

AN INTRODUCTORY PRIMER ON

Non-Governmental Organizations (NGOs) in Iran





Throughout the world, non-governmental organizations (NGOs) have proven to be effective institutions for raising awareness regarding issues of public concern, mobilizing citizens into action, and holding public officials accountable for their performance. NGOs have been operating in the Islamic Republic since its founding, focusing on a wide range of issues including public health, development, women's rights and, more recently, environmental protection.

Are there issues on the local or national level that concern you and that you think are not being properly addressed? Joining or establishing an NGO may be a way for you to make an impact. You may have

already discussed the possibility of starting an NGO with several friends or colleagues. But where do you start? What

regulations and procedures do you need to follow in order to establish an NGO? In what areas might you face challenges? And, in the end, is it of value for you? This document is intended to help you understand and navigate the various steps related to establishing a non-governmental organization in Iran.

Help us keep this information up to date and let us know about challenges NGOs are facing in the registration process. If you note errors or had experiences different

from what is outlined in the law, please let us know—be sure to reference the source of your understanding.

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Legal Context of Organizations

Several Iranian laws and regulations are relevant to the establishment and operation of NGOs. At the most general level, the rights of NGOs to operate are granted in the Iranian Constitution.

- Article 26 of the constitution stipulates that “political parties, societies, political associations and guilds, and Islamic or recognized minority religious associations are free to be established, under the condition that they do not violate the principles of independence, freedom, national unity, Islamic standards, and the foundations of the Islamic Republic. No person may be prevented from joining, or forced to join, any of the above.”

Over the years, the Majlis and successive presidential administrations have created regulations specifying the rights provided to NGOs as well as the rules for establishing them.

Due to encouragement from the reformist-oriented administration of Mohammad Khatami, large numbers of advocacy groups and professional associations began emerging throughout the country between 1997 and 2005. In Khatami’s final days in power—in an effort to clarify the NGO registration process and outline legal protections for such groups—his cabinet issued a directive entitled Regulations for the Establishment and Activities of NGOs.

As of the date of this publication, those 2005 regulations continue to direct the NGO registration process.

WHAT RIGHTS DO THE REGULATIONS PROVIDE?

NGOs with operating licenses are able to exercise a number of rights:

- The right to provide consultation to government entities, including for the drafting of relevant laws
- The right to organize marches and demonstrations in order to advocate their positions
- The right to take legal action in pursuit of their objectives
- The right to own property
- The eligibility to apply for government grants

WHAT ARE THE CRITERIA FOR FORMING AN NGO?

You must meet several criteria in order to obtain an operating license from the government. According to the government, an NGO must be:

- Volunteer-based
- Non-profit
- Non-political
- Established by persons, rather than a corporate entity
- Established by individuals in a non-governmental capacity (government officials can establish an NGO as long as they do so as private citizens and do not use their official title)
- Established at the initiative of private citizens and not at the behest of a government entity
- Accepting of new members
- Driven by a clear objective

Furthermore, the guidelines stipulate that the individual establishing an NGO must:

- Be at least 18 years old
- Be an Iranian citizen
- Not have a history of criminal misconduct leading to the revocation of societal rights
- Have at least five other individuals interested in helping establish the NGO
- Have at least two founding members (which could include the applicant) with a specialty in the NGO’s field of interest

In Iran, NGOs fall into two broad categories: public interest organizations, such as those addressing public welfare and advocating on behalf of certain issues; and professional groups, such as guilds, which are formed to promote the welfare of the organization’s members.

The Ministry of Interior website provides the following issue areas for categorizing NGOs:

- Development
- Infrastructure Development
- Social Affairs
- Cultural Affairs
- Health and Treatment
- International Affairs
- Technology
- Environment and Natural Resources
- Ethnic Issues
- Sports
- Other

WHAT ARE THE PROCEDURES FOR REGISTERING NGOS?

If you meet the criteria necessary for establishing an NGO, you will need to follow the procedures below in order to obtain an operating license. As noted below, the government agency that you will be dealing with depends on the geographic scope of your intended activities.

1. **Submit an application to the Supervisory Committee relevant to your jurisdiction of proposed activity**
 - a. If proposed activity will be limited to the county level you must obtain your form from your County Administrator's office and submit it to that office's Supervisory Committee
 - b. If proposed activity will be conducted at the provincial level, you must obtain your form from your Governor's Social and Electoral Affairs Office, and submit it to that office's Supervisory Committee
 - c. If your proposed activity will be conducted at the national level, you must obtain your form from the Ministry of Interior's Office of Social Affairs, and submit it to the National Supervisory Committee overseen by that office. Forms are available online at <http://saman.moi.ir>.
 - d. In the application for, you must clarify the subject of your intended activities, describe the geographical scope of your intended work, and select a name for your organization that is related to the focus of activities. The application fee is determined based on the initial capital that NGO has on hand.
2. **Once the form is filled out and sent to the proper Supervisory Committee, it is then passed on to an Experts Group, where experts in the field relevant to your intended activities—including representatives of other NGOs—review your application and provide their recommendation as to whether the Supervisory Committee should grant your organization initial Confirmation**

NGOS WITH LICENSES TO OPERATE AT THE NATIONAL LEVEL *Source: Ministry of Interior (1388/2009)*

CATEGORY	NUMBER	DESCRIPTION
Social	46	Children and women's issues, disabled assistance, societal issues, skills training
Charity	16	
Cultural	12	Cultural training, tourism, preservations, arts
Sports	12	
International Friendship Societies	11	
Environment	9	
Health	8	Public health
Other	9	
Total	123	

Breakdown of NGOs with Licenses to Operate at the National Level (Source: Ministry of Interior 1388/2009)

3. In the event that your application receives initial confirmation, you will be sent the following secondary documents, which you will need to return to the Supervisory Committee reviewing your file:
- Applicant Identification forms (to be returned with photographs of all founding members as well as copies of their birth certificates)
 - Forms to fill out the organization's articles of association, which must include the following information: goals of the organization; Focus of activities; Length of intended activity; Primary location of intended activities; Methods for creating branches; Organizational structure, means of electing officials and designating responsibilities; Authorized signatories; Conditions for accepting new members; Sources of funding*; Method for revising the articles of association; Method for disbanding; Clarification of the status of funds following disbanding; and Geographic reach of intended activities.
 - Form to record the minutes of the preliminary meetings including: The first meeting of the founders; Selection of the board of trustees; Selection of the executive director and executive board.

*Prior to receiving funds from foreign organizations, applicants must submit to their relevant Supervisory Committee the foreign organization's complete details, the amount of funding to be received, and the means by which the NGO will be receiving the funds.

- The Supervisory Committee is required to send, within one week, the details of the funding request to the Ministry of Intelligence, Ministry of Foreign Affairs, and Central Bank.
- Those agencies have one month to respond. If they do not respond within that timeframe, it will be considered as approval.

Note that NGOs receiving funds from "official" international organizations, such as the United Nations, are not required to request authorization from the Supervisory Committee. The Ministry of Foreign Affairs will send a list of accepted international organizations to the Supervisory Committees.

4. Your new forms are reviewed by the Experts Group within the Supervisory Committee.
- The Expert Group has up to two weeks to make a decision
 - In the event of rejection, the Supervisory Committee is required to provide you with a written explanation within two weeks
 - If your NGOs intended purpose correlates with the activities of a government agency, the Supervisory Committee must seek that agency's input within one week of receiving your application.
 - The agency has one month to respond to the Supervisory Committee, providing its approval or disapproval of your application. If it does not respond within one month, it will be considered as approval.
5. Upon approval of the secondary forms, the Supervisory Committee requests that a background investigation be conducted by the relevant authorities, including the Ministry of Intelligence and Law Enforcement Intelligence.
- As part of the investigation, the Supervisory Committee will send you and your fellow founding members a request to visit a facility to be fingerprinted. Those forms will also be inserted into your application file.
6. If the result of your background investigation is positive, your file will be sent back to the Supervisory Committee for final review.
- Following the approval signature of the head of the Supervisory Committee, your organization will be granted an operating license.
7. Your final step will be to submit your operating license to the State Organization for Registration of Deeds and Properties, housed within the Judiciary, in order for your organization to be entered into the national NGO registry (<http://www.ssaa.ir>).

In the event of a rejection at any stage of the process, you have one month to appeal the decision to a Supervisory Committee of the next higher authority. For instance, if you are rejected by a committee at the county level, you can appeal to the Supervisory Committee in your governor's office. Likewise, if you are rejected by the provincial committee, you can appeal to the National Supervisory Committee in the Ministry of Interior. Finally, if you are rejected by the national committee, you can appeal to the Court of Administrative Justice.

WHAT ARE POTENTIAL CHALLENGES IN REGISTERING YOUR NGO?

Although the 2005 regulations clearly delineate the registration procedure, it has been reported that local officials do not always follow the procedures exactly. The level of adherence to these procedures can be related to anything from the local official's personality to his or her receptiveness to civic activism.

Another challenge that founders of NGOs can face is the government's expansive interpretation of the Parties Law, which stipulates that no former ranking member of the pre-revolutionary government can establish or serve on the board of directors of a political organization or association.

- Although it was not intended to be related to NGOs, authorities have been known to interpret the law to cover NGOs.
- Authorities also have expanded the interpretation of the ban to mean all individuals who have allegedly acted against the Islamic Republic. This has included reform-oriented individuals.

LOOKING AHEAD

The NGO registration procedures may be changed in the future. So make sure to confer with local officials prior to embarking upon the application process.

For instance, since 2006, a draft law has been debated and revised several times in the Majlis. The proposal would alter the registration process by, among other things:

- Creating a Supreme Committee, overseen by the Ministry of Interior and including representatives from security and military organizations and ideological groups such as the Basij, that would oversee the establishment of NGOs
- Making the Supervisory Committees subservient to the Supreme Committee
- Requiring more stringent background investigations
- Requiring that currently operating NGOs re-register and go through the new process
- Limiting the role of NGO representatives in reviewing the applications

The likelihood of this restrictive bill eventually passing remains unclear. This is especially the case following President Hassan Rouhani's recent publication of his administration's Charter of Citizen's Rights, which reiterates the rights of citizens to form NGOs and may contribute to an environment more conducive to establishing new organizations.



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2) Once the form is filled out and sent to the proper Supervisory Committee, it is then passed on to an Experts Group, where experts in the field relevant to your intended activities—including representatives of other NGOs—review your application and provide their recommendation as to whether the Supervisory Committee should grant your organization initial Confirmation.



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4) Your new forms are reviewed by the Experts Group within the Supervisory Committee.



5) Upon approval of the secondary forms, the Supervisory Committee requests that a background investigation be conducted by the relevant authorities, including the Ministry of Intelligence and Law Enforcement Intelligence.



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