broader grounds.

B National legal framework

1. Constitutional recognition

18. Nine of the ten States in the region expressly enshrine freedom of association in their constitution/basic law,¹⁸ though the scope and detail vary. For example, article 12 of the Moroccan Constitution provides an in-depth elaboration on the right to freedom of association: “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 [projets] of the elected institutions and of the public powers...”¹⁹

19. 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. Rather, the Basic Law stipulates that the State shall “encourage organizations and individuals to participate in philanthropic activities”.²⁰

20. In Algeria, the newly adopted 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).²¹

21. The constitutions of the United Arab Emirates (UAE) (article 33)²², and Lebanon (article 13)²³ guarantee freedom of association within the limits of law. In Kuwait (article 43 of the Constitution),²⁴ and Oman (article 40 of the Basic Law),²⁵ 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.²⁶ The constitutions of Jordan (article 16 (2))²⁷ and Bahrain (article 27)²⁸ 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”.²⁹ 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.”³⁰ 22. Another common feature of the constitutional protection on freedom of association 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.

2. Legislative framework

23. Whereas constitutions recognize, in a general sense, freedom of association, the full of extent of the right, including scope, formalities, and restrictions, are elaborated in the provisions of national legislation. This often stems from a stand-alone law on associations, though the right may also be implicated in other pieces of legislation, including cybercrime laws, counter-terrorism laws, and laws regulating financial transactions. The following sections will provide a comparative assessment of legislation from across the

region governing the exercise of freedom of association, including establishment, functioning, state oversight, and grounds for restriction including dissolution.

24. Many laws on associations across the region also include within their scope the establishment of trade unions, political parties, recreational associations etc. However, for the purposes of the current report, the assessment will be limited to associations working on issues related to the promotion and protection of human rights.

(a) Who can form an association?

25. In Lebanon, 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”.³¹ The scope is quite broad and permissive insofar as it does not specify a minimum number of members, nor any form of personal qualification (e.g. age, nationality or background). In contrast, the laws on association in numerous other countries across the region include express limitations on the number and background of people allowed to form an association.

26. In Morocco, an association can be formed by two or more persons;³² in Oman, an association must have a minimum of four founders;³³ in Jordan, a society must be composed of no less than seven persons;³⁴ a minimum of 10 persons in Kuwait³⁵ and Saudi Arabia;³⁶ while both Qatar³⁷ and UAE³⁸ 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.³⁹

27. In terms of the minimum number of persons needed to establish an association, it is clear from the above that the requirement varies from country to country across the region. However, it should be noted that the Special Rapporteur on FoPAA has identified as a best practice that “[n]o more than two persons should be necessary to establish an association”.⁴⁰

28. In terms of who is eligible to form an association, several countries limit membership – founding or ordinary – to citizens only, including Algeria,⁴¹ Kuwait,⁴² Qatar,⁴³ Saudi Arabia,⁴⁴ and UAE,⁴⁵ 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 Jordan⁴⁶ and UAE,⁴⁷ or specifically to have convictions related to “crimes involving moral turpitude”

(Qatar),⁴⁸ (Saudi Arabia),⁴⁹ or “violating honor or honesty” (Kuwait).⁵⁰ 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.⁵¹ In Kuwait, founding members are required to acquire a letter of “good conduct” from the Ministry of Interior.⁵²

(b) 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 Jordan, Lebanon, and Morocco do not delimit 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 (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and UAE), as well as Algeria, require that associations should undertake work that provides some form of public benefit, such as pursuing social, cultural, religious, scientific, environmental or educational aims.

33. Most countries in the region expressly prohibit associations that are in breach of

31. In Oman, foreign communities have the right to establish associations in accordance with the Civil Associations Law.⁵³ 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.⁵⁴ In contrast, national associations in Lebanon do not need prior approval, although challenges still arise in practice (discussed further below).

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 Morocco⁵⁵ and Kuwait⁵⁶.

34. Vaguely defined restrictions on the scope and permitted areas of work of associations may be used to hinder civil society engagement on 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 standards of legality, necessity, proportionality and non-discrimination.

(c) Registering an association

35. The process of registering an association can be broadly divided into two systems: (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 this 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.”⁵⁷ 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.

36. International law neither obligates nor proscribes one system or another. However, the Special Rapporteur on FoPAA has 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.”⁵⁸ However, while the Special Rapporteur has clearly recommended the notification procedure,⁵⁹ regardless of the system in place, states must act “in good faith, in a timely and non-selective manner.”⁶⁰ 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.⁶¹

37. In the MENA region, only a small number of countries have adopted the notification system, such as in Lebanon and Morocco, and most recently in Algeria, at least at the constitutional level, as per amendments introduced in November 2020. However, even in countries with a notification system, there is evidence to suggest a discrepancy between the letter of the law and its 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.⁶² 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,⁶³ there have been instances of it withholding or delaying such receipts.⁶⁴ 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.⁶⁵ Thus, the procedure may take several months, if not longer. In practice, however, even without the receipt of registration from MoIM, an association may still operate – but the lack of legal standing has practical implications such as not being able to open a bank account or rent premises.

38. In Morocco, the law regulating freedom of association (1958)⁶⁶ 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, similar to Lebanon, there have been numerous instances where the authorities delayed or even refused to issue the receipts.⁶⁷

39. In Algeria, the provisions of the 2012 law regulating associations provide for a system of prior authorization, whereby the authorities have 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.⁶⁸

However, as per constitutional amendments introduced in November 2020, associations may now be formed by simple declaration.⁶⁹ 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.⁷⁰

40. Turning to the system of prior authorization, as adopted by the majority of countries in the MENA region, including Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, and UAE. 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. The approval process will be discussed further in the following section.

(d) Approving or rejecting registration

41. The competent authorities designated to reviewing the registration applications differ between countries in the region, but tend to include the Ministry of the Interior or the Ministry of Social Development. It may also include the municipal-level councils (Algeria),⁷¹ or a court of first instance (Morocco).⁷² In Saudi Arabia, if the work of an association or foundation involves activities regulated by another government entity, the entity's approval will be necessary for registration in addition to that of the Ministry of Labour and Social Development.⁷³ 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 work⁷⁴.

42. 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."⁷⁵ At the regional level, the average 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.⁷⁶ So the question arises as to what happens in a situation where an association does not receive a reply within the limit prescribed by law. On this, the Special Rapporteur on FoPAA states that "[f]ailure to provide a response within a clear and short time limit should result in a presumption that associations are operating legally."⁷⁷ However, this presumption of legality is rarely the case in the MENA region.

43. Contrary to the position of the Special Rapporteur, most countries in the region

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 Bahrain⁷⁸ and Qatar,⁷⁹ legislation expressly prescribes that if the review period (30 and 60 days for Bahrain and Qatar 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.⁸⁰

44. 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.⁸¹ 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.

45. Grounds for rejecting to register an association may be of a procedural nature, for example where the association has not submitted the requisite documentation (e.g. copies of the statutes/bylaws), or has not met the threshold requirements such as minimum number of founders etc. 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. Sometimes the authorities may not reject the application outright, and can instead suggest amendments to the association's bylaws, as in Kuwait and UAE. 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 (including 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),⁸² or simply provides no stipulations as to the grounds on which an application may be rejected (Kuwait).⁸³ Vague provisions and extensive discretion run counter to permissible restrictions under international human rights law,⁸⁴ and arguably do not provide the requisite foreseeability to be considered "prescribed by law". Vague and imprecise criteria also create uncertainty amongst associations as to whether and on what grounds their registration might be dismissed.

46. In all cases of rejection, associations should be informed in a timely manner as to the outcome and reasoning of the decision taken. As expressed 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."⁸⁵ The Special Rapporteur further emphasizes that associations should also be provided with due process guarantees to "challenge the decision [of rejection] before an independent and impartial court."⁸⁶ However, it is not always the case that these conditions are met in either law or in practice in the MENA region. For example, in Oman, the decision of the Ministry of Social Development is final and therefore cannot be challenged in judicial proceedings.⁸⁷ 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.⁸⁸ In Qatar, a rejection may be appealed to the Council of Ministers, albeit the appeal must first pass through the Minister of Social Affairs.⁸⁹ In the UAE, the applicants should file a grievance with the Ministry of Social Affairs, which has up to 180 days to decide on it. The next course of action in case of a second refusal is to go through the judiciary.⁹⁰

47. Other countries in the region expressly provide a direct avenue of judicial appeal where a registration has been rejected. States including Algeria⁹¹, Bahrain,⁹² Lebanon,⁹³ and Saudi Arabia⁹⁴ 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.⁹⁵

48. Most countries publish new registrations in the official gazette, upon which date the association gains its legal personality. Associations in the region 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,⁹⁶ Jordan⁹⁷ and Qatar⁹⁸). However, the Special Rapporteur on FoPAA stresses that "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".⁹⁹ The Special Rapporteur further emphasizes 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."¹⁰⁰

(e) Grounds for dissolution

49. Much like the process for rejecting an application, 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.

50. Similar to the registration process, 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. 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.¹⁰¹ 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.¹⁰² 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”¹⁰³. 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.¹⁰⁴

51. 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 founded on a cause or with a view to an illicit object,

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.¹⁰⁵ Similarly, in Algeria, the competent public authority or a third party in conflict with the association may petition the court for its dissolution.¹⁰⁶ 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.¹⁰⁷ 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.¹⁰⁸

52. In Lebanon, the law confers power to the Council of Ministers to dissolve an association by a decree, and to ban any association founded on “any unlawful basis which violates the provisions of laws and public documents or which aims to jeopardize the comfort of the monarchy and integrity of state property, change the form of the current government, or politically discriminate between different... citizens”.¹⁰⁹ Though the Law 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”.¹¹⁰ In addition, under the Penal Code, the criminal court may dissolve associations found to be clandestine.¹¹¹ A court’s decision (in the criminal proceedings) to dissolve an association may be challenged pursuant to the remedial proceedings under the Criminal Procedure Code.

(f) Access to foreign funding

53. Many States in the MENA region strictly limit associations' abilities to receive external contributions. The argument that is often put forward to justify the stringent state oversight 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). Yet, where the State endeavours to combat illicit financial flows, the screening of funding should be limited to specific risk-assessed cases, regulated within strict parameters and in full transparency, and such policies should be the exception not the rule.

54. As expressed 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."¹¹² 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."¹¹³ Importantly, the Special Rapporteur emphasizes a flexible and permissive approach towards accessing funding, whereby, "[t]he receipt of domestic or foreign funding should not be subject to the approval of the authorities",¹¹⁴ and should extend to both registered and unregistered associations.¹¹⁵

55. 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 [inter alia] 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."¹¹⁶

56. Very few countries in the region 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.¹¹⁷

Most other countries strictly require prior authorization from the competent authorities to receive external funds, including Algeria,¹¹⁸ Bahrain,¹¹⁹ Jordan,¹²⁰ Kuwait,¹²¹ Qatar,¹²² Saudi Arabia,¹²³ and UAE¹²⁴.

57. 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.¹²⁵

58. In Jordan, both human rights NGOs and United Nations treaty bodies have raised concerns about the strict restrictions on associations to access funding,¹²⁶ in particular foreign funding, which requires prior approval from the Council of Ministers.¹²⁷ However, 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.¹²⁸ In addition to the restrictions provided under the Law on Associations, the Council of Ministers issued in 2017 a resolution that includes civil society organizations (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.¹²⁹

(g) Engaging with organizations abroad

59. Civil society engagement beyond national borders can facilitate important international partnerships. This may include peer-to-peer capacity building and knowledge sharing with other foreign-based human rights NGOs that work towards similar aims on the regional or global level, and in so doing can amplify advocacy efforts.

60. Freedom of association is also closely linked to the right to participate in public affairs. This can include engagement with regional and international policy-making bodies, including human rights meetings of the United Nations, to raise international awareness of national human rights issues. As highlighted by the Office of the United Nations High Commissioner for Human Rights, civil society actors choosing to participate in regional and international meetings must be safe and not be subject to acts of reprisal.¹³⁰ 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.¹³¹

61. Yet, similar to the restrictions on the receipt of foreign funding, most states in the region equally 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.).

62. 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,¹³² Kuwait,¹³³ Qatar,¹³⁴ Saudi Arabia,¹³⁵ and UAE,¹³⁶ all require prior approval by the competent ministries for national associations to be permitted to engage with associations and organizations abroad.



2. Key Challenges

63. The following section looks at the key concerns raised by the United Nations human rights mechanisms and CSOs related to freedom of association in the MENA region.

A Restrictions on foreign funding

64. As seen above, numerous countries in the region significantly limit the ability of associations to access foreign funding – normally introducing strict pre-approval requirements to receive funds from abroad. These limitations can be particularly burdensome for grass-roots associations, and may disproportionately affect women’s rights activists, who are highly concentrated at the local level.¹³⁷ Restricting foreign funds can significantly jeopardize associations’ abilities to implement important activities that benefit those in need, and is especially grave when the state itself does not otherwise adequately support these efforts.

65. As expressed by 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”.¹³⁸ The Special Rapporteur highlights the position of the Human Rights Committee 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 freely to carry out its statutory activities. The protection afforded by article 22 extends to all activities of an association”.¹³⁹ The Special Rapporteur further emphasizes that, “[t]he 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... constraints [on seeking, receiving or utilizing funding] violate article 22 of the International

Covenant on Civil and Political Rights and other human rights instruments, including the International Covenant on Economic, Social and Cultural Rights.”¹⁴⁰

66. The right to access 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 is important because it makes no distinction between the sources of funding, be it from domestic, foreign or international sources. In addition, Human Rights Council adopted resolution 22/6, in which it called upon States to ensure that reporting requirements “do not inhibit functional autonomy [of associations]” and “do not discriminatorily impose restrictions on potential sources of funding.” Human Rights Council resolution 22/6 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.”¹⁴¹

67. 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. 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.¹⁴² The Human Rights Committee has emphasized 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.”¹⁴³ The Committee has further expressed 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.¹⁴⁴

68. The Special Rapporteur on FoPAA has 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.¹⁴⁵ 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.”¹⁴⁶ 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”.¹⁴⁷ The Special Rapporteur further highlights 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.”¹⁴⁸ 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.”¹⁴⁹

69. Nevertheless, restrictions on funding continue to be prevalent in the MENA region, through both laws regulating association, as well as anti-terrorism laws that further introduce strict financial obligations on CSOs.

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”.¹⁵⁰ The Committee recommended that Jordan “should ensure that [CSOs] are able to operate freely, with access to funding.”¹⁵¹ Concerns were also raised regarding restrictions on foreign funding during Jordan third UPR in November 2018.¹⁵² 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.”¹⁵³ 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.”¹⁵⁴

71. The implications of counter-terrorism laws on the right to association has 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 Saudi Arabia in 2018, the Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia “[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.”¹⁵⁵ In addition, the Committee against Torture, in its concluding observations on the second periodic report of Saudi Arabia in 2016, recommended that the State “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.¹⁵⁶ 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, further 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* freedom association.¹⁵⁷

B State control in internal operations and powers of dissolution

72. Strict regulations on funding is not the only instance in which states in the MENA region exert authority over the functioning of associations. 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 Bahrain,¹⁵⁸ Jordan,¹⁵⁹ Kuwait,¹⁶⁰ Qatar,¹⁶¹ Saudi Arabia,¹⁶² and UAE¹⁶³), as well as attending the associations' general assembly meetings (including Jordan,¹⁶⁴ Oman,¹⁶⁵ Saudi Arabia¹⁶⁶, and UAE¹⁶⁷).

73. State authorities may also undertake dissolution proceedings where they maintain that the association is operating outside the scope of the law. However, where the authorities have broad scope to dissolve an association, this power can be abused in order to stifle critical voices or organizations not favourably received by the government and render invisible their contributions. It should be recalled that 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 is the least intrusive means to achieve the desired objective. Thus, given the strict and long-term implications of dissolving an association, the authorities would need to adduce compelling grounds to justify dissolution as the least restrictive measure. Specifically, as highlighted by the Special Rapporteur on FoPAA, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of

national law, in compliance with international human rights law.¹⁶⁸

74. In the case of Bahrain, the Human Rights Committee in its concluding observations in 2018 expressed its concern about reports that authorities had placed restrictions on human rights organizations and opposition groups, and in some cases dissolved them.¹⁶⁹ 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."¹⁷⁰ 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."¹⁷¹ Similarly, in the case of Saudi Arabia, the Committee against Torture also highlighted serious concerns regarding state power of suspension and dissolution. In its concluding observations in 2016, the Committee expressed "[extreme concern] that the State party had 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."¹⁷²

75. In 2019, Morocco received a communication from the Special Procedures regarding the dissolution of a non-profit association for comments made during a satirical show

published on YouTube in 2018.¹⁷³ The Governor of Casablanca filed a complaint with the court on the basis that the show amounted to the “organization of an activity involving dialogues clearly insulting establishments, attacking the Islamic religion, humiliations towards organizational institutions and civil servants the administration, who were accused of corruption.” The Court ordered the dissolution of the association in 2019, as well as the liquidation of its property, based on the finding that the association “had organized activities that did not fall within the objectives set out in its statutes”. The letter from the Special Procedures mandate holders requested the Government of Morocco to explain *inter alia*

how the dissolution measures were in line with articles 19 (freedom of expression) and article 22 (freedom of association) of the ICCPR. In 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.¹⁷⁴ 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.

C Penalizing freedom of association – 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. Whereas many states in the region prescribe fines and imprisonment for membership in an unregistered or dissolved association, other states go as far as legislating for the revocation of citizenship.

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.¹⁷⁵ 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.”¹⁷⁶ The Committee on the Elimination of Racial Discrimination in its concluding observations on Oman in 2016 raised concern about the implications of the nationality law.¹⁷⁷ 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.”¹⁷⁸

78. Similar concerns have also been raised in other contexts where the revocation of citizenship has also been used to penalize individuals associated with organizations considered hostile to the State. For example, Bahrain has faced international criticism on claims that it used revocation of citizenship against those critical of the State, including human rights defenders and political opposition. In its concluding observations on Bahrain in 2017, the Committee against Torture “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”.¹⁷⁹ 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.”¹⁸⁰

79. Kuwait has been scrutinized on account of its legal provisions that prescribe the revocation of citizenship. 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”.¹⁸¹ The Committee recommended to Kuwait to make legislative

D Discriminatory practices

80. Article 2(1) 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”. Other international human rights treaties mirror the non-discrimination clause.¹⁸³ In the context of freedom of association, States Parties should not restrict freedom of association based on a personal distinction of any kind, including but not limited to the grounds listed in article 2(1) above. To put it another way, 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.¹⁸⁴ However, as discussed below, there have been incidents in the MENA region 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 sensitive issues such as LGBTI rights.¹⁸⁵ Such concerns were raised by several NGOs at Lebanon’s second and third UPR in 2015 and 2021 respectively.¹⁸⁶ 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”.¹⁸⁷ Despite submitting its dossier to the MoIM in 2004,

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”.¹⁸²

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.¹⁸⁸ 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”.¹⁸⁹

82. Across the region, 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). In its General Recommendation 35, the CEDAW Committee 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”.¹⁹⁰ 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.

83. In such circumstances, and in order to 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 to inter alia participate in non-governmental organizations and associations concerned with the public and political life of the country.¹⁹¹ This may include temporary special measures to tackle de facto discrimination.¹⁹²

84. In Jordan, the strict procedures regulating access to foreign funding has negatively affected organizations supporting women.

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.¹⁹³ 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, the Committee on the Elimination of Discrimination against Women (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...”¹⁹⁴ The Committee recommended that Qatar amend the relevant law¹⁹⁵ 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.”¹⁹⁶

86. CEDAW raised similar concerns regarding UAE, 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.”¹⁹⁷ The Committee recommended UAE “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...”¹⁹⁸

87. Various other treaty bodies and special procedures mandate holders have also raised concerns about state practice in the region vis-à-vis freedom of association and discrimination against certain groups. For example, the Committee on the Elimination of Racial Discrimination raised concerns about the right of migrants to freedom of association and assembly in Saudi Arabia.¹⁹⁹ Both the Human Rights Committee and the Special Procedures raised concerns about restrictions against human rights defenders in Western Sahara.²⁰⁰ Regarding persons with disabilities in the UAE, the Committee on the Rights of Persons with Disabilities noted with concern that it had “not receive[d] any alternative reports from civil society in the UAE, including from organizations of persons with disabilities.”²⁰¹ The Committee recommended inter alia that the UAE “[e]nsure that organizations of persons with disabilities have the freedom to engage independently with United Nations human rights mechanisms.”²⁰²

88. In addition to identifying particular groups who face challenges in exercising freedom of association, the treaty bodies have also highlighted where the laws themselves may be applied arbitrarily. For example, in 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”.²⁰³ The Committee recommended to Kuwait to inter alia 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.²⁰⁴ Similarly, in the case of Algeria, the Human Rights Committee expressed concerns about the law on associations’ restrictive provisions that “subject an association’s stated objective to vague, imprecise general criteria, such as the public interest and respect for national values and principles”.²⁰⁵ It called on Algeria to amend its legislation on associations “to make it fully consistent with the provisions of article 22 of the Covenant”.

89. The devastating impact of COVID-19 has had untold impact on human rights globally, as well as particularly acute consequences for the already precarious socio-economic and political situation in several countries in the MENA region. Women, migrant workers and the region's large number of refugees and displaced persons have been at increased risk of discrimination due to the exacerbating effects of COVID-19. Furthermore, the elderly and persons with disabilities have also suffered significant challenges throughout the pandemic, including social isolation and difficulties in accessing tailored services and support. In such circumstances, the role of civil society organizations is more important than ever to ensure that society's most marginalized and at-risk are protected. This includes ensuring tailored and inclusive COVID-19 response through liaising directly with rights holders, often facilitated through civil society, as well as the continuation of crucial community services that CSOs provide on the ground.

90. In such difficult circumstances, it is not only contrary to human rights, but ultimately 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..."²⁰⁶

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".²⁰⁷ 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."²⁰⁸



3. Steps taken by governments to strengthen protection

92. As is clear from the above, the realization of the right to freedom of association is subject to challenges in law, practice, procedure, and policy across the region. Nevertheless, it is also important to highlight efforts taken by some States to strengthen laws and practices to facilitate the role of civil society.

93. Bahrain has established an electronic system that aims to facilitate and automate the services provided by the Ministry of Labour and Social Development to NGOs.²⁰⁹ This includes inter alia speeding up procedures with the Ministry, submitting applications online, and updating the organizations data through the Ministry's website. Providing for expeditious procedures such as online registration is considered a best practice according to the Special Rapporteur on FoPAA.²¹⁰ Furthermore, Bahrain 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.

94. As highlighted above, Lebanon, Morocco, and most recently Algeria,²¹¹ 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."²¹²

95. Also in Lebanon and Morocco, legislation regulating associations does not limit the receipt of foreign funding, in line with the positions of both Special Rapporteur²¹³ and

the Human Rights Committee,²¹⁴ which underline that freedom of association extends to all activities of an association including access to funding.

96. Countries in the region have voiced their support for an increase in the civil society presence, including in Kuwait²¹⁵ and Saudi Arabia.²¹⁶ In emphasizing the important functions of civil society associations, Kuwait highlighted their role in inter alia monitoring the National Assembly elections,²¹⁷ 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.²¹⁸ 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 human rights initiatives.²¹⁹

97. In addition to the above examples, States in the region have also taken broader important steps in strengthening their commitments to human rights principles by acceding to additional international human rights treaties that inter alia enshrine freedom of association. This includes Oman ratification of ICESCR in 2020,²²⁰ and Qatar ratification of both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and ICCPR in 2018.²²¹

98. The above examples provide elements of good practices from which other States in the region may consider replicating to achieve stronger and more uniform protection of freedom of association.



Recommendations

99. Having assessed freedom of association in law and in practice across 10 countries in the region, the report concludes with the following recommendations, echoing observations and recommendations identified by the human rights mechanisms:

1 Registration

- Registering an association through a system of notification rather than through prior authorization 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.**²²²
- States should endeavour to provide a **registration process that is simple, easily accessible, non-discriminatory, non-onerous, and preferably free of charge.**²²³
- 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.²²⁴

- The right to freedom of association equally protects associations that are not registered. This is particularly important 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. States should therefore 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.**²²⁵

2 Non-discrimination

- Recognizing that non-discrimination is a foundational principle of international human rights law,²²⁶ **States should ensure that the rights to freedom of association is enjoyed by everyone. This includes any registered or unregistered entities, including women and girls; youth; indigenous peoples, persons with disabilities, persons belonging to minority groups or groups at risk, including those victims of discrimination because of their sexual orientation and gender identity,**

non-nationals, as well as activists advocating economic, social, and cultural rights.²²⁷

- Given the crucial role that women human rights defenders, including 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 may freely conduct their programmes and activities, and refrain from any act of reprisal against women human rights defenders.**²²⁸

- 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.²²⁹
- States should adopt the measures necessary to ensure that **organizations of persons with disabilities can register as associations, participate and be consulted, and are enabled to contribute effectively to law and policymaking.**²³⁰
- States should ensure that **organizations of persons with disabilities have the freedom to engage with the United Nations human rights mechanisms.**²³¹
- 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.²³²
- 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.**²³³
- States should ensure the **right of migrants to freedom of association and peaceful assembly.**²³⁴

3 Funding

- Freedom of association extends to all activities of an association including access to funding. States should therefore **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.²³⁵

4 Limiting 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, and proportionate to the aim pursued, and do not harm the principles of pluralism, tolerance and broadmindedness. Any restrictions should be subject to an independent, impartial, and prompt judicial review.**²³⁶
- 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.**²³⁷
- The right to freedom of association applies for the entire life of the association. The suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. Therefore, **suspension or involuntarily dissolution of associations should be sanctioned by an impartial and independent court in case of a clear and imminent danger resulting in a flagrant violation of domestic laws, in compliance with international human rights law.**²³⁸
- 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 of association online.**²³⁹

5 Preventing punitive measures including reprisals

- The formation of associations embracing minority or dissenting views or beliefs may sometimes lead to tensions. Nevertheless, the State maintains a duty to ensure that everyone can peacefully express their views without any fear,²⁴⁰ 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.**²⁴¹
- 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.** When acts of intimidation or reprisals take place, **States should investigate all allegations, provide effective remedies and**

adopt and implement preventive measures to prevent their recurrence.²⁴²

- States should further ensure that **the peaceful exercise of freedom of association can never be used as grounds for revoking citizenship.**²⁴³
- 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.**²⁴⁴
- States should ensure that **law enforcement officials who violate the rights to freedom of peaceful assembly and of association are held personally and fully accountable for such violations by an independent and impartial oversight body, and by the courts of law.**²⁴⁵

6 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 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.²⁴⁶

7 Freedom of association and COVID-19

- The role of civil society organizations is more important than ever in the context of the pandemic to ensure debates about measures to combat the pandemic, about tailored and inclusive COVID-19 responses, as well as the continuation of crucial community services that CSOs provide on the ground. States should adapt procedures to ensure that civil society organizations can continue to enjoy freedom of association

throughout the pandemic, including through **completing their registrations online, and by participating, via online fora, in policy development.**²⁴⁷ **States should further make sure that civil society organizations are able to conduct advocacy freely, including on the international level, without arbitrary restrictions on freedom of association beyond what is strictly necessary for COVID-19 preventive measures.**



Notes

- 1 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.
- 2 In particular, the report draws on State reports submitted to and relevant observations and recommendations emerging from the UN Special Procedures, human rights treaty bodies and the Universal Periodic Review.
- 3 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 via note verbale issued on 14 September 2021). OHCHR expresses its appreciation for all contributions received, which are reflected in the report.
- 4 https://www.un.org/sustainabledevelopment/wp-content/uploads/2019/07/16_Why-It-Matters-2020.pdf.
- 5 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clement N. Voule 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 paras 38-39.
- 6 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>.
- 7 The 2020 global rankings for civic space include: 3.4% open; 9.3% narrowed; 18.3% obstructed; 43.4% repressed; and 25.4% closed. See Civicus Monitor 2020 “People Power under Attack 2020” <https://findings2020.monitor.civicus.org/downward-spiral.html> .
- 8 For the purposes of this report, the term “MENA - Middle East and North Africa region -” is limited to the ten aforementioned countries in which ROMENA engages with directly.
- 9 “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. Whereas the Declaration is not legally binding, it contains principles and rights that are based on human rights standards enshrined in other international instruments that are legally binding. Moreover, its adoption by UN Member States by consensus represents a strong commitment to its implementation.
- 10 Human Rights Council resolution 15/21, adopted on 30 September 2010, A/HRC/RES/15/21.
- 11 See further at <https://www.ohchr.org/en/issues/assemblyassociation/Pages/SRFreedomAssemblyAssociationIndex.aspx>.
- 12 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>, referring to the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 56.

- 13 Mikhailovskaya and Volchek v. Belarus, Communication no. 1993/2010, CCPR/C/111/D/1993/2010 (distr. 26 August 2014], at para. 7.3.
- 14 See inter alia 2013 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, para. 33, referencing to the position of the Special Rapporteur on the promotion and protection of human rights while countering terrorism See A/61/267, para. 20.
- 15 Ibid.
- 16 See also Human Rights Committee general comment No. 29 (2001) on states of emergency, and United Nations Guidance Note on Protection and Promotion of Civic Space (September 2020), pg. 11. Available at: https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf
- 17 United Nations Human Rights Committee, Mikhailovskaya and Volchek v. Belarus, Communication no. 1993/2010,
- 18 The Basic Law of Governance of Saudi Arabia does not expressly recognize the right to freedom of association.
- 19 https://www.constituteproject.org/constitution/Morocco_2011.pdf (translated from French original).
- 20 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.”
- 21 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>
- 22 Constitution of the United Arab Emirates (established 2 December 1971, permanently adopted in July 1996) <https://www.wipo.int/edocs/lexdocs/laws/en/ae/ae030en.pdf>
- 23 Article 13 of the Lebanese Constitution (1926) [emphasis added].
- 24 Constitution of Kuwait, Official translation, <http://www.majlesalUmmah.net/enrun.asp?id=222>
- 25 SULTANI DECREE NO. (101/96) Promulgating the Basic Statute of the State (6 November 1996) <https://www.wipo.int/edocs/lexdocs/laws/en/om/om016en.pdf>
- 26 The Permanent Constitution of the State of Qatar (8 June 2005) <https://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=6677&lawId=2284&language=en>
- 27 Constitution of the Hashemite Kingdom of Jordan, adopted on 1 January 1952 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/34112/73577/F1291166765/JOR34112%20Eng.pdf>
- 28 Constitution of the Kingdom of Bahrain (14 February 2002) <https://www.wipo.int/edocs/lexdocs/laws/en/bh/bh020en.pdf>
- 29 Ibid, article 27.
- 30 [Royal Decree No. 6/2021](#) on the Basic Law of the State of the Sultanate of Oman.
- 31 Article 1, Law on Associations no. 1325, (issued on 3 August 1909).
- 32 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/.
- 33 Oman: article 6 of the Royal Decree No. 2000/14 issuing the Civil Associations Law
- 34 Article 3 of the Association Act No. 51 (2008) as amended by Law No. 22 of 2009.
- 35 Article 4 (3), Law no. 24 of 1962 on Clubs and Public Welfare Societies.
- 36 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).
- 37 Article 2, Law no. 21 of 2020 on Associations and Private Institutions. The application of the 2020 Law for the regulation of associations was communicated to OHCHR by the Permanent

- Mission of the State of Qatar to the United Nations Office in Geneva via note verbale (28 September 2021).
- 38 Article 3, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 39 Article 6, Law No. 12-06 of 2012 on the regulation of Associations.
- 40 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, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 54.
- 41 Article 4, Law No. 12-06 of 2012 on the regulation of Associations.
- 42 Article 4, Law no. 24 of 1962 on Clubs and Public Welfare Societies.
- 43 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.
- 44 Article 8 of the Law on Associations and Foundations.
- 45 Article 3, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 46 Article 8 of the Association Act No. 51 (2008) as amended by Law No. 22 of 2009.
- 47 Article 3, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 48 Article 2, Law no. 21 of 2020 on Associations and Private Institutions.
- 49 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).
- 50 Article 4, Law no. 24 of 1962 on Clubs and Public Welfare Societies.
- 51 Article 2, law no. 21 of 2020 on Associations and Private Institutions.
- 52 Article 8, para 1-D, of 1962 on Clubs and Public Welfare Societies.
- 53 Promulgated by Royal Decree No. 14/2000.
- 54 As per the Foreign Association Law (decision no. 369) issued on 21 December 1939.
- 55 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).
- 56 Article 6 of Law 24 of 1962 on Clubs and Public Welfare Societies prohibits clubs or associations from interfering with inter alia religious disputes.
- 57 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 58.
- 58 Ibid.
- 59 Ibid, at para. 95.
- 60 Ibid, at para. 57.
- 61 Ibid.
- 62 See the case of the Lebanese LGBTI Association “Helem”, discussed in para. 75.
- 63 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>.
- 64 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 pg. 6 (23 March 2015). https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/LBN/INT_CESCR_CSS_LBN_25177_E.pdf

- 65 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>
- 66 Royal Edict 1-58-376, issued on 15 November 1958.
- 67 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.
- 68 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.
- 69 Article 53, Constitution of Algeria (2020).
- 70 As communicated to OHCHR via 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.
- 71 Depending on the size and scope of the association. The relevant authorities ranging from municipal councils to the Ministry of the Interior.
- 72 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.
- 73 Arts. 5 and 6, Law on Associations and Foundations 2015.
- 74 Arts. 4 and 5, the Association Act No. 51 (2008) as amended by Law No. 22 of 2009.
- 75 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai A/HRC/20/27 (distr. 21 May 2012), at para. 60.
- 76 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).
- 77 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai A/HRC/20/27 (distr. 21 May 2012), at para. 60.
- 78 Article 11, Decree-Law No. 21 of 1989 Law on Associations.
- 79 Article 7 para. 2, Law No. 21 of 2020 on Associations and Private Institutions.
- 80 Article 8, the Law on Associations and Foundations (2015).
- 81 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.
- 82 Article 11, Royal Decree No. 2000/14 issuing the Civil Associations Law.
- 83 Article 9(2), Law no. 24 of 1962 on Clubs and Public Welfare Societies.
- 84 See observations and recommendation of the Special Rapporteur on FoPAA on his visit Oman (A/HRC/29/25/Add.1) and 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).

- 85 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai A/HRC/20/27, at para. 61.
- 86 Ibid.
- 87 Article 11, Royal Decree No. 2000/14 issuing the Civil Associations Law.
- 88 Article 9(2), Law no. 24 of 1962 on Clubs and Public Welfare Societies.
- 89 Article 7 para. 2, law no. 21 of 2020 on Associations and Private Institutions.
- 90 Article 8, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 91 Article 10, Law 12-06 on the regulation of Associations (12 January 2012).
- 92 Article 12, Law of Associations, Social and Cultural Clubs, Special Committees Working in the Field of Youth and Sports, and Private Institutions (1989).
- 93 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), pg. 11 https://www.civicus.org/images/EENA%20report%20Lebanon_English.pdf.
- 94 Article 40, the Law on Associations and Foundations.
- 95 See articles 10 and 11 regulation the registration and appeals process, the Associations Act No. 51 (2008).
- 96 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.
- 97 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.
- 98 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.
- 99 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai A/HRC/20/27 (distr. 21 May 2012), at para. 56.
- 100 Ibid.
- 101 Article 42, Law No. 21 of 2020 on Associations and Private Institutions.
- 102 Ibid.
- 103 Ibid.
- 104 Ibid.
- 105 See articles 3 and 7, Decree 1-58-376 on regulating the right of association.
- 106 Article 43, Law 12-06 on the regulation of associations (12 January 2012).
- 107 Ibid.
- 108 Ibid, article 46.
- 109 Article 3, Law on Associations no. 1325, (issued on 3 August 1909). The law, reflecting the Ottoman rule over Lebanon at the time, reads "current government, or politically discriminate between different...citizens". References to the monarchy are no longer relevant since the fall of the Ottoman rule.
- 110 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>.
- 111 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.
- 112 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, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 67, and A/HRC/23/39 (distr. 24 April 2013), para. 8.
- 113 Ibid, A/HRC/23/39, p 5, para. 10.
- 114 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, Maina Kiai, A/HRC/20/27, para 68.
- 115 Ibid, 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.”
- 116 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clement N. Voule 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.
- 117 Article 6, Decree 1-58-376 on regulating the right of association.
- 118 Article 30, Law 12-06 on the regulation of Associations (12 January 2012).
- 119 Article 14 of Decree-Law No. 21 of 1989. The law prohibits associations from accepting any funds from a foreign person or entity, sending money to persons or organizations abroad, or collecting donations in places of worship or public places without permission from the competent authority. The Ministry of Social Development stipulated for the fundraising process a ministerial decision. This law restricts the association from seeking, receiving and using resources – human, material and financial from foreign and international sources.
- 120 Article 17, Associations Act No. 51 (2008).
- 121 Article 30, Law No. 24 of 1962 on Clubs and Public Welfare Societies.
- 122 Articles 34 and 36, Law no. 21 of 2020 on Associations and Private Institutions.
- 123 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.
- 124 Article 43, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 125 Articles 4 and 42, Royal Decree No. 2000/14 issuing the Civil Associations Law.
- 126 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.
- 127 Article 17 of the Associations Act No. 51 of 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.
- 128 A refusal may be appealed to the supreme administrative court.
- 129 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> .

- 130 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.
- 131 Ibid, at para. 99-101.
- 132 Article 22, Law 12-06 on the regulation of associations (12 January 2012).
- 133 Article 30, Law No. 24 of 1962 on Clubs and Public Welfare Societies.
- 134 Article 36, Law no. 21 of 2020 on Associations and Private Institutions .
- 135 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.
- 136 Articles 17 and 18, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 137 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clement N. Voule 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.
- 138 2013 report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, Maina Kiai, A/HRC/23/39 [distr. 24 April 2013], para. 16.
- 139 Human Rights Committee, communication No. 1274/2004, Korneenko et al. v. Belarus, Views adopted on 31 October 2006, para. 7.2, as referenced in the 2013 report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, *ibid*, para. 16.
- 140 *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.
- 141 *Ibid*, para. 15.
- 142 See 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 Maina Kiai (20 April 2016), at para. 13 <http://freeassembly.net/wp-content/uploads/2016/04/UNSR-FOAA-info-note-India.pdf> .
- 143 See U.N. Human Rights Committee, Concluding Observations of the Human Rights Committee: Egypt, at para. 21, U.N. Doc. CCPR/CO/76/EGY (November 28 2002).

- 144 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); See also IACHR Report, supra note 22, at para. 166.
- 145 2013 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, para. 23.
- 146 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clement N. Voule 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.
- 147 2013 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/23/39, para. 23.
- 148 Ibid, at para. 26.
- 149 Ibid.
- 150 The Human Rights Committee, concluding observations on Jordan ([CCPR/C/JOR/CO/5](#)) [distr. 4 December 2017], para. 32
- 151 Ibid, at para. 33.
- 152 UPR of Jordan held on 8 November 2018. See Report of the Working Group on the Universal Periodic Review: Jordan (A/HRC/40/10),
- 153 Recommendation 136.16 made by Germany, *ibid*, p. 19.
- 154 Report of the Working Group on the Universal Periodic Review, Addendum: Jordan (A/HRC/40/10/Add.1), p. 3.
- 155 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.
- 156 Concluding observations on the second periodic report of Saudi Arabia, CAT/C/SAU/CO/2_ [\[distr. 8 June 2016\]](#), para. 18.s
- 157 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.
- 158 Article 21, Decree-Law No. 21 of 1989 Law on Associations.
- 159 Article 16 and 17, The Associations Act No. 51 (2008) as amended by Law No. 22 of 2009.
- 160 Article 21, Law no. 24 of 1962 on Clubs and Public Welfare Societies.
- 161 Article 37, law no. 21 of 2020 on Associations and Private Institutions.
- 162 Articles 4, 5 and 20, the Law on Associations and Foundations, issued by Royal Decree No. M/8 of 1 December 2015.
- 163 Articles 19-20, Federal Law No. (2) of 2008 on National Societies and Associations of Public Welfare.
- 164 Article 14, The Associations Act No. 51 (2008) as amended by Law No. 22 of 2009.
- 165 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.
- 166 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.

- 167 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).
- 168 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai A/HRC/20/27 (distr. 21 May 2012), at para. 75.
- 169 Human Rights Committee, Concluding observations on the initial report of Bahrain, CCPR/C/BHR/CO/1 [distr. 15 November 2018], para. 57.
- 170 Ibid.
- 171 Ibid, para. 58.
- 172 Concluding observations on the second periodic report of Saudi Arabia, CAT/C/SAU/CO/2 [distr. On 8 June 2016], para. 19.
- 173 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.
- 174 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>
- 175 Royal Decree 38/2014 Promulgating the Omani Citizenship Law (as published in the Official Gazette – Issue No (1066)).
- 176 Original Arabic text available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98580/117381/F1334217992/38-2014.pdf>
- 177 Concluding observations on the combined second to fifth periodic reports of Oman CERD/C/OMN/CO/2-5 [distr. 6 June 2016].
- 178 Ibid, para. 26.
- 179 Concluding observations on the second and third periodic reports of Bahrain, CAT/C/BHR/CO/2-3, [distr. 29 May 2017], para. 32.
- 180 Ibid, para. 33.
- 181 Concluding observations on the third periodic report of Kuwait, CCPR/C/KWT/CO/3 [distr. 11 August 2016], para 48.
- 182 Ibid, para. 49.
- 183 For example, article 2(2) of the International Covenant on Economic, Social and Cultural Rights.
- 184 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.
- 185 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.
- 186 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.
- 187 "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>.
- 188 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>.
- 189 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.
- 190 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).
- 191 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)
- 192 "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.
- 193 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
- 194 Concluding observations on the second periodic report of Qatar, CEDAW/C/QAT/CO/2 [distr. 30 July 2019], para. 21.
- 195 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. See supra at 38.
- 196 Concluding observations on the second periodic report of Qatar, CEDAW/C/QAT/CO/2 [distr. 30 July 2019], para. 22.
- 197 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], para. 19-20.

- 198 Ibid.
- 199 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).
- 200 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](#) (supra at note 53).
- 201 Concluding observations on the initial report of the United Arab Emirates, CRPD/C/ARE/CO/1 [3 October 2016], para. 9(a).
- 202 Ibid, para. 10(c).
- 203 Concluding observations on the third periodic report of Kuwait, CCPR/C/KWT/CO/3 [distr. 11 August 2016], para. 44.
- 204 Ibid, para. 45.
- 205 Concluding observations on the fourth periodic report of Algeria, CCPR/C/DZA/CO/4 [distr. 17 August 2018], para. 47.
- 206 “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, Mr. Clément Voule (14 April 2020). <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>
- 207 Ibid.
- 208 Ibid.
- 209 See Bahrain [E-system for NGOs.](#)
- 210 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 [distr. 21 May 2012], at para. 57.
- 211 See information provided by Algeria, supra at note 71.
- 212 Ibid, at para. 58.
- 213 2013 report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, Maina Kiai, A/HRC/23/39 [distr. 24 April 2013], para. 16.
- 214 Human Rights Committee, communication No. 1274/2004, Korneenko et al. v. Belarus, Views adopted on 31 October 2006, para. 7.2, as referenced in the 2013 report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, *ibid*.
- 215 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.
- 216 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 via 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.
- 217 Supra at note 216, elections of the National Assembly of Kuwait (Majlis al-'Umma).
- 218 Supra at note 217.
- 219 Ibid. Saudi Arabia further highlighted several initiatives and programmes that were developed with the contributions of associations and foundations, including the first draft of the Regulation on Protection against Abuse, as well as supporting reports emanating from the National Society for Human Rights.
- 220 Ratified on 9 June 2020.

- 221 Qatar ratified both the ICESCR and the ICCPR on 21 May 2018.
- 222 2013 report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, Maina Kiai, A/HRC/23/39 [distr. 24 April 2013], para. 82(a).
- 223 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 95.
- 224 2012 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 95.
- 225 Ibid, at para. 56 and 68.
- 226 Article 2(1) 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. Article 2(2) ICESCR requires States Parties to “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- 227 2012 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 84(b).
- 228 See 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], para. 19-20.
- 229 See Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria CEDAW/C/DZA/CO/3-4 [distr. 23 March 2012], para. 20.
- 230 See Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Qatar CRPD/C/QAT/CO/1 [distr. 2 October 2015], para. 10.
- 231 Ibid.
- 232 See Committee on the Rights of the Child, Concluding observations on the combined fourth to sixth periodic reports of Bahrain CRC/C/BHR/CO/4-6 [distr. 27 February 2019].
- 233 See Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twentieth and twenty-first periodic reports of Algeria CERD/C/DZA/CO/20/21 [21 December 2017], para. 28.
- 234 See Committee on the Elimination of Racial Discrimination, Concluding observations on the combined fourth to ninth periodic reports of Saudi Arabia CERD/C/SAU/CO/4-9 [distr. 8 June 2018], para. 18(c).
- 235 See 2013 report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, A/HRC/23/39, paras. 16 and 82(b); Human Rights Committee, communication No. 1274/2004, Korneenko et al. v. Belarus, Views adopted on 31 October 2006, para. 7.2
- 236 2012 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27 (distr. 21 May 2012), para. 84(e).
- 237 Ibid, para. 97.
- 238 Ibid, para. 100.
- 239 See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai - Addendum - Mission to Oman, A/HRC/29/25/Add.1 [dist. 27 April 2015], para. 70(g).
- 240 Ibid, para. 64.
- 241 Ibid, para. 84 (c).
- 242 See Guidelines for States on the effective implementation of the right to participate in public affairs, para. 18.
- 243 See Concluding observations on the third periodic report of Kuwait, CCPR/C/KWT/CO/3 [distr. 11 August 2016], para 49.

- 244 See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai - Addendum - Mission to Oman, A/HRC/29/25/Add.1 [dist. 27 April 2015], para. 70(i).
- 245 Ibid, para. 70(j).
- 246 See Concluding observations on the initial report of Bahrain, CCPR/C/BHR/CO/1 [distr. 15 November 2018], para. 30.
- 247 “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, Mr. Clément Voule (14 April 2020).



Annex

Domestic legal framework



Algeria

- Constitution of the Algerian Democratic and Popular Republic (8 December 1996), amended on 1 November 2020.

- Law n°12-06 on the regulation of associations (12 January 2012)



Bahrain

- Constitution of Bahrain (2002), amended in 2012.
- 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.



Jordan

- Constitution of the Hashemite Kingdom of Jordan. Adopted on 1 January 1952, JOR-1992-C-34112.
- The Hashemite Kingdom of Jordan Constitution Amendment of 2016. Adopted on 5 May 2016, JOR-2016-L-105493.
- The Hashemite Kingdom of Jordan Constitutional Amendments of 2011. Adopted on 1 October 2011, JOR-2011-C-91041.
- Law No. 39 of 2015 concerning Political Parties Law. Adopted on 16 September 2015, JOR-2015-L-103043.
- Law No. 5 of 2016 Establishing the National Commission for the Implementation of

International Humanitarian Law. Adopted on 1 February 2016, JOR-2016-L-105627.

- Political Parties Law (Law No.32, 1992). Adopted on 23 August 1992, JOR-1992-L-31289.
- Anti-Terrorism Law no. 55 of Year 2006. Adopted 1 November 2006, amended 1 June 2014.
- Anti-Money Laundering and Counter-Terrorism Financing Law No. 46 (2007). AML/CFT Law No. 46 of 2007. Amended pursuant to Law No. 31 of 2015. It was published in the Official Gazette No. 5345 on 16/6/2015 and became the permanent AML/CFT Law



Kuwait

• Kuwait's Constitution of 1962, Reinstated in 1992

• Law no. 24 of 1962 on Clubs and Public Welfare Societies



Lebanon

• The Lebanese Constitution, issued on 23 May 1926.

• Law on Associations no. 1325, issued on 3 August 1909.

• Circular No. 10 on defining a new mechanism for the Ministry of Interior and Municipalities

to receive notification from establishing institutions in Lebanon and facilitate this matter in implementation of the provisions of the Associations Law promulgated in 1909, issued on 19 May 2006. Amended on 12 September 2008.



Morocco

• Constitution of the Kingdom of Morocco (29 July 2011)

• 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.



Oman

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

• Royal Decree No. 2000/14 issuing the Civil

Associations Law

• Royal Decree No. 38/2014 issuing the Nationality Law of Oman



Qatar

• The Permanent Constitution of Qatar. Adopted on 8 June 2004.

• Law No. 21 of 2020 on Associations and Private Institutions



Saudi Arabia

• Basic Law of Governance issued by Royal Order No. (A/91) of 1 March 1992, last amended in 2013.

• The Law on Associations and Foundations issued by Royal Decree No. M/8 of 1 December 2015 and its Implementing Regulations of 14 April 2016.



United Arab Emirates

• Constitution of The United Arab Emirates. Adopted on 2 December 1971.

• Federal Law No. 2 of 2008 Concerning Public

Welfare Associations and Organizations. Adopted on 21 January 2008.

