

**TRANSITIONAL ISLAMIC
STATE OF
AFGHANISTAN
MINISTRY OF JUSTICE**

OFFICIAL GAZETTE

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Official decree of the President of the Transitional Islamic State of Afghanistan on the approval of the Law on Social Organizations.

Number: 152

Date: 27/1/2002

Article 1:

The Supreme Council of Ministers, in accordance with resolution number 12/42, dated 16/9/2002, authorizes and approves the Law on Social Organizations in four Chapters and twenty-five Articles.

Article 2:

With the purpose of coordinating the application processing, statutes, and registrations of Social Organizations, and activities thereof, a department with appropriate structures shall be established within the framework of the Ministry of Justice. The Ministry of Finance shall provide the budget for this department.

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Article 3:

The decree and the Law shall come into force from the date of approval and be publicized in the Official Gazette.

Hamid Karzai

President of the Transitional Islamic State of Afghanistan

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IN THE NAME OF GOD, THE MOST MERCIFUL, THE MOST COMPASSIONATE

Law on Social Organizations

Chapter One

General Provisions

Article 1:

This Law is enacted to establish and regulate Social Organizations and the activities thereof, in consideration of Article 32 of the 1964 Constitution of Afghanistan.

Article 2:

(1) Social Organizations (Societies and Associations) are the volunteer union of natural persons, formed with the purpose of pursuing social, cultural, scientific, legal, literary, artistic, and professional objectives in accordance with the provisions of this Law.

(2) Natural persons mentioned in paragraph 1 of this Article shall be Afghan citizens who have reached 18 years of age.

Article 3:

In achieving objectives, Social Organizations shall comply with the fundamentals of the holy religion of Islam, the provisions of the Constitution, and the Articles of this Law.

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Article 4:

The legal personality of a Social Organization is recognized when its statutes are established, approved, registered, and published in accordance with the provisions of this Law.

Article 5:

Social Organizations shall not operate outside their scope of activities registered in the approved statutes.

Chapter Two:

Establishment and Operation of Social Organizations

Article 6:

(1) The application to establish a Social Organization, along with its statutes, shall be presented, by the founders of the group, no less than 10 in number, to the Ministry of Justice.

(2) The Ministry of Justice shall inform of its decision of approval or rejection within 30 days of receiving an application.

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(3) If the application is approved, the Ministry of Justice shall register and issue an activity permit thereto.

(4) If the applicant deems the Justice Ministry's rejection of the application to be in contradiction to the provisions of the Law, the applicant may appeal with the relevant court.

Article 7:

(1) Two Social Organizations pursuing one specific objective shall not be established under the same name.

(2) Two or more Social Organizations with similar objectives and responsibilities may establish a union of such related organizations.

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Article 8:

Social Organizations shall maintain proper financial records.

Article 9:

The Statues of a Social Organization, approved by its Founders, shall incorporate the following:

- 1- Title and objectives.
- 2- Scope, activities, and methodology.
- 3- Membership criteria, rights and responsibilities of members.
- 4- Grounds for membership cancellation; implementation of disciplinary procedures.
- 5- Organizational structure.
- 6- Procedures and periods for general assembly meetings or congresses.
- 7- Procedures for the election of leadership and their mandate.
- 8- A Listing of the names of Organization directors.

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- 9- Procedures for the internal management of the Organization.
- 10- Specifications of financial sources and the monitoring procedures thereof.
- 11- Names of three financial affairs officials.
- 12- Procedures for the Organization to amend and bring changes to its statute, or merge with similar local organizations.
- 13- Procedures for the establishment of headquarters and branch or liaison offices.
- 14- Procedures for dissolution and liquidation.

Article 10:

- (1) The headquarters of Social Organizations shall not be established outside the country.
- (2) Foreign Social Organizations managed by Afghans may establish branches or liaison offices in the country. The activities of these branches or representatives shall comply with the provisions of this Law.

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Chapter Three

Dissolution and Termination of Activities of Social Organizations

Article 11:

The dissolution of Social Organizations shall take place in accordance with the statutes and decisions of legislative bodies thereof.

Article 12:

Social Organizations shall be dissolved on the basis of an investigation by the Office of Attorney General, if:

- 1- Not in compliance with commitments listed in related statutes.
- 2- Operating in violation of statutes.

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Article 13:

Lawsuits related to the dissolution of Social Organizations under Article 12 of this Law, shall be resolved by the relevant court, through a written request from the Office of the Attorney General, in accordance with the provisions of this Law.

Article 14:

- 1) Where the court decides to dissolve a Social Organization, one or more persons shall be appointed to oversee the liquidation and distribution of the assets thereof, in accordance with the provisions of the relevant statutes.
- 2) If no provisions addressing the distribution of assets exist in the statutes of the dissolved organization, the court shall transfer these assets to another organization or establishment with similar objectives.

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Article 15:

The founders of the Social Organizations shall not add provisions to the statutes that allow the transfer of assets from the organization to their own person, family members, or heirs subsequent to the dissolution thereof and the termination of its activities.

Chapter Four

Miscellaneous Provisions

Article 16:

The funding and financial affairs of Social Organizations shall be transparent. The assets of Social Organizations shall be utilized solely to achieve the objectives of the organization.

Article 17:

Social Organization may publish their objectives in accordance with the provisions of the Law.

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Article 18:

Foreign nationals may obtain an honorary membership of a Social Organization upon approval from the Ministry of Justice.

Article 19:

1. The Ministry of Justice shall establish an office to coordinate the application registration process and to examine the contents of the statutes of Social Organizations.
2. Powers and responsibilities of the office mentioned in paragraph 1 of this Article shall be regulated by a separate bill.

Article 20:

Within two months of publishing this Law in the Official Gazette, the organizations established prior to the enforcement of this Law shall submit their statute for evaluation and approval to the relevant office in the Ministry of Justice.

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Article 21:

The Ministry of Justice shall provide the forms and contents of the activity permits of Social Organizations to the qualified applicant, against a fixed payment.

Article 22:

Social Organization may possess a unique logo.

Article 23:

In cases not covered by the provisions of this Law, Articles 403 to 439, of the Civil Law shall apply.

Article 24:

Social organizations shall have a seal where name and logo of the Organization are engraved.

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Article 25:

This law shall come into force from the date of its approval and shall be published in the Official Gazette. As of the implementation of this Law, the Law on Social Organization published in issue number 714 of the Official Gazette, dated April 19, 1990, shall be considered null and void.