**The functioning of the Civil Society Organizations in Egypt**

**Preamble**

 The number of NGOs that have managed so far to bring their rules into line with the state’s new law on the functioning of the CSOs is 26,000 out of 55,000 NGOs registered with the ministry prior to the issuance of the new NGO Law. The law regulating the exercise of civil work and its executive regulations lay the foundation for a strong partnership between the state and the civil sector, as they reflect the state's commitment to support the civil sector by providing guarantees for the enjoyment of the right to form NGOs and institutions, strengthening their organizational and financial capabilities that enable them to fulfill their roles as desired, regulating volunteer work, in addition to the law's prohibition of imposing any freedom-depriving penalties in case of violation of any of its provisions, which was monitored by the National Strategy for Human Rights.

This paves the way for the Egyptian President’s announcement that “**2022 is the Year of Civil Society**,” calling on civil society to continue their work and pursuits relentlessly side by side with the institutions of the Egyptian state, to achieve sustainable development in all sectors, and to spread awareness of the culture of human rights, contributing to the realization of the hopes and aspirations of the great Egyptian people. Enhancing the participation of civil society institutions in public affairs and boosting the effectiveness of institutional channels for consultation with civil society organizations, in its capacity as a partner in the process of promoting and protecting human rights, are among the key challenges monitored by the national strategy for human rights. Accordingly, this report discusses the legal status of civil society organizations in Egypt, the stages of their development, their number, and the Egyptian efforts to empower them.

**First: Legal Framework for Civil & Political Rights in Egypt.**

CSO-related legislations have always imposed many restrictions on the work of civil society organizations. However, the NGO Law No. 149 of 2019 was the best of them all. In contrast to prior laws, this law did away with all penalties involving jail time, and established organizations by notification and considered delayed reply by government is approval of funding.

With regard to the right to demonstrate, an amendment was made to the Protest Law after the Constitutional Court decided that Article 10 thereof was unconstitutional, which allowed the Minister of Interior to prevent demonstrations, postpone them or move them to another place. The new amendment canceled the security right to prevent demonstrations, and granted this right is for the judges ad hoc and after submitting an official note from the Minister of the Interior or the Director of Security, as is the case in all democratic countries.

**Second: Equality in** **Political and Civil Rights in Egypt**

Political and civil rights in Egypt have witnessed a change and fluctuation with regard to the size and nature of political participation in Egypt, especially in the parliamentary elections, which dropped by nearly half. The Independent National Electoral Commission (INEC) has played a vital role in handling and managing all elections and referendums independently, which contributes to enhancing the integrity and impartiality of elections.

**1. Legal stages of NGOs in Egypt**

In order to regulating the exercise of civil work, a number of legislations were issued by the Egyptian state, topped by Law No. 49 of 1945 for regulating charity associations and social institutions; the provisions contained in Civil Law No. 131 of 1948; Laws No. 384 of 1956 and 32 of 1964, Law 84 of 2002; Law 70 of 2017; and finally the current law No. 149 of 2019. Law No. 70 was one of the worst laws issued on the work of NGOs. It failed to set a balance between the civil society’s view and the government’s. Thus, it reflected a unilateral view, which is the view of the government that was in conflict with the interests of NGOs, making this repealed law an inapplicable law. The most prominent example of the failure of the repealed Law No. 70 of 2017 was that no executive regulation thereto has been issued since its issuance in early 2017 until its abolition in August 2019.[[1]](#footnote-1)

**2. History of the society participation of NGOs in Egypt**

Civil work in Egypt has a long history of nearly two centuries. Various associations were established, some of which took on a religious character. However, there has been an unprecedented surge recently in the number of NGOs in Egypt - despite the claims that Law 84 of 2002 contained articles restricting civil work. The number of NGOs and associations registered with the Ministry of Social Solidarity reached 37.5 thousand in 2012, 43.5 thousand in 2013 and 47,580 in 2017. While in the period between the issuance of Law No. 70 of 2017 and the new law of 2019, the number of association increased by 2,992, bringing the total number of associations to nearly 55 thousand NGOs in 2020.

NGOs in Egypt provide many activities. They are a key partner in the “Haya Karima” project due to their previous experiences as well as their awareness and engagement with the people of the villages, in addition to offering many activities, especially with regard to encouraging development and providing care and health services for the poor and marginalized. In addition, they provide educational services for the children by establishing new schools, provide food for the poor, and provide care for the elderly and people with disabilities. NGOs also help prisoners and their families by providing lawyers to defend them, especially in light of the difficult social and economic situation that the country is going through. All of these activities are directly linked to the fields of human rights. For example:

The 2014 Constitution states in article (18) that “Every citizen is entitled to health and to comprehensive health care with quality criteria. The state guarantees to maintain and support public health facilities that provide health services to the people, and work on enhancing their efficiency and their fair geographical distribution. All health facilities and health related products, materials, and health-related means of advertisement are subject to state oversight. The state encourages the participation of the private and public sectors in providing health care services as per the law.”

In fact, NGOs and institutions do provide health services to citizens through hospitals and clinics, especially in poor, slum and remote areas. National societies and institutions contribute by 30% % of the total health services provided to citizens.

The total number of beneficiaries of medical services provided by the aided NGOs is estimated at about 2,045,140 beneficiaries during 2019, with a total value of about 211 million pounds, recording an increase of about 85 million from 2018. These services included visiting medical centers, clinics, private hospitals, family care and planning services, and maternity and child care centers.

**3. State's efforts to develop the work of NGOs in Egypt**

The state is serious in facing its challenges, topped by the challenge of spreading awareness of a culture of human rights. The most prominent of these challenges was the issuance of the law No. 149 of 2019 on the practice of civil work, in response to the CSOs calls for the abolition of Law No. 70 of 2017. President El-Sisi called for opening a societal dialogue with the participation of civil society organizations and youth to prepare a new draft law organizing the practice of civil work. The dialogues were led by 4 major associations: Misr El Khair, the Red Crescent, Egyptian Junior Business (EJB) and the Coptic Evangelical Authority, in the presence of nearly 1,000 associations. The National Training Academy also organized a societal dialogue with the youth of the Presidential Leadership Program, in the presence of representatives of the Ministry of Solidarity on suggestions for amending the NGOs Law. The Ministry of Solidarity hosted a meeting for foreign organizations operating in Egypt. This confirms the state's goodwill and real intention to build bridges of trust with the private sector, as it responded to its basic demands that this sector and its activists have always called for, such as facilitating the process of establishing and publicizing NGOs.[[2]](#footnote-2)

Law No. 149 of 2019 provided for the abolition of penalties involving deprivation of liberty, and make them confined to fine and administrative sanctions. It also organized the work of foreign NGOs, and stipulated that the establishment of the civil society association shall be by a notification submitted to the competent administrative authority, in compliance with the provision of Article 75 of the Constitution, and stipulated that its legal personality be established once notified and granted the right to every natural or legal person to join or withdraw from it in accordance with the provisions of the law.

The new NGO Law (149 of 2019) is important for several reasons: **first**, the governing philosophy of the law and its provisions, which reflected a development in the state’s vision of the private sector as an essential partner in the development process in its various stages; **second**, the Law’s relevance to the observance of the constitutional reference and international covenants that guarantee the right to form associations and civil institutions for citizens as an inalienable human right; **third**, it recalls global principles of governance, whether at the level of the civil sector or the administrative body representing the state, and their interaction together to ensure the efficiency and effectiveness of performance on the one hand and the possibility of accountability on the other hand; **fourth, it** is related to a set of facilities stipulated by the law to provide a suitable environment for a healthy civil sector capable of performing roles of partnership; **fifth**, it is related to the general framework that takes into account the present and looks forward to a better future that guarantees sustainable growth in accordance with Egypt’s 2030 vision.

Among the most prominent advantages of the new law is that the establishment of the association has become by only notification, and that the administrative authority’s absence of objection to the establishment of the association within sixty days, suggests its approval. The administrative body may not refuse to accept papers and documents submitted by NGOs. The law also allowed foreigners who have permanent or temporary residence in Egypt to participate in the membership of civil associations or their boards of directors at a rate of 25% of the number of members. It also allowed the formation of associations for foreign communities in Egypt to take care of the affairs of their members. The law also granted the right to NGOs and foundations to receive funds and grants after notifying the administrative authority, in addition to exemption from registration fees and registration in all types of contracts to which they are a party, such as property contracts, mortgage or any other rights in rem, as well as fees for ratification of signatures. The association may also open branches outside Egypt.

**4. Civil society efforts in promoting human rights**

Over the course of more than two decades and despite the restrictions that were imposed on civil society, and in light of the new “participatory” relationship between the state and civil society and the new chapter that has been opened, CSOs have played an effective role in many files related to the promotion and improvement of human rights conditions in Egypt.

 For example, **Maat for Peace, Development and Human Rights** called in November 2019, on the sidelines of the UPR of Egypt, the Egyptian government to develop a national strategy to promote human rights in Egypt, with the participation of a number of human rights experts, with the aim of creating a supportive environment for human rights, in its capacity as a means for settling peace, security and achieving sustainable development. The called for strategy must recognize the pivotal role of civil society and other partners in assisting the state to guarantee the human rights of its citizens. Maat also called on the state to consider the recommendations resulted from the universal periodic review, and implement the provisions of the Egyptian constitution. According to Maat, the Egyptian state must also specifies the vision and the policies that must be approved to implement the vision and establish a solid national infrastructure that ensures the protection, promotion and enforcement of human rights. The state has responded to these calls, and this strategy was announced in September 2021 after consultations with civil society organizations.

With regard to the file of women’s and youth rights, and as a result of joint efforts between the state and civil society, serious steps have been taken in this regard. Women won, by election and appointment, 163 seats in the last parliamentary elections of 2020, compared to 90 seats in the 2015 elections. In addition, there was an increase by 18 percent (8 women ministers) in the number of women appointed ministers, compared to 1 percent in 1999. In 2017, Nadia Ahmed Abdou was the first female to be appointed governor in Egypt. Besides, 98 female judges were appointed in State Council, transferred from State Cases Authority and the Administrative Prosecution Authority. On September 2, 2021, Prime Minister established Egypt’s 1st assembled unit protecting women against, to be affiliated with the Council of Ministers. This is in addition to the state's interest in preparing capable young cadres through the establishment of the "National Youth Training Academy", the participation of young people in formulating and implementing development plans, and appointing some of them as deputy ministers, governors and representatives of the people in Parliament, through the qualification programs organized by the Academy to hone their skills and prepare them.

Civil society organizations, including Maat, played a vital role in releasing a number of journalists and those held in pretrial detention in opinion cases, and sponsored some initiatives in coordination with the Public Prosecution Office. Upon this coordination, more than 50 persons were released from pretrial detention, including journalists, bloggers, and human rights defenders, after reviewing their legal position. The claims of CSOs had a clear contribution to the near termination of Case 173 of 2011 known in the media as “foreign funding,” as the number of organizations that obtained innocence reached 75 organizations until October 21, 2021. The efforts of these organizations concluded to cancel the travel ban and confiscate the funds of a large number of human rights defenders and directors of non-governmental organizations.

Therefore, it can be said that further cooperation and partnership between the state and civil society may contribute significantly to opening public sphere and enjoying freedoms, in light of the commitment to international commitments voluntarily agreed upon by the Egyptian government, as well as in accordance with international charters and agreements. This cooperation shall also contribute to developing legislation related to human rights, continuing to promote and empowering women, ensuring freedom of opinion and expression, respecting religious and cultural freedoms, and ensuring fair trials in accordance with international standards.

**Third: Recommendations**

In light of the efforts made by the Egyptian government in the field of NGOs compared to the situation before the issuance of Law No. 149 of 2019, Maat for Peace, Development and Human Rights commends these efforts as well as the Egyptian government endeavors. Therefore, Maat presents a set of **recommendations as follows**:

1. The Egyptian government will continue its efforts to develop the work of civil society organizations and involve the organizations in participating in all sectors of the state in accordance with the policies of that organization and in accordance with its practical and professional competencies.
2. Paying attention to the legal aspect of NGOs to take into account the conditions of these societies to protect them from restrictions and censorship that restrict their freedom of work.
3. Developing a regular mechanism to support active and continuous dialogue with civil society organizations in the sectors of social protection, women’s and children’s health, community education, the rights of persons with disabilities, health, economic empowerment and financial inclusion, and protection from violence, within a unified national framework in accordance with Egypt’s vision for sustainable development 2030.
4. Allowing the exchange of technical and administrative experiences and the most important lessons learned between large associations and smaller ones operating in villages and governorates, in order to develop a unified vision among civil society organizations at all levels that will help to achieve the priorities of sustainable and equitable development.
1. Egypt Today, Civil society praises issuing executive regulations for NGOs Act, Jan 2020, at: <https://2u.pw/97ucz> [↑](#footnote-ref-1)
2. Daily News, 3 factors determine how NGOs can obtain foreign funding: Talaat Abdel Kawy, Oct 2021, at: <https://2u.pw/se4z0> [↑](#footnote-ref-2)