

***Non-Governmental Organizations
Law in the Iraqi Kurdistan Region***

*In the name of God, the Most Merciful,
the Most Compassionate
In the Name of the People*

The National Assembly of Kurdistan- Iraq

In accordance with the provision of paragraph (1), Article (56), of the amended Law No.(1)for the year 1992, and based on what was presented by the quorum of parliament, the National Assembly of Kurdistan decided in its ordinary session No.(4) held on 6/4/2011 to enact the following law:

Law No. (1) Of 2011

Non-Governmental Organizations Law in the Iraqi Kurdistan Region:

Chapter 1

Definitions

Article 1:

The following words and phrases shall have the meanings assigned to them herein, for the purposes of this Law.

First: The Region: The Kurdistan Region of Iraq.

Second: The Organization: The Non-Governmental Organization, a group of natural or legal persons and enjoying a legal personality in accordance with the provisions of this law, and seeks to achieve objectives that do not entail profit sharing.

Third: The Department: The Department of Non-Governmental Organizations in the Region's Council of Ministers.

Fourth: the Kurdish Organizations: Organizations registered in the Region in accordance with the provisions of this law.

Fifth: Iraqi Organizations: Organizations registered in accordance with Iraqi Law, and carry out their work and activities in the Region by virtue of the provisions of the valid law in the Region.

Sixth: Foreign Organizations: Organizations registered under the law of another State, and carry out their work and activities in accordance with the valid laws in the Region.

Seventh: The Network of Organizations: A Non-Governmental Organization registered under the provisions of this law, and consists of a number of Organizations and enjoys a legal personality.

Chapter II

General principles

Article II:

Establishing organizations is a Constitutional right, there should not be any obstacles to their establishment outside the legal requirements.

Article III:

Organizations have the right to establish branches inside or outside the Region and Iraq.

Article IV:

First: Two or more registered Organizations have the right to establish a network among themselves.

Second:

1 – The network of Organizations seeking to obtain a legal personality, shall submit an application for registration in accordance with the provisions of this law, and acquire a legal personality, which is independent from the legal personality of its founding Organizations.

2 – The unregistered network is a legal one, but does not enjoy a legal personality.

3 - Two or more networks of Organizations may join together. The network of Organizations may comprise Kurdish or Iraqi or foreign Organizations, and any natural or legal person may become a member of the network of Organizations.

4 – The registration application and procedures are exempt from fees.

Article V:

Anyone person could act on behalf of the Organization or the network before the courts and official and unofficial bodies in accordance with the bylaws of the Organization.

Chapter III

Membership in the Organization

Article VI:

The conditions of membership, age, voting and nomination right and the other conditions shall be specified in the bylaws.

Article VII:

Firstly: The members and workers may not participate in making and issuing decisions which might lead to conflict between their personal or career interests and the interest of the Organization.

Second: In case a member or worker in the Organization violates what was stated in the first paragraph above, he/she shall be punished in accordance with the valid laws and bylaws.

Chapter IV

Objectives and Rights

Article VIII:

The Organization shall seek to achieve its objectives, in consistency with the principles of democracy, international human rights treaties and conventions, and should be clear and public.

Article IX:

The Organization, in accordance with the laws in force and within its area of competence, shall:

First: Assess the role of the State institutions.

Second: Access information.

Third: Organize gatherings, meetings, demonstrations, strikes, conferences, workshops, and all other civil activities.

Fourth: Publish reports and information and print publications and opinion polls.

Chapter V

Registering Organizations

Article X:

Registration Conditions:

First: In order to register Kurdish Organizations, the founding members shall submit an application to the department responsible for registering and managing the affairs of the Organizations. The number of the founding

members shall not be less than three persons, and the application shall be duly signed by all of them, with the bylaws attached thereto. The application shall include the following information:

- 1 - Name of the Organization, its purposes and objectives.
- 2 - Name, title, sex, nationality, age, profession, level of academic achievement, and domicile of the founding members.
- 3 – The Organizational structure of the Organization and the way it conducts its activities.

Second: Iraqi Organizations:

The Iraqi Organizations registered by the federal authorities shall automatically be considered registered in the Region, and shall provide the department with the following information in both the Kurdish and Arabic language:

- 1 - Name of the Organization and its representative in the region.
- 2 - Address and telephone number of the Organization's headquarters in Iraq.
- 3 – Action plan of the activities the Organization intends to implement in the Region.
- 4 - A certified copy of the Organization's federal registration documents.

Third: Foreign Organizations:

In order to obtain a registration certificate, foreign Organizations shall provide the department with the following information in both the Kurdish and Arabic language:

- 1 - Name of Organization.
- 2 - Address and telephone number of the Organization's headquarters in Iraq.
- 3 – Objectives and activities the Organization intends to achieve in the Region.
- 4 - A certified copy of the Organization's bylaws.
- 5 – A supporting evidence proving the Organization's registration as an NGO in the country of origin.

Article XI:

Registration Procedures:

First: The department shall respond to the registration application within (30) days from the date of receipt of the application. Upon submission of the application, the department shall provide the NGO with a dated receipt, which shall be considered an evidence of the date of submission of the application for the purpose of calculating the thirty days period.

Second: In case of non-fulfillment of any legal conditions contained in the application for registration in accordance with this law, the department shall return the application to the Organization within (15) days from the date of the receipt, for the purpose of completing any missing requirements, and in such case the reply period shall be calculated from the date of the new application.

Third: In case of failure to respond to the application and the lapse of the period mentioned in paragraph (1) of this Article, the Organization shall be considered registered and the department shall provide the Organization with the registration document upon request.

Fourth: In case the department rejects the registration application, it shall send to the Organization an official letter reasoning its rejection and the reasons on which the department based its rejection, which exclusively are the failure of the Organization to meet the condition set out in Articles VIII, X, and paragraph (1) of Article XIV of this law .

Fifth: the Organization has the right to challenge the rejection decision, before the Administrative Tribunal in the Kurdistan Region within (30) days from the date of receiving the rejection decision, and the court shall issue its decision within (15) days.

Sixth: Following the approval of the registration application, or the lapse of the legal period without a reply, the Department shall publish the registration document in a daily newspaper in the Region.

Article XII:

The Organization's Records :

The Organization shall keep the following records, which should be certified by a notary public:

First: A members' register in which shall be recorded : the name, address, age, sex, academic achievement and the membership date.

Second: A decisions' log: which shall include the board of directors' decisions and the (name) of the person representing the Organization in accordance with its statute. The record shall be signed by the Organization's board of directors.

Third: Accounting record: to register the revenues and expenses of the Organization.

Fourth: The main register (Assets register): to a record the Organization's movable and immovable assets.

Chapter VI

Organization's Revenues

Article XIII:

The Organization's income consists of:

First: Assistance provided by members of the Organization.

Second: Assistance, donations, gifts and grants from individuals, the private sector and other local and foreign entities.

Third: Any other revenues the Organization gains from investing its funds, and proceeds from its activities.

Fourth: The Organization's share of the annual budget allocated to the Region, and any other grants and assistance provided by the Government in support of the Organizations' projects.

Article XIV:

First: The Organizations and networks shall open bank accounts.

Second: The Organizations shall manage their funds through an annual budget, in accordance with the accounting system approved in the Region.

Third: The Organizations and networks shall provide the department with an annual financial report to be audited by the Supreme Audit Bureau in the Region.

Fourth : The Organization's revenues, properties and funds shall be exempted from taxes and customs duties.

Fifth: Organizations financed by the Government shall provide the department with a detailed report on its projects' implementation.

Chapter VII

Suspension, Dissolution and Merger

Article XV:

The department shall hold the Organization accountable in case it violated the provisions of this law as follows:

First: The Department shall warn the Organization violating the provisions of this law to remove the violation within (15) days.

Second: In the case the Organization did not remove the violation within the period mentioned in paragraph (1), the department may suspend the work and activities of the Organization for (30) days.

Third: The decisions of the Department are subject to appeal before the Administrative Court within (10) days from the date of the notification of the suspension decision, the court shall issue its decision within seven days from the date of receiving the contestation.

Article XVI:

The Organization or network can be dissolved voluntarily or compulsory.

First: In the case of voluntary dissolution, the Organization shall be dissolved in accordance with its bylaws, and shall notify the Department of its decision at least (30) days prior to putting it into effect.

Second: In the case of compulsory dissolution, the Organization shall be dissolved by a decision from a court of first instance and this will be exclusively in the following cases:

- 1 – The violation of the Organization of the Constitution or the laws enforced in the Region.
- 2 – Based on a lawsuit filed by the department, in case the Organization or network did not remove the violation in accordance to Article (15) herein.

Third: The Organization or network has the right to appeal the court's decision before the court of cassation, within a period of (30) days from the date of receipt of the court decision.

Article XVII:

First: In the case a judicial decision was issued, the court shall appoint a liquidator.

Second: The Organization or network shall provide the liquidator with a record of all its accounts, assets and revenues. The assets shall be used first to settle the Organization's or network debts, and the remaining assets shall be transferred to another Organization or network that has the same goals or objectives close to the ones of the dissolved Organization or Network.

Article XVIII:

First: Two or more Organizations might merge and form one Organization in accordance with the bylaws of each one of them.

Second: The merging procedures and the establishment of a new Organization are subject to the provisions of this law.

Third: The movable and immovable property shall devolve to the new Organization.

Chapter VIII

General Provisions

Article XIX:

The Regional Government shall allocate the necessary funds within the annual budget to assist and support the Organizations on the basis of their efficiency, projects and activities.

Article XX:

The Region's institutions shall take advantage of the efficiency and activities of the Organizations through the implementation of joint projects.

Article XXI:

The Organization shall not aim for material benefits unless only within the framework of achieving its objectives.

Article XXII:

All decisions issued by the Organization or the network are subject to appeal before the court of first instance within (15) days from their date of issue based on the request of any concerned person.

Article XXIII:

Organizations operating in the region shall adjust their situations with the provisions of this law within one year from the date of its publication.

Article XXIV:

The provisions of this law do not apply on trade unions and professional associations, unions and political parties.

Article XXV:

The Law of Kurdish Non-Governmental Organizations, No. (15) for the year (2001) and resolution number (297) for the year (1999) are repealed .

Article XXVI:

Any legal text or decision contradictory to the provisions of this law shall not apply.

Article XXVII :

The tasks and competences of the Department shall be defined by regulations

Article XXVIII :

The Council of Ministers and the relevant authorities shall implement the provisions of this law.

Article Twenty-Nine:

This law shall be effective from the date of its publication in the Official Gazette (Kurds Facts).

Rationale

Due to the influence Non-Governmental Organizations in the Kurdistan Region have on the development of society and democratic and civic life in the Region, and as a result of this major development experienced by these Organizations in addition to their prominent role in most of the areas of the life of society, and also for the purpose of regulating the legal framework for these Organizations, and in order to achieve this purpose, and introduce an advanced and modern law appropriate to the democratic and civic culture, this law was enacted.