



EUROPEAN PARLIAMENT

**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B
- POLICY DEPARTMENT -**

BRIEFING PAPER

**Civil Society under threat: common legal barriers and
potential responses**

Any opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

EP/ExPol/B/2006/30

6 September 2006

[PE N°]

EN

This note was requested by the European Parliament's Subcommittee on Human Rights

This paper is published in the following languages: English
[translations]

Author: David M. Moore
International Center for Not-For-profit Law
Budapest

Manuscript completed in September 2006.

Copies can be obtained through: E-mail: andrea.subhan@europarl.europa.eu

Brussels, European Parliament, 6 September 2006.

INTRODUCTION

On January 17, 2006, Russia adopted a new federal law amending the legal framework governing non-governmental organizations (NGOs) and giving the government greater control over NGO activity. On July 8, 2005, the President of Kazakhstan signed a new Law on National Security introducing criminal and administrative liability for those who manage or participate in informal associations, such as neighborhood associations. No fewer than five new presidential decrees, edicts, and ministry resolutions were issued in Belarus during 2005, each of which tightened government control over NGOs operating in the country.

These are not isolated events. They are part of a growing regulatory backlash against NGOs in many parts of the world. In little more than a year, over twenty countries globally have introduced restrictive regulations aimed at undermining civil society (including at least five countries in Europe and Eurasia.) These countries join scores of others with existing laws, policies and practices that stifle the work of civil society organizations.

In the former Soviet Union, this trend almost certainly springs from the perception that NGOs played a fundamental role in the recent revolutions in Georgia and Ukraine, and the fear that similar citizen action is a realistic threat to the authoritarian regimes in other countries. But the trend to constrain civil society is clearly global in nature; countries from Eritrea to Zimbabwe, Bangladesh to Nepal, Algeria to Iraq, Burma to Laos, and Cuba to Venezuela have enacted or proposed new laws and regulations which diminish the legal space in which civil society can operate. In terms of their relation with civil society, these countries can be described as politically challenging environments.

The stated rationale for laws and regulations which inhibit NGO activity varies from country to country, and can include curbing NGO abuse, counter-terrorism, and national security. Even where the goals themselves are legitimate, the means used to achieve them are disproportionate as well as unjustifiably harsh and over-reaching. In politically challenging environments, governments perceive civil society as a threat and use the law as a sword to diminish the space in which it operates, and to undermine the strength of NGOs. These politically challenging environments tend to exhibit one or more of the following characteristics:

- The country operates a 'closed' or command economy (e.g., China, Cuba) or is governed by leaders with autocratic tendencies (e.g., Belarus, Turkmenistan, Uzbekistan);
- There is political dissension in the country or neighboring country that is perceived as threatening the current government regime or incumbent party (e.g., Russian, Sudan, Zambia);
- There are concerns about religious fundamentalism (e.g., Egypt, Uzbekistan);
- Similar legislation or practices have been enacted or introduced in neighboring

- regimes (e.g., the former Soviet Union and the Middle East);
- The country has a history of human rights abuses (e.g. Belarus, Zimbabwe);
- The country is concerned about “foreign influence” (e.g., Russia, Venezuela.)

Governmental restrictions on private initiative are nothing new. Authoritarian governments throughout history have sought to limit the space for non-governmental activity. The current backlash against civil society is especially troubling, however, coming as it does on the heels of a renaissance of civil society in Central and Eastern Europe and nascent civil society growth in the former Soviet Union.

This paper first seeks to identify common legal barriers to civil society and NGO activity that emerge in various politically challenging climates. Secondly, the paper tackles the more difficult task of identifying possible responses available to threatened NGO sectors to combat the repressive legal measures.

LEGAL BARRIERS CONSTRAINING CIVIL SOCIETY

Prohibition of Informal Groups (Mandatory Registration)

Fundamental to the freedom of association is the right of individuals to act collectively through informal groups, associations and networks. From community-based organizations to chess clubs, these groups are often better able to pursue their goals on an informal basis – that is, without the benefit and protection of legal registration. Indeed, informal groups make up one of the most vibrant segments of civil society in many countries.

Some countries, however, require all NGOs to be legally registered and either expressly or implicitly prohibit informal activity of collective entities. Through such mandatory registration requirements, governments seek greater control over civil society groups and seek to clamp down on those groups deemed undesirable.

While most countries in the CEE/NIS regions provide for voluntary registration, thereby affirming the right of informal groups to exist, a few countries have been slow to reform. For example, NGOs in Macedonia and Serbia remain subject to mandatory registration requirements, at least under the law as written. Reform initiatives in each country are seeking to address this issue; for example, a draft Law on Associations in Serbia, if enacted, would address this issue and bring its legal framework in closer compliance with European standards.

Similar reform efforts are not underway in Belarus, Kazakhstan, Uzbekistan or Turkmenistan. On the contrary, in a Resolution from September 13, 2005, the Ministry of Justice in Belarus provided that all civic initiatives, coalitions, and movements are subject to formal registration – underscoring the already existing mandatory registration requirement for NGOs in Belarus. In Kazakhstan, the Law on National Security goes beyond outlawing informal association, establishing substantial penalties for individuals managing, participating in or providing financing to informal groups. The Turkmen Law

on Public Associations (2003) specifically prohibits activities by unregistered public associations, a major change from prior law and practice, which allowed informal groups to operate legally. This restriction is of particular significance, because the substantial barriers to registering public associations in Turkmenistan left the informal group as one of the few options for exercising the right to carry on associational activities.

Barriers to Establishing NGOs (Restrictions against Foreigners)

The right to freedom of association includes the ability of individuals to form groups for collective action. In some countries, the law restricts who may found an NGO, thereby denying this right to certain persons. Perhaps most common are restrictions against foreigners to found and sometimes even to join associations or other forms of NGOs.

The initial draft of the Russian law threatened to restrict the activities of foreign persons on the territory of Russia. Foreign citizens and persons without citizenship, if not permanently residing on the territory of the Russian Federation, would have been prohibited from establishing a public association or non-commercial organization, or from becoming a member or participant in such organizations. The provisions that appeared in the law ultimately enacted and signed into law were not as sweeping; they required only that a foreign national or person without citizenship be physically present in the Russian Federation in order to found an organization. The law did, however, give to the registration authorities broad and discretionary grounds to deny registration to branches of foreign organizations.¹

The 2003 Turkmen Law on Public Associations makes it almost impossible to establish an association by requiring international and national public associations to have five-hundred (500) members, and fifty (50) members, respectively. The same law denies foreigners the right to be founders or members of associations. Such laws violate international standards relating to freedom of association and the extension of this freedom to everyone – not only citizens – in the given jurisdiction.

Barriers to Registration

In addition to the right to act through informal entities, the freedom of association also embraces the right to attain legal entity status and to receive all the legal protections attached to it. Whereas some European countries (e.g., the Netherlands, Sweden and Switzerland) require only the drawing up of an establishment act or notarial approval to be recognized as a legal entity, most countries require some kind of formal registration, which, according to international good practice, should be clear, quick and inexpensive, with appropriate procedural safeguards for the applicant.

¹ Restrictions against foreign founders remain in some countries, such as the Czech Republic, Macedonia, Poland, Slovenia and Serbia. In many countries, these restrictions are found in laws dating back more than ten years. In some countries, such as Macedonia, these restrictions are the focus of current reform initiatives.

Barriers to registration come in a variety of forms, including, for example, burdensome documentation requirements, no time limit for government decision-making, vague and overbroad grounds for denial of registration, the failure to provide for an appeal of a denial, and high registration fees. In Azerbaijan, the regulations governing the registration process are vague and leave great discretion to registration officials, leading to excessive delays, repeated requests for information, and sometimes outright denial of registration. In Belarus, laws give the government substantial discretion over the registration process, vesting authority in a National Commission on Registration of Public Associations to advise the Ministry of Justice on which organizations to register, a process wholly lacking transparency. Applicants have sometimes waited a year for a decision on applications, only to be denied without explanation.

Recent legislative proposals in Eurasia have targeted foreign organizations for special restrictions. As discussed above, under the new Russian law, a foreign organization may be disallowed from registering a branch if its “goals and objectives . . . create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation.” The European Court of Human Rights has specifically held that it is not consistent with the right to free association to deny registration on grounds almost identical to these.

Re-registration Requirements

New laws may trigger re-registration requirements for all previously registered organizations. Re-registration is not always problematic. Where the law introduces substantial changes, re-registration may indeed be appropriate to ensure that organizations’ structures and governing documents are in accord with new legal requirements, provided there are appropriate procedural safeguards in place. Recently, for example, in order to correct for inadequate past registration practices (which reportedly led to the registration of for-profits as NGOs) the Afghan Government required all previously registered NGOs to re-register or face termination. The re-registration process was reasonably quick, clear and inexpensive; all NGOs who applied for re-registration were indeed re-registered.

In some cases, however, the process may be so burdensome as to discourage NGOs from seeking re-registration. In still other cases, the government may inject arbitrary, subjective decision-making into the re-registration process to eliminate select NGOs. In Uzbekistan, for example, President Karimov issued a decree in 2004 requiring all women’s organizations (which make up more than 70% of all NGOs in Uzbekistan) to re-register with the Ministry of Justice. The proposed Draft Law in Kazakhstan, had it been enacted, would have required all international and foreign NGOs operating in Kazakhstan to re-register. In Belarus, President Lukashenka issued a decree in 2005, increasing registration fees and ordering foundations to bring their charters in line with the new regulations by May 1, 2006. The new Russian legal framework requires all Russian public associations and non-commercial organizations to bring their founding documents into compliance with the Law’s provisions – a provision that is likely to

affect many organizations, and require all to review their documents to determine whether changes need to be made.

Barriers to Foreign Funding of NGOs

Once established and registered, NGOs can be subject to financial constraints, which threaten their ability to pursue their missions in the short-term and undermine their long-term sustainability. Restrictions on foreign financing are among the most common. Indeed, in light of the perceived link between foreign financing and the recent revolutions in Georgia and Ukraine, many countries have created new barriers to foreign funding. Such restrictions, whether in the form of advance approval or grant registration requirements, government approved lists of grant-makers, banking limitations, or excessive taxation, run counter to international good practice. These requirements can be particularly injurious to the NGO sector in countries where foreign donors remain the dominant means of support for NGOs.

Advance approval or separate registration of foreign funding is now required in several countries. In Belarus, this is nothing new. In March of 2001, Decree No. 8 (“On Certain Measures to Improve the Order of Receiving and Using Foreign Aid”) introduced a system in which NGOs were required to obtain state permission to use funds received from foreign governments, international organizations and individuals, and imposed total state control over all programs and projects being undertaken through support from foreign organizations. In 2003, a presidential decree (“On Obtaining and Using Foreign Gratuitous Aid”) established a separate procedure for the registration and use of foreign aid. Similarly, the Law on Grants was amended in 2003 in Azerbaijan to require that NGOs register their grants. While this requirement has not necessarily prevented NGOs from receiving foreign grants, NGOs are often reluctant to register, for fear of being targeted by the tax authority. Turkmenistan’s 2003 Law on Public Associations requires all NGOs to record their foreign funds or grants, including humanitarian and technical assistance, at the State Agency on Foreign Investment and the Ministry of Justice. This requirement has severely affected the NGO sector in Turkmenistan, where many NGOs have been forced to suspend their activities.

On March 7, 2006, the president of the separatist government in the Transnistria region of Moldova signed a decree prohibiting foreign funding of NGOs registered in Transnistria. According to the decree, NGOs are prohibited from receiving funding directly or indirectly from any international or foreign organization, foreign government, Transnistrian organization having a foreign capital share in excess of 20%, or foreign citizen or stateless person, or from any anonymous source. These persons may also not be founders or members of Transnistrian NGOs.

Some countries require foreign grant-makers to be approved by the government and included on a government list of grant-makers in order to give tax-exempt grants to NGOs. These requirements place an additional burden on donor organizations and thus discourage grant-making. Russia introduced such a requirement in 2000. This requirement has proven burdensome and inefficient, as the Government failed to define

any procedure for inclusion on the government list, and failed to update the list for long periods of time.

In Uzbekistan, in 2004, the government began requiring NGOs to deposit foreign funds in one of two government-controlled banks, thereby allowing monitoring and control of all money transfers. The government has used this requirement to obstruct the transfer of over 80% of foreign grants to NGOs. Worse still, the system is administered according to unwritten policies and verbal instructions, making it difficult for NGOs to follow rules or appeal adverse decisions.

Excessive taxation of foreign grants and foreign aid also can severely discourage foreign grant-making organizations from supporting local NGOs. NGOs in Belarus, for example, must pay up to 30% tax on foreign aid, causing some donors to reconsider their support.

Interestingly, the concern with foreign funding for NGOs is spreading both east (Kyrgyzstan) and west (Latvia). In early 2006, the Minister of Justice in Kyrgyzstan has been assigned to monitor all NGOs receiving foreign financial aid, with a focus on determining whether the NGOs are threatening national security. More surprisingly, perhaps, is the proposal in Latvia made by one of the governing parties in the coalition government. The proposal would introduce legislation banning NGOs that receive foreign financing from participating in the political process and from receiving state financing for any research that could influence the choices of the electorate.

Restrictions on Speech and Advocacy

The freedoms of association and speech are inextricably intertwined. According to international law, NGOs, like individuals, have the right to speak out on issues of public importance, whether through research and publications, advocacy of a particular issue, or criticism of the government and government policy.

Governments seeking to contain the influence of NGOs have commonly sought to restrict their ability to engage in advocacy activities or to limit the range of legal speech. Such restrictions are often dressed as legitimate government concerns such as counter-terrorism, anti-extremism or national security, but couched in such vague and overbroad language as to have a chilling effect on NGO advocacy. Russia's 2003 Law on Counteracting Extremist Activity, for example, prohibits the advocacy of extreme political positions, imposes liability on organizations that do not refute the 'extremist' statements of their members, and allows government authorities to suspend, without court order, social and religious organizations, as well as political parties. The law's vague definition of 'extremist activity,' gives the government discretion to label NGO activities as extremist and to dissolve those that advocate positions counter to the state's.

The December 2005 amendments to the Belarusian criminal code prohibit "providing a foreign state or foreign international organization with knowingly faulty information about the political, economic, social, international, and military situation of the Republic of Belarus, the legal status of the Republic of Belarus and its government bodies." Those

convicted of this crime can be punished by a prison term of 6 months to 2 years. Such direct prohibitions on free expression threaten to have a severe impact on the participation of NGOs in public policy discussions.

Stringent Supervisory Oversight and Control

Once an NGO has formed and registered as a legal entity, governments may continue to obstruct its activity through supervisory oversight and control that unnecessarily intrudes on the organization's internal affairs.

The recently adopted amendments to Russian law strengthen the government's control over the activities of organizations by authorizing registration authorities to audit their activities and finances. The authorities may also request any financial, operational or other internal documents from an organization at any time and without any limitation, and even send government representatives to the organization's events. These provisions are overbroad, lack protections for organizations, and could well have a chilling effect on an organization's activities.

In Belarus, many NGOs have ceased operations due to government harassment. In 2004 alone, the government inspected and issued warnings to 800 NGOs. The national security agencies and the Office of Public Associations questioned and searched some NGOs (sometimes by breaking into NGO premises after hours). These inspections proved successful in disrupting NGO activity and diverting NGOs from concentrating on their missions and activities.

Discretionary Suspension and Termination

The suspension of NGO activity or termination of the NGO altogether, like the denial of NGO registration, is as direct and severe an interference with freedom of association as can be taken by the state. Procedural safeguards are therefore critical to protect NGOs from arbitrary suspension and termination. Based on international good practice, the grounds for suspension and termination should be clearly stated, objective and exhaustive. Laws containing vague and overbroad language open the door to the exercise of arbitrary, subjective government discretion, allowing the government to terminate NGOs and quash opposition.

In 2004, Belarus enacted the Law on Public Associations, which gives authorities the power to suspend the activity of any NGO for up to six months and to liquidate an organization for a single violation of the Law on Mass Events and for the illegal use of foreign aid. The Belarusian government has not been hesitant to use its powers to dissolve NGOs. In 2003, the government dissolved 51 NGOs, and in 2004, twenty more.

Criminal Sanctions

NGOs and members of NGOs are routinely subject to the criminal laws generally applicable to legal entities and individuals. Laws criminalizing money laundering,

terrorist activity, fraud and tax abuse, for example, are of course applicable to NGOs and their members and governing authorities. There is rarely a need, therefore, to include separate criminal sanctions targeting NGOs in particular.

Nonetheless, countries seeking to restrict NGO activity, especially in the advocacy area, have used criminal sanctions to create a climate of fear and make NGOs reluctant to speak out. The 2005 Kazakh National Security Law, discussed above, is but one example. In addition, President Lukashenko, on December 14, 2005, signed a new law (“On Completing and Amending some Legislative Acts of the Republic of Belarus to increase accountability for actions aimed against humans and the public order”), which amended the Criminal Code and Criminal Procedure Code, and introduced more severe penalties, including prison sentences, for those who train people to participate in street protests, tell lies about Belarus to foreign countries, or ask others to act against the country’s “sovereignty.” In Uzbekistan, several US-based organizations are under criminal investigation for alleged violations of law, such as having an unregistered logo and failing to register specific activities with the government. Individual staff members have in some cases been questioned for up to 12 hours at a time, and prosecution of individuals remains a threat.

POTENTIAL RESPONSES TO CIVIL SOCIETY CONSTRAINTS

The question of how to respond to repressive regulatory measures stifling civil society presents a daunting challenge. Nonetheless, civil society organizations have devised a number of strategies to counter repressive regulation. The appropriate strategy will of course depend on the local context; not every strategy is effective in every country or circumstance. Taken together, however, they constitute a useful array of tools to protect the basic rights of NGOs against government incursion.

Diplomacy

Diplomatic efforts can be critical to communicating concerns at the higher echelons of government. Leaders of other nations and international organizations can initiate discussions with a government to dissuade it from introducing repressive regulatory measures, providing the government with sufficient space to change course publicly. In a recent example, US Secretary of State Condoleezza Rice urged Russia to revise restrictive draft legislation, remarking on the critical link between democracy and the freedom of association. Multilateral diplomatic efforts have also born fruit in advancing NGO law reform in Albania (World Bank), in Kazakhstan (the OSCE) and in Russia (the G8).

Awareness Raising

In many cases, as an initial step, civil society groups must work to raise awareness internationally of the threats posed to civil society domestically. Through such awareness-raising campaigns, local groups and coalitions can secure support from other nations and international organizations, leading to diplomatic efforts or international pressure on the domestic government. Civil Society Watch, operated by CIVICUS, an international organization dedicated to citizen participation, is but one example of a program dedicated to mobilizing responses to events threatening civil society and freedom of association.

Domestic Litigation

Where courts are reasonably independent, domestic litigation offers another potential tool to challenge restrictive NGO regulation. A direct challenge to the Constitutional Court in Kazakhstan in 2005, for example, resulted in a finding that the restrictive laws enacted by Parliament were not constitutional.

Where courts lack independence and fail to offer a realistic avenue of relief, domestic litigation may still constitute a necessary step as a means of exhausting domestic remedies before petitioning international tribunals (considered below).

Litigation before International Tribunals

There are a number of international tribunals whose mandate is to protect basic human rights afforded by international conventions by adjudicating claims of affected parties against member states. Perhaps the best known and most effective of these tribunals is the European Court of Human Rights. In a series of cases springing from Greece and Turkey, decided in 1998 and 1999, the Court elaborated on the scope of freedom of association and the rights protecting political parties and associations. In these cases, the aggrieved parties (having been denied registration or terminated) obtained judgments against their governments requiring registration of the organizations.

Law Reform Campaigns

In certain circumstances, civil society groups can work to improve regressive legislation. While this strategy may appear far-fetched in politically challenging environments, there are a number of countries where it has worked successfully, including Albania (during the period of martial law imposed by Berisha), Slovakia (under Prime Minister Meciar), and Russia (where the recently enacted law was substantially revised and improved based on the technical assistance provided by NGOs). Such law reform campaigns are most likely to succeed where there is true local ownership of the initiative, where international assistance providers have credibility in the eyes of key stakeholders, and where reformists make efforts to respond constructively to government concerns.

Public Action

Public action against repressive measures can take a wide variety of forms, including demonstrations, letter-writing campaigns, public comments, and media campaigns, just to name a few. At the domestic level, NGOs have organized against repressive draft legislation by issuing public statements and joint petitions against the legislation, by distributing analyses of the provisions to a wide range of stakeholders, by holding meetings, and generating media attention. These domestic campaigns have proved successful in the past year, at least to some extent, in both Kazakhstan and Russia.

In some countries, however, domestic NGOs are unable to organize effective public action, due to severe constraints and isolation. Here the international community can play an important role by publicly applying pressure against a regime to re-consider repressive tactics against civil society. In addition, focused international attention can give hope to oppressed groups. The recent draft law in Russia again offers a good illustration of this approach. In addition to diplomatic efforts, awareness-raising efforts of local groups and reform efforts to improve the draft, the U.S., Germany, European Union, and international organizations joined hundreds of domestic organizations in applying pressure to the Russian Government to re-consider its position. These efforts ultimately proved successful in convincing the government to revise the draft law substantially.

Legal Triage

Some politically challenging environments may be impervious to all the foregoing strategies. In such circumstances, it is appropriate to provide legal support to those under attack – a strategy of “legal triage.” This may include provision of legal or human rights defense resources to civil society. Often this type of assistance, however, poses risks to both the providers and the civil society organizations taking advantage of these services.

CONCLUSION

The current regulatory backlash against civil society groups in politically challenging environments is likely to continue for some time. Because NGOs and other civil society organizations act as alternative power centers, they will often be perceived as threatening to authoritarian regimes. Moreover, even in the most progressive countries, there is always some risk of backsliding on commitments to freedom of expression and association. While the specific circumstances of politically challenging environments will of course vary, the legal barriers used to constrain civil society and freedom of association are quite common, generally falling into one of the categories outlined in this paper. And where these legal barriers exist, the struggle to respond constructively and to protect and enlarge the space for civil society continues.

Chart 1: Select Recent Initiatives

Africa					
Country	Year	Law	Status	Description	Effects
Eritrea	2005	NGO Administration Proclamation (No.145/2005)	Enacted	The proclamation imposes taxes on aid, restricts the relief and rehabilitation work of NGOs, increases reporting requirements for foreign and local organizations and limits international agencies from directly funding local NGOs.	There currently are no independent political parties, media or human rights monitoring NGOs operating; if measures result in closure of NGOs, independent civil society infrastructure will be eradicated.
Sudan	2005	Organization of Humanitarian and Voluntary Work Act	President El Bashir signed a provisional Presidential Decree titled "Organization of Humanitarian Work Act, 2005." The act was scheduled to be presented for mid-Nov session of the Khartoum parliament.	The draft law would give the government the right to cancel an organization's registration for violating "the general policies of the State in connection with the voluntary humanitarian work." If an organization's registration is canceled, the decree does not provide for an appeals process to an administrative or judicial body. If an organization's registration is canceled, all of its assets and funds can be confiscated by the government. No independent organization can receive funds or donations from foreign sources without advance approval by the government. There are severe penalties for any individual who is involved with an organization that violates the law, including expulsion of foreign aid or human rights workers, prohibition from any further aid related work, and confiscation of funds.	The organizations directly affected by the Act were not given an opportunity to review the draft and provide comments. The Act affects both local and international organizations that provide humanitarian aid and monitor human rights and gives government ministers broad and unchecked power to close summarily organizations and place heavy restrictions on receipt of foreign funding.
Uganda	2006	Non Government Organisations Registration (Amendment) Act 2006	First submitted to Parliament in December 2000, the bill is now awaiting presidential assent.	The act requires NGOs to have a valid permit to operate in Uganda, in addition to registering periodically. The Minister of Internal Affairs determines the duration of the permit. The law empowers Government to refuse registration to an NGO on grounds that its objectives "are in contravention of any Government plan, policy or public interest." The term 'public interest' is not defined. Individuals can be held responsible and imprisoned for actions of their organizations.	The law potentially criminalizes civil society organizations. The rationale for NGOs to acquire permits as well as certificates of registration is not clear. It is feared that the bureaucracy normally involved in renewing permits would delay and hamper the operations and work plans of NGOs. The law confers significant power on the Minister, who can exempt an organization from provisions of the statute in emergency situations. The sole power to handle appeals has also been invested in the Minister. Members of Uganda's NGO Forum have asked President Museveni not to assent to the Act, saying the law was passed in parliament without consultation with stakeholders. NGOs are particularly concerned about the provision preventing NGOs from membership on the supervisory NGO board and the role of security agencies on the NGO Board.
Zambia	2005	Draft NGO Bill	Review	The Bill gives powers to the Minister to "issue directives to the Registrar of Societies, and the Registrar is compelled to carry out the action." These directives include the de-registering of NGOs. The "Registrar or an authorized officer may at any time order any organization to furnish, within a specified time, the duly audited accounts of the organization."	The NGO community is concerned that the legislation will be used to suppress NGOs since the bill invests unilateral power in the Minister. The government did not consult the NGO community in the development of the legislation.

Zimbabwe	2004	NGO Bill	Bill passed by Parliament, but President Mugabe has refused to sign it into law and referred back to Parliament for further discussion	Clause 17 of the Bill states that no local non-governmental organization shall receive any foreign funding or donation to carry out activities involving or including issues of governance- defined as the promotion and protection of human rights and political governance issues. The bill would establish a non-governmental Council that would oversee: (a) a registration process for NGOs; (b) the formulation of a code of conduct for NGOs; (c) the adherence to the code of conduct (i.e. administrative and financial obligations). The Council would comprise of representatives that will have to be approved by the Minister of Public Service, Labour and Social Welfare. The Minister may decline any person nominated.	The bill has raised the fear that government, through the Council, could deny registration to organizations likely to be critical of the government. The need to re-register annually is another point of criticism. It is considered cumbersome, potentially costly and disruptive, and it is feared that it could lead to 'self-censorship' by organizations seeking re-registration. Specifically the clauses that no foreign NGO shall be registered for the sole purpose of supporting governance (defined as human rights and political governance) and that no local NGO may receive foreign funding for governance activities have been denounced by critics as infringing on fundamental freedoms and rights.
Asia					
Country	Year	Law	Status	Description	Effects
Bangladesh	2005	Foreign Donations (Voluntary Activities) Regulation (Amendment) Bill, 2004	Withdrawn from consideration by Parliament	The bill prohibited "political activity" by NGOs. Under this legislation, an NGO would have been required to obtain prior approval from the NGO Affairs Bureau for all project expenditures. The proposed legislation empowered the government to cancel NGOs' registration and dissolve them.	This bill would have granted the government much greater control over the operations of NGOs in Bangladesh.
East Timor	2004	Law on Freedom, Assembly and Demonstration	Passed by Parliament	Section 5 of the law includes prohibitions on "demonstrations with the intent of questioning constitutional order" and "demonstrations whose objective constitutes contempt of the good reputation and respect due to the Head of State and other officeholders of the State institutions."	The broadly worded law could be used arbitrarily to crack down on political opposition and dissenters and be used to restrict lawful activities by political parties and nongovernmental organizations.
India	2005	Foreign Contribution (Management and Control) Bill, 2005 to replace the Foreign Contribution Regulation Act (FCRA), 1976	Referred to the Group of Ministers by the Cabinet	The bill restricts foreign contributions to the voluntary sector and gives great discretion to the Central Government to regulate foreign funding. The Central Government may prohibit any person or organization...from accepting any foreign contribution. The law also stipulates that organizations shall receive foreign contribution in a single account only through such one of the branches of a scheduled bank in the State as it may specify in his application for grant of certificate of registration or prior permission. The proposed bill would require re-registration of already registered organizations within two years and would require associations to obtain a renewal certificate once every five years. The proposed bill includes provisions that would allow for the suspension and cancellation of registration certificate and the offense committed would be criminal rather than civil. The bill also prohibits associations from spending more than 30% of their annual donations on administrative expenses.	Earlier in 2005, nine NGOs were banned from receiving foreign funding for having serious audit gaps. However, many of these organizations have recently advocated positions contrary to the government stance on certain issues. Some groups also suggest that there may be a religious motive and Christian groups in India are strongly opposing the bill, which includes a provision prohibiting conversion by 'inducement or force.'
Nepal	2005	Code of Conduct	Review - law suspended Nov 05 by Supreme Court while it decides whether to allow a petition to continue	The new Code of Conduct stipulates that "no campaigning of political party/ group or thought, or attempts of political influence on others in institutionalized way" is allowed. Preaching religious conversion or speaking for or against religions in institutionalized manner is not allowed. The legislation would require all organizations to submit their reports and financial statement to District Administration Office, District Development Committee, SWC and the donor agencies.	The code has been denounced as a tool to curtail civil liberties and democratic rights. In addition, NGOs have objected to the code because it was drawn up without NGO consultation.

Latin America					
Country	Year	Law	Status	Description	Effects
Venezuela	2005	Penal Code Amendments	Enacted	Chapter III, Section II of the Venezuelan Reform of the Penal Code proposes a set of guidelines to deal with those that engage in sabotage against the fundamental and strategic structures of the State. Article 9 states that anyone who engages in activity that tends to interrupt the normal activity of the State's strategic and fundamental structures would be imprisoned for 16-18 years. Article 9 adds that if the sabotage is conducted in collaboration with the media the sentence will include a fine and a one fourth increase in the prison time. In addition, if the sabotage occurs with the financial support or economic participation of any foreign organization, company, medium, or power, the fine, sentence, or both, will increase by two thirds. These provisions would apply to every legal personality listed in Article 19 of the Civil Code, except the nation and its political entities, including churches, universities, moral bodies with public character, associations, corporations, and foundations.	The recent amendments to Venezuela's Criminal Code may stifle press criticism of government authorities and restrict the public's ability to monitor government actions. The code provides many ambiguities that would allow the government to exercise discretion in many cases, including the lack of definition of "sabotage of fundamental and strategic structures."
Middle East					
Country	Year	Law	Status	Description	Effects
Egypt	2003	Law on Associations	Enacted	Under Law 84 / 2002, the Ministry of Insurance and Social Affairs (MOSA) has the authority to refuse application of or dissolve any NGO at any time if finds that the organization is "threatening national unity" or "violating public order or morals." Foreign NGOs are not allowed to operate in Egypt without securing the permission of the Ministry of Foreign Affairs. The law prohibits NGOs from making many internal decisions without first obtaining government approval. NGOs are not allowed to expand their work into any new "project areas" that were not a part of their original charters, and they are prohibited from collecting funds from abroad or affiliating with foreign or domestic groups or unions without MOSA permission.	Civil society groups face severe restrictions under the law governing non-governmental organizations. The most serious barrier to meaningful freedom of association in Egypt is the extra-legal role of the security services. Human Rights Watch documented numerous cases where the security services rejected NGO registrations, decided who could serve on NGO boards of directors, harassed NGO activists, and interfered with donations reaching the groups.
Iraq	2003	Coalition Provision Authority Order Number 45	Adopted	All NGOs wishing to operate in Iraq are required to obtain a license from the NGO Assistance Office. Registration is mandatory and informal groups are explicitly prohibited from operating any "programs." All domestic NGOs must provide the NGO Office with a mass of information: a "complete statement of revenue and expenses and assets and liabilities for the current year and the previous three years" or, if the NGO has existed for less than four years, "financial data for the current year and projected budget for the next two years"; a list of the names and addresses of any donors or non-bank lenders of funds to the NGO; and "a report on [the] proposed program [of the NGO] prepared in consultation with the Relevant Ministry and budget for the first year of its activities." Under the provision, all NGOs must be "non-political." CPA Order 45 gives the government the right to "suspend or revoke a registration of an NGO if the NGO violates any provision" of the Order. If an NGO continues to operate after suspension or revocation of its license, the government can confiscate all of its property.	

Jordan	2005	Professional Associations Draft Law	Parliament has not yet voted on the law	This draft law would require professional associations to obtain pre-written approval from the Interior Ministry to hold public gatherings and to limit their topics of discussion at any of their professional meetings, councils and committee meetings exclusively to "professional matters." The new draft law also would create a government-controlled disciplinary structure with the authority to punish and suspend members from the practice of their profession for a variety of vague, ill-defined infractions, including "directing an association out of its professional mandate" or "harming the honor of a profession."	Jordanian law requires journalists and others to join these professional associations as a condition to the practice of their profession. The draft law covers 12 professional associations that have more than 120,000 active members. The associations include journalists, lawyers, doctors, engineers, artists as well as other professionals. This law threatens association members with the loss of their livelihood if they criticize the government or hold a meeting without government permission.
Jordan	2004	Law of Social, Developmental and Charitable Associations	Review	Jordan's draft law on Social, Developmental, and Charitable Associations contains provisions that strictly limit the ability of social and development organizations to receive foreign assistance, requiring them to get the permission of the Prime Minister to receive foreign funds, and affording substantial discretion to the Prime Minister to determine if a funding agreement is "justified." Under this law, foreign organizations and their branches would not be able to raise funds within Jordan and would be barred from government funding. The law would increase the required number of founding members from seven to twenty-five. The draft law gives the Ministry of Social Development broad discretionary powers to supervise social and development organizations, including the right to enter upon the premises of an organization without notice or other procedural protections for the organizations. It appears to allow for criminal penalties for the violation of any article of the law, regardless of the seriousness of the offense or the intent of the organization's leaders.	The restrictions on foreign funding would create significant financial problems for NGOs. The provisions about foreign organizations would prohibit these branches from developing local means of support and discourage them from becoming sustainable local institutions. The large number of members needed to form an organization will discourage many organizations, particularly those with lesser known or unpopular causes, from organizing. These and other provisions of the draft threaten to restrict the development of Jordanian civil society organizations, undermining the important contributions these organizations make to health, education, social welfare, and other aspects of the country's development.
Jordan	2002	Voluntary Organizations (Societies) Law	The law did not pass Parliament.	The proposed law will require approval from the Minister of Social Development for virtually all essential actions of an organization. The law requires that a voluntary society have a minimum of 50 members, and that it be prohibited from seeking political goals. The law would require minimum capitalization of 50,000 Dinars (or about \$70,000 US) to establish a voluntary society. The law would also severely limit the rights of organizations to choose their own leadership. The law "would be applicable to all voluntary societies already established, which would have one year to come within its terms."	If enacted, it would make it extremely difficult for voluntary societies to operate and come into compliance with the terms of minimum membership. The law would grant much greater control to the government in regulating the activities of the societies. The cost of establishment if extremely high and would greatly hinder a societies ability to register.
Newly Independent States					
Country	Year	Law	Status	Description	Effects
Azerbaijan	2003	Amendments to the Law on Grants	Enacted	The Law requires that NGOs register their grants. The law requires that an organization pay 27% of its monthly consolidated payroll into the Social Insurance Fund. This requirement is imposed in addition to an income tax of between 30-35% so that NGOs pay approximately 60% of salaries in tax.	While this has created logistical problems, as registration documents must be translated, notarized, and submitted to the Ministry of Justice, it has not prevented the majority of NGOs from receiving or using foreign grants. Nevertheless, NGOs fear that if they register their grants, they may be targeted by the tax authorities, and are therefore reluctant to register. This high rate of taxation not only discourages employees from working for NGOs, which are not able to pay high salaries to start with, but also impedes philanthropy, as donors are reluctant to give when significant portions of their funds will be used for taxes instead of programs.

Belarus	2005	"On Completing and Amending some Legislative Acts of the Republic of Belarus to increase accountability for actions aimed against humans and public order"	Passed (final reading) 2Dec05; President Lukashenko signed into law on 14Dec05	The bill would amend the Criminal Code and the Criminal Procedure Code by introducing prison sentences for training people to take part in street protests, telling lies about Belarus to foreign countries or asking them to act against the country's "sovereignty."	Opposition says it will have little effect on their ability to operate, as their activities are already severely restricted in law. This raises deeper concerns rather than assuages concerns regarding the legislation.
Belarus	2005	Presidential Decree #460 of October 22, 2003 as amended by Presidential Decree #382 of August 17, 2005 "On International Technical Aid Granted to the Republic of Belarus"	Enacted	The amendments to the decree classifies events organized with donor funding such as conferences, seminars and public debates as "technical assistance" and requires their registration with the government. The registration procedure is unclear, lengthy, and subjective. The decree also forbids use of technical assistance for preparing and conducting elections and referenda, recalling deputies and members of the Council of the Republic, staging gatherings, rallies, street marches, demonstrations, picketing, strikes, producing and distributing political campaign materials.	These reporting and approval mechanisms give the government greater control over domestic NGOs and their funding mechanisms. The decree also hinders the ability of NGOs to participate in any public advocacy.
Belarus	2005	Presidential Edict #300 of July 1, 2005 "On provision and use of gratuitous (sponsorship) aid"	Enacted	The edict bans the provision of aid for "anti-constitutional" goals and stipulates the process and reporting requirements on provision and use of domestic aid.	The decree further hinders the ability of NGOs to participate in any public advocacy.
Belarus	2005	Resolution #49 dated September 13, 2005 from Ministry of Justice "On some aspects of creation and public association and their unions"	Enacted	The resolution stipulates that all civic initiatives, coalitions, and movements are subject to formal registration.	This decree issues one more way for the Belarusian government to restrict NGOs.
Belarus	2005	Presidential Edict #320 "On establishment, activity, and liquidation of foundations"	Enacted	The edict substantially increases registration fees and orders foundations to bring their charters in line with the new regulations by May 1, 2006	This decree issues one more way for the Belarusian government to restrict NGOs and makes it very cost prohibitive to register and form an NGO in Belarus.
Belarus	2004	Law on Public Associations	Enacted	The law allows the authorities to suspend the activity of any NGO for up to six months and liquidate an organization for a single violation of the law on public mass events and 'illegal' use of foreign aid. The law obliges NGOs to present annual reports to authorities about their members and activities. It legalizes the authorities of the National Commission on Registration (Re-registration) of NGOs which de-facto has already been acting in Belarus from 1999. The composition of the Commission is authorized by the President of the country and is not transparent to the public.	NGOs could already be dissolved for violating the law on mass meetings. Under the new amendments, NGOs can also be dissolved for violating the new foreign aid regulations, the new amend
Belarus	2003	Presidential Decree #24 of November 28, 2003 "On Obtaining and Using Foreign Gratuitous Aid"	Enacted	This regulation defines foreign aid and creates a separate procedure for the registration and use of foreign aid. Under this decree, NGOs must pay up to a 30% tax on foreign aid.	These separate reporting and approval mechanisms give the government greater control over foreign funds. Due to the high tax on foreign aid, many donors choose not to give to Belarusian organizations.

Kazakhstan	2005	On the Activities of international and foreign noncommercial organizations in the Republic of Kazakhstan	Defeated: passed by parliament, sent by president for review by constitutional council who ruled it unconstitutional	The Draft Laws included the requirement that all international and foreign organizations operating in Kazakhstan re-register, prohibition on free expression of opinion, and the receipt and distribution of information by international and foreign organizations in Kazakhstan, excessive requirements placed on branches and representative offices of foreign international organizations and local non-commercial organizations, and impracticable responsibilities placed on local executive government bodies, increased reporting requirements for branches and representative offices of foreign and international organizations, and discrimination against foreign citizens and persons without citizenship. The laws were not put into place because the Constitutional Council issued a decree stating that the two laws conflicted with the Constitution of the Republic of Kazakhstan.	If enacted, there were great concerns that the law would threaten democracy and human rights, especially the freedom of association. While the constitutional court rejected the law, the rejection was based on more procedural grounds rather than substantive grounds. Therefore, it is believed that further legislation on the same topic may be considered.
Russia	2005	Federal Law # 18-FZ On Introducing Amendments to Certain Legislative Acts of the Russian Federation.	Signed by President Vladimir Putin on January 10, 2006, and comes into effect within 90 days of its official publication on January 17.	The new law establishes new requirements for public associations (PAs), non-commercial organizations (NCOs), and foreign nongovernmental non-commercial organizations (FNNOs). The major changes include: a new requirement that a foreign national or stateless person must be domiciled in the RF in order to found, participate, or join a PA or NCO; widening the grounds on which the registration authority ("Rosregistration") may deny registration, including if its "goals and objectives . . . create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage and national interests of the Russian Federation"; increasing the reporting burden on groups by, among other things, requiring them to identify all funds received from foreign sources and report on how they are allocated or used.	The Law's new provisions will affect significantly both Russian and foreign organizations carrying out activities in Russia. It is difficult to anticipate all of the law's possible ramifications since they will depend on how its ambiguous provisions are interpreted and implemented. The development of appropriate regulations, forms, and guidelines yet to be promulgated could alleviate or, more likely, accentuate the anticipated burdens on NGOs.
Russia	2004	Tax Code	Changed - the major restrictive provisions were eliminated before enactment	The draft amendments included requirements that Russian non-commercial organizations (NCOs) to be included on the government-approved list, in order for their contributions to recipients, including other NCOs, to qualify as tax-exempt grants (that is, tax exempt for recipients); foreign donors to go through the procedure currently applied for gratuitous assistance, in order for their contributions to recipients, including other NCOs, to qualify as tax-exempt grants; and the exclusion of foreign individuals from potential grant makers.	These provisions were removed from the final version of the bill as enacted after the third reading in the Duma.
Russia	2003	Federal Law On Counteracting Extremist Activity	Enacted	The law prohibits advocacy of extreme political positions, imposes liability on organizations that do not disavow the "extremist" statements of their members, and allows government authorities to suspend, without court order, social and religious organizations and political parties.	The law includes a vague definition of "extremist activity," giving the government power to broadly mark activities of NGOs as extremist and dissolve those that advocate positions counter to the State's.
Turkmenistan	2003	Law on Public Associations	Enacted	All NGOs receiving or having received foreign funds or grants, including humanitarian and technical assistance, must record these at the State Agency on Foreign Investment and the justice ministry.	The law has had a negative impact on NGO development by giving government officials greater control over the sector. The requirement that NGOs register all of their grants has forced many organizations to discontinue activities.
Uzbekistan	2005	Law on non-governmental non-commercial organizations	Enacted	The law requires that all NGOs deposit their funds with two government-controlled banks.	Since the reforms were enacted, the government has stopped over 80% of foreign grants to NGOs.
Uzbekistan	2004	Presidential Decree on Women NGOs	Enacted	The decree required that all women's organizations, which make up 70-80% of all NGOs to re-register with the Ministry of Justice.	Some organizations chose not to re-register and cease their activities. For those that did choose to re-register, the registration process was lengthy.

Chart 2: Select Long-Term Restrictions

Africa					
Country	Year	Law	Status	Description	Effects
Equatorial Guinea	1999	Act No. 1 of 1999	Enacted	Act No. 1 of 1999 defines NGO-Government relations, but the law restricts NGOs precluding them from engaging in promoting, monitoring or engaging in any human rights activities. While the Constitution grants the freedom of association, in practice, freedom of association is restricted. Government authority must be obtained for gatherings with political purposes if there are more than ten individuals.	There are not any domestic human rights organizations operating in Equatorial Guinea. International NGOs are few and are banned from promoting or defending human rights.
Ethiopia	1960	Civil Code	Enacted	The Ethiopian legal system does not recognize private, voluntary nonprofit organizations, commonly referred to as nongovernmental organizations (NGOs), as a distinct legal entity. The legal practice has been to assimilate NGOs as civil associations as defined in the 1960 civil code of Ethiopia, and to regulate them accordingly. All associations must register with the Associations' Registration Office, which is one of the main Departments in Ministry of Justice. Foreign organizations must re-register every five years. The government often closes down or severely restricts nongovernmental organizations whose programs are deemed to have the potential to challenge the political dominance of the ruling party and related government programs.	Over the past few years, several local and foreign organizations have been shut down by the government. The reasons given by the government have included problems with registration and that the programs challenge the State.
Tanzania	2002 as amended in 2005	NGO Act	Enacted	Sections 35 and 36 of the Act contain penal provisions for even minor breaches of the Act, and of the not-yet drafted "code of conduct." For example, use of an improper registration form would serve as an offence punishable by imprisonment. The amendments include extremely complex and difficult registration requirements for International NGOs in Sections 12 (3) and (4).	The law is generally an improvement over the laws in place earlier, and has been further improved greatly since its inception in 2002 by NGO-supported amendments enacted in June 2005. Local and international NGOs continue to lobby to change the remaining restrictive provisions in the law.
Asia					
Country	Year	Law	Status	Description	Effects
Burma	1999	Law on Associations	Enacted	Burma remains one of the most repressive countries in Asia. The authoritarian military government, the State Peace and Development Council (SPDC), restricts the basic rights and freedoms of all Burmese. In general the right of association exists only for government-approved organizations, including trade associations and professional bodies. Few secular nonprofit organizations exist, and those that do exist take special care to act in accordance with government policy.	After the 1990 crackdown by the Burmese military on democracy activists, including the election-winning National League for Democracy (NLD) and its leader, Daw Aung San Suu Kyi, many Burmese democracy activists fled to Thailand for safety.
China	1998	Regulations for Registration and Management of Social Organizations	Enacted	Progress in legal regulation of NGOs in China has been uneven and the application and enforcement are often guided by political imperatives, such as the restrictive rules that were passed post-Tiananmen in 1990, and most recently, enforcement of more restrictive regulations because of concerns over the Falun Gong. There is no smooth or transparent registration system, nor any legally guaranteed "right" to exist. To register under current rules, NGO's are required to find an organizational sponsor, which is usually a government agency carrying out work in a similar subject area. The Ministry of Civil Affairs, the key "registration management agency," has significant legal power over social organizations. It may issue warnings, order organizational changes or cancel an NGO's registration if the Ministry feels that the NGO has engaged in any misconduct.	While many Chinese NGO's face obstacles to registration, it appears that numerous organizations find ways to carry out activities either as unregistered entities or as "corporations". The institutional problems facing Chinese NGO's, in particular their uncertain legal standing and scarce funding, greatly complicate the ability of the NGO's to attract quality employees. NGO's face the risk of being shut down by the government at any point if their activities appear the least threatening to the government.

Laos	1991 (Constitution)	Constitution and Penal Code	Enacted	Article 31 of the Laos Constitution states that "Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the law." These rights are limited by the Lao Penal Code which forbids to slander the State, distort party or state policies, incite disorder, or propagate information or opinions that weaken the State and participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause "turmoil or social instability," providing for imprisonment of between one and five years.	There are very few domestic NGOs in operation in Laos, however there are several international organizations and international bodies operating programs in Laos.
North Korea	1972 as amended in 1998	Constitution	Enacted	The concept of "Nongovernmental Organization" in a totalitarian regime like North Korea is nonexistent. Foreign NGOs are subject to continual suspicion and are generally not allowed a permanent working place in North Korea. Citizens are denied freedom of speech, the press, assembly, and association.	
Viet Nam	2003	Decree of Government "Regulations on the Organization, Operations and Management of Associations"	Enacted	In July 2003 the Government of Viet Nam issued the Decree of Government "Regulations on the Organization, Operations and Management of Associations." This decree was directed to "regulate the organization, operations and state management of associations. The newly issued decree was largely based on the 1957 Ordinance on Associations. In general the new decree provides for significant degree of control by government authority at all levels. Associations registered under the decree effectively continue to serve as agencies of government ministries.	At present, there are relatively few NGOs in Viet Nam since the legal and policy framework for their existence remains largely dated and extremely limited. With few exceptions, at all levels of government from the central down to the district, village and commune, only government entities are available to respond to social and economic needs. These include both the most Ministries and mass organizations. The mass organizations are state managed, staffed and controlled. Operating under the current legal and policy framework there are about 30 officially recognized NGOs that are affiliated with either a Government Ministry or mass organization.
Latin America					
Country	Year	Law	Status	Description	Effects
Cuba	1999	Law 88 - Law for the Protection of National Independence and the Economy of Cuba	Enacted	Law 88 establishes stiff penalties for those found guilty of vaguely defined "counterrevolutionary" or "subversive" activities. Sentences of up to 20 years can and have been meted out under Law 88 for actions that fall within internationally-recognized rights, such as freedom of speech, assembly and association.	The law is applied to clamp down on dissidents, human rights activists and members of civil society.
Cuba	1992	Associations Law - Article 53 of the 1976 Constitution and Article 54 of the 1992 Constitution (text not changed)	Enacted	Cuba's Justice Ministry grants legal status only to associations willing to accept broad state interference in their activities, including the broad authority to terminate the organization. Under the Associations Law, members of human rights groups, professional organizations of doctors, economists, and teachers, independent labor unions, women's rights groups, and other independent organizations risk prosecution simply for belonging to their group or for carrying out any activities without authorization. Persons involved in unauthorized associations risk criminal sanctions ranging from three months to a year in addition to significant fines.	Cuban legal measures and actions stifle freedom of association for independent labor unions, human rights groups, professional associations, and others. Cuba's Associations Law effectively bars the legalization of any genuinely independent organization, requiring associations to accept broad state interference in their activities and arbitrary state authority to shut them down. The government's denial of legal recognition to opposition groups leaves the members of unauthorized groups at risk of arrest and prosecution. Cuba also subjects members of independent organizations to frequent harassment, arrests, and detentions.

Middle East					
Country	Year	Law	Status	Description	Effects
Algeria	1990	Associations Act 90-31	Enacted	Act 90-31 defines associations as "individuals or legal entities" that "form a group on a contractual basis for non-profit purposes," and requires them to obtain a license from the government prior to formation. Foreign donations must be pre-approved by the Ministry of the Interior. Act 90-31 allows the government to dissolve or suspend any NGO, but in order to do so the Interior Ministry must first obtain a court order stating that the NGO has violated a major provision of the law. Act 90-31 provides for between three months' and two years' imprisonment and a fine for any individual who "directs, administers, or promotes" or "encourage[s] the meeting of members" in "a non-accredited, suspended, or dissolved association."	This requirement of mandatory licensing is an unnecessary and discouraging burden for NGOs, the vast majority of which are informal organizations with no need for legal personality or government supervision. This clause restricting foreign funding essentially allows the Interior Ministry to starve NGOs of a major source of funding. While the Interior Ministry must obtain a court order to dissolve an NGO, the Ministry is often able to easily obtain this order from the courts.
Jordan	1966 as amended in 1978	Societies and Social Bodies Law	Enacted	No NGO can form or conduct operations in the Kingdom of Jordan without express written permission from the Minister of Social Development. The process of obtaining this permission is excessively long and complicated. Foreign NGOs may be authorized under the same licensing procedures, but they face the added imposition of any "conditions and restrictions which [the Minister of Social Development] imposes." The Minister's decisions in this realm are unrestrained; he or she can "refuse to allow any foreign body or society to work in the Kingdom [or] impose on it any conditions which he sees proper." The Minister of Social Development can order the dissolution of any licensed NGO without judicial oversight and without an appeals process. The Ministry of Social Development is free to send representatives to observe any meeting or election, and to inspect any and all records kept at the NGO at any time. Under this law, NGOs must notify the Ministry of any election at least 15 days in advance and reserving the right of Ministry officials to attend the election "to be certain that [it] goes on in compliance with the [NGO's] Articles of Association."	Law 33 / 1966 empowers the Ministry of Social Development to license and de-license NGOs based on the discretionary judgments of ministry officials. The NGO law gives the executive branch the power to act without interference from the legislative or judicial branches. And though the Ministry of Social Development does not often use its powers under Law 33 / 1966, the fact remains that it can. A reminder of this reality came recently, when, amidst strong international criticism, the Ministry moved to shut down the Jordanian Society for Citizen's Rights for an alleged violation of Law 33 / 1966. It was the first NGO to be closed by the government since 1989.
Libya	1972	Law 71 of 1972	Enacted	The Libyan Constitution contains no guarantee of a right to association. The sole statutory right of association comes from Law 71 of 1972, which grants individuals the right to associate only through institutions run by the government, such as the National Trade Unions' Federation. Any NGO or otherwise independent organization is "contrary to the revolution" and therefore illegal; members are subject to extreme criminal punishments, including execution.	Few local and international NGOs operate in Libya.
Morocco	1973	Decree No. 1-58-376	Enacted	While NGOs can comment on public policy, "associations ... which in any way pursue a political activity" are subject to special requirements, including being composed of only Moroccan citizens and being run only with domestically earned assets. Decree No. 1-58-376 leaves discretion to the Interior Ministry to dissolve associations. The law does not provide for any right of appeal to the courts, and the Interior Ministry's decision is not required to be made in writing. Notably, any NGOs that "are incompatible with the law or good morals or which might aim to tamper with the unity of the national soil or the royal system of government are null and void." Foreign NGOs (defined as any NGO in which half the members, or any of the officers, are non-Moroccan) are subject to several additional rules and regulations, and "the government is allowed to object to the founding of [any] foreign association." Almost every section of Decree No. 1-58-376 contains a criminal punishment for violating provisions as outlined in the law.	NGOs are able to function in Morocco under these provisions, but are greatly restricted in their activities.

Saudi Arabia	1992	Basic Law	Enacted	The 1992 Basic Law (Nizam) serves as an informal constitution, but it fails to guarantee any basic human rights; it makes no mention of freedom of expression, religion, or association. The very few NGOs that do exist were established by separate royal decrees; otherwise, no legal framework exists for establishing new NGOs. The government also allows some professional associations to form, but they too are subject to absolute government control.	Few local and international NGOs operate in Saudi Arabia.
Syria	1958	Law on Associations	Enacted	Private associations are required to register with authorities, and requests for registration are usually denied, presumably on political grounds. The Government usually grants registration to groups not engaged in political or other activities deemed sensitive. However, state interference in associational activities is allowed under the law. The government often attends the meetings of associations. Control is kept with the Ministry of Labour and in the Ministry of Interior. All associations are required to send their financial and other records to the Ministry of Labour. The law requires that associations request permission from the government to undertake most activities.	There are very few independent nongovernmental organizations (NGOs) and the Government does not allow domestic human rights groups to exist legally.
Tunisia	Amended 1992	Law on Associations	Enacted	The Constitution provides for freedom of association; however, the Government generally does not respect this right in practice, particularly for groups deemed critical of its policies. The law requires that new NGOs submit an application to the Government in order to gain recognition, and to operate legally. The Government routinely and arbitrarily blocked the registration of new independent NGOs by refusing to provide receipts for their registration applications. Without such a receipt, NGOs were unable to counter the Government's assertions that they had not applied to register, and therefore were not allowed to operate. In such cases, NGOs could be shut down, their property seized, and their members prosecuted for "membership in an illegal organization." All NGOs are required to notify the Government of meetings to be held in public spaces at least 3 days in advance and to submit lists of all meeting participants to the Ministry of Interior.	To regulate the activities of NGOs, the Tunisian government created its own NGOs (governmental NGOs or GNGOs), staffed by members of the general intelligence services (mukhabarat), to attend conferences and monitor what was being said about Tunisia (particularly by representatives of Tunisian NGOs).
United Arab Emirates	1999	Law on Associations	Enacted	All nongovernmental organizations (NGOs) are required to register with the Ministry of Labor and Social Affairs. Private associations must follow the Government's censorship guidelines and receive prior government approval before publishing any material. Participation by NGO members in any event outside the country is restricted. Participants must obtain government permission before attending such events, even if they are not speakers. Domestic NGOs are required to register with the Government and are subject to many regulations and restrictions, particularly those regulating the investigating and publishing of their findings.	Most citizen associations are subsidized by the Government and are organized for economic, religious, labor, social, cultural, athletic, and other purposes. There are no political organizations, political parties, independent human rights groups, or trade unions.
Newly Independent States					
Country	Year	Law	Status	Description	Effects
Azerbaijan	2003	Law on State Registration of Legal Entities	Enacted	NGO registration remains problematic. Of the 2935 NGOs operating in Azerbaijan, only 1769 were registered by the Ministry of Justice and 962 remain unregistered. According to the 2004 NGO Sustainability Index for Central and Eastern Europe and Eurasia, registration of NGOs has been de facto suspended for the past few years and anecdotal evidence suggests that few NGOs successfully registered in 2004.	Inconsistent application of the law creates restrictions according to affiliations, activities, and geographic area of operation. The ban on NGO participation in political activities has been applied so inconsistently and at times so broadly, that it has had a chilling effect on NGOs engaged in advocacy activities.