

H.E. Dr. Amina Hmza El-Guindi
Minister of Social Affairs
Arab Republic of Egypt

June 11, 2003

Dear Minister,

The Lawyers Committee for Human Rights is concerned by the denial of applications to register under the new law on associations, Law 84 of 2002, of at least two well-established independent human rights organizations: the New Women's Research Center and the Land Center for Human Rights.

The ministry of social affairs has the power under the law to deny applications for registration within sixty days of an application being lodged. Although denied associations have the right to make an appeal to an administrative court, such proceedings may be protracted. While waiting for a court decision associations whose applications have been denied may not operate. Therefore, the administrative decision to deny the applications of these organizations to register has obstructed their ability to function.

The Lawyers Committee believes that such orders are a violation of the right to freedom of association, as provided for in Article 22 of the *International Covenant on Civil and Political Rights* (ICCPR), to which Egypt is a state party. Article 22 protects the right to freedom of association, and it is not limited to any particular type of association. The concept of freedom of association is not simply a formative right, but also requires that an organization or association be permitted to operate freely. The Human Rights Committee, that authoritatively interprets and monitors the implementation of the ICCPR has thus expressed concern about onerous registration procedures and has stated that procedural formalities for recognition of associations must not be so burdensome as to amount to substantive restrictions on freedom of association. In this regard, during its examination of Egypt's third and fourth periodic reports, in 2002, the Human Rights Committee stated that Egypt "should review its legislation and practice in order to enable non-governmental organizations 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."

The United Nations Declaration on Human Rights Defenders further upholds the right of individuals to form associations to promote and protect human rights. The Declaration emphasizes the important work performed by individuals and associations to promote and protect human rights and states that everyone has the right to form, join and participate in non-governmental organizations, associations and groups. By denying the applications for registration of the New Women's Research Center and the Land Center for Human Rights, organizations that deal with issues of basic rights in Egypt, their members and supporters are being denied this right.

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The New Women's Research Center was formed in 1982. It carries out research on women's rights issues in Egypt and campaigns against violence against women. On June 8, 2003 it received a letter, signed by the deputy minister of social affairs, informing the organization that its registration application had been denied on security grounds, apparently at the direction of the Giza Security Directorate. The letter was dated June 3, 2003 and carried serial number 9668.

The Land Center for Human Rights, a research and advocacy organization that campaigns on issues relating to peasants and agricultural workers submitted an application to the ministry of social affairs on April 6, 2003 as Sons of the Land for Human Rights (*Awlad al-Ard l'il Huquq al-Insan*). It too received a letter from the ministry notifying it that its application for registration had been denied.

The Lawyers Committee for Human Rights is concerned that Law 84 of 2002 gives too much power to state controlled administrative agencies, especially the ministry of social affairs, to inhibit the legitimate activities of independent non-governmental organizations. We are disappointed that your ministry has used the powers vested in it by the new law to effectively order the closure of these two organizations whose work for human rights is internationally recognized.

It is a legitimate government interest to regulate the activities of non-governmental organizations. If such organizations break the law, then they should be prosecuted and, if necessary, closed down, provided that such closure orders are subject to appropriate, independent judicial review. Issuing closure orders for unspecified "security reasons" does not constitute legitimate regulation, especially as the recipients of these orders are now legally barred from carrying out their work unless and until they are able to win an appeal to an administrative court. Given that there is no time limit to such appeal proceedings, and also the inherent improbability of an administrative court issuing a ruling countermanding the security concerns expressed by the state security directorate, these denials of registration constitute indefinite, perhaps permanent closure orders for these organizations.

The Lawyers Committee respectfully urges you to review the applications for registration made by these two organizations and to grant their registration so that they may continue their important work in compliance with the new law. Egypt has much to gain from a strong, independent non-governmental sector. The implementation of the new law on association should not be an occasion to stymie the valuable efforts of Egyptians to promote human rights through truly independent non-governmental organizations.

Thank you for your consideration of these important issues. We would welcome your response.

Sincerely,

Neil Hicks
Director, Human Rights Defenders Project