



# Registration Brochure for Associations in Afghanistan

A Brochure for Compliance with Registration Requirements under the Law  
on Associations and Regulation on Procedure of Establishment and  
Registration of Associations

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## Preamble

The Registration Brochure for Associations is based on registration requirements under *the Law on Associations* enforced since September 2013, *the Adopted Amendments to Law on Associations – 2017*, *the Endorsed Amendments to Law on Associations – 2019*, and *the Regulation on Procedure of Establishment and Registration of Associations* enforced since June 2014. The purpose of this brochure is to provide guidance to individuals and groups seeking to establish associations in Afghanistan.

The brochure has been prepared by the International Center for Not-for-Profit Law, with input from the Department of Political Parties and Associations within the Ministry of Justice. While it has been reviewed and prepared with input from the Department of Political Parties and Associations, the views expressed herein are those of the author and do not necessarily reflect the official views of the Afghan Government or other organizations. Instead, the information in this brochure is *unofficial guidance* reflecting the author's understanding of laws and regulations currently in effect in Afghanistan and does not constitute legal advice or opinions. Please note that the legal situation in Afghanistan is in a state of flux, and new laws, regulations, and administrative directives may affect the accuracy of the information contained in this brochure. We strongly encourage you to inform yourself of new developments.

ICNL would welcome any comments on the content of this brochure. For further information on issues relating to registration of associations, or for soft copies of this brochure, and other ICNL publications, please visit our website at [www.icnl.org](http://www.icnl.org).

## CHAPTER ONE:

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# General Information

## What is Civil Society?

There is no single ‘correct’ definition of “civil society”. There have been, however, many attempts to define civil society. Here are but two:

*Civil society” refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women’s organizations, faith-based organizations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.<sup>1</sup>*

*Civil society” refers to the space of uncoerced human association and also the set of relational networks – formed for the sake of family, faith, interest and ideology – that fill this space.<sup>2</sup>*

## Are There Protections for Civil Society in the International Legal Framework?

The *Afghan Constitution* stipulates that: The state shall abide by *the U.N. Charter*, international treaties, international conventions that Afghanistan has signed, and *the Universal Declaration of Human Rights*. (Article 7.1)

*The Universal Declaration of Human Rights* (1948) holds that: Everyone has the right to freedom of peaceful assembly and association. *The International Covenant on Civil and Political Rights* (ICCPR) (1976), which Afghanistan ratified in 1983 (and has been ratified by more than 140 countries), similarly protects the freedom of association: Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interest.” (Article 22, ICCPR)

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<sup>1</sup> See [http://www.lse.ac.uk/collections/CCS/what\\_is\\_civil\\_society.htm](http://www.lse.ac.uk/collections/CCS/what_is_civil_society.htm) for the definition used by the London School of Economics

<sup>2</sup> Nicholas Deakin, in search of civil society, © 2001, quoting Michael Walzer, *Toward a Global Civil Society*, ©1995.

More recently, in 1999, the U.N. issued a declaration (a resolution of the General Assembly), which states specifically:

*For the purposes of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) to meet and assemble peacefully; (b) to form, join and participate in NGOs, associations and groups; (c) to communicate with NGOs and intergovernmental organizations.<sup>3</sup>*

These rights embodied in international law – especially *the Universal Declaration of Human Rights* and *the International Covenant on Civil and Political Rights* – which Afghanistan has recognized in its Constitution and through the ratification process, respectively, take precedence over national legislation. Thus, under international law, the freedom of association is clearly protected in Afghanistan. Alongside other fundamental freedoms, the freedom of association forms a crucial legal basis for civil society activity under international law.

## Does the Afghan Constitution Protect Civil Society?

In January 2004, the current *Afghan Constitution* was adopted. *Article 35 of the Constitution* grants Afghans (real and legal persons) the “right to form social gatherings for the purpose of securing material or spiritual aims in accordance with the provisions of the law.” The “right to form social gatherings” seems to embrace the concept of freedom of association and the ability of citizens to act collectively for “material and spiritual aims”. *Articles 34 and 36* protect the closely linked freedoms of expression and assembly (or “demonstration”). Taken together, these constitutional rights provide clear legal space for civil society activity in Afghanistan.

## What Afghan National Legislation Impacts on Civil Society?

National legislation is necessary to ‘actualize’ the rights contained in *the Afghan Constitution* and protected by international laws. In addition to *the Afghan Constitution*, there are two key laws that govern the establishment, registration and operations of civil society organizations: *the Law on Associations* enacted in September 2013) and *the Law on Non-Governmental Organizations* enacted in June 2005.

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<sup>3</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, available here: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>.

Here is a list of the key national laws that impact on civil society:

- *The Constitution of the Islamic Republic of Afghanistan, Official Gazette no.818/2004*
- *Civil Code of 1977, Qanun Madani Decree no. 1458 of 005/01/1977*
- *Law on Associations, Official Gazette no. 1114/2013*
- *Regulation on Procedure of Establishment and Registration of Associations 1138 / 15/06/2014*
- *Law on Non-Governmental Organizations, Official Gazette no. 857/2005*
- *Income Tax Law, Official Gazette no. 845/2005*
- *Customs Law, Official Gazette no. 1235/2016*
- *Labor Law, Official Gazette no. 966/2008*
- *Adopted Amendments to Law on Associations, Official Gazette no. 1275/2017*
- *Endorsed Amendments to Law on Associations, Official Gazette no. 1339/2019*

In addition, associations and NGOs, as legal entities, are subject to all other laws applicable to legal subjects, such as *the Criminal Code* and *Procurement Law*.

## What Forms of Registered Civil Society Organizations Exist in Afghanistan?

“Civil society” is made up of various legal forms and informal groups. These can include non-governmental, not-for-profit organizations (NGOs), social organizations, trade unions, political parties, religious groups, and informal community-based organizations, just to name a few.

According to the legal framework in Afghanistan, one can identify two categories of civil society organizational forms that are able to be registered as legal entities:

- (1) **Associations** are defined by the *Adopted Amendments to the Law on Associations – 2017* as social non-political and not-for-profit organizations established by real and legal persons. The law envisions several categories of association, including the community, union, council, assembly, foundation, society, and entity, as well as their alliances, such as a federation or confederation established as corporate entities to pursue professional and technical purposes. (Article 2.1) Associations must seek registration with the Ministry of Justice (Article 13.1) and consist of at least ten members.

*(2) Non-governmental organizations (NGOs) are defined in the Law on NGOs. An “organization” is a domestic or foreign non-governmental, non-political and not-for-profit organization. (Article 5.1, Law on NGOs) A “domestic organization” is a domestic non-governmental organization which is established to pursue specific objectives. (Article 5.2, Law on NGOs) A “foreign organization” is a non-governmental organization which is established outside of Afghanistan according to the law of a foreign government and which accepts the terms of this law. (Article 5.3, Law on NGOs) An “international foreign organization” is a non-governmental organization which is established outside of Afghanistan according to the law of a foreign government and which is operating in more than one country. (Article 5.4, Law on NGOs). NGOs must seek registration in the NGO Department within the Ministry of Economy.*



## CHAPTER TWO:

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# Definition

## What Is an Association?

*The Adopted Amendments to the Law on Associations – 2017* provide that both real persons and corporate entities can establish associations and define an association as a social non-political and not-for-profit organization of real persons and corporate entities. In addition, the law envisions several categories of associations, including:

- (1) *“Community”, which is a voluntary gathering of real persons and/or corporate entities, established to ensure material and spiritual goals including scientific, literary, and vocational goals.*
- (2) *“Union”, which is a voluntary union of corporate entities organized for ensuring common and lawful professional, corporate, and vocational goals.*
- (3) *“Council”, which is a voluntary union of real persons for ensuring common ethnic, corporate, and regional goals.*
- (4) *“Assembly”, which is a gathering of real persons and/or corporate entities for a common and determined goal.*
- (5) *“Organization”, which is a voluntary gathering of real persons established to pursue lawful professional, scientific, literature, vocational and/or charity purposes.*
- (6) *“Foundation”, which is a voluntary gathering of real persons in order to pursue scholarly, literary, technical, and charity-related purposes.*
- (7) *“Entity”, which is an association established in accordance with the law, in order to pursue social activities. This is a catch-all category that addresses lawful registration of all types of associations not otherwise indicated in the law.*
- (8) *“Federation”, which is a voluntary alliance of associations established under the Law on Associations.*
- (9) *“Confederation”, which is the alliance of federations in order to pursue joint purposes.*

*(Article 2, the Adopted Amendments to Law on Associations – 2017)*

## What Does It Mean to Be “Non-Political”?

Associations shall not perform political activities and shall not include political issues in their respective statute. (*Article 5.2, the Law on Associations*)

*The Law on Associations* restricts associations from carrying out political activities. In addition, it restricts them from including any political issues in their statutes. The term “political” is not defined and could be interpreted in different ways. Interpreted progressively, this restriction would (1) separate associations from political parties; (2) prevent them from nominating presidential and parliamentary candidates for office; and (3) prevent them from nominating presidential and parliamentary candidates for office and from fundraising or campaigning for those candidates.

This restriction is apparently not intended and is not being applied to prevent associations from engaging on issues of public concern, whether through research, public awareness campaigns, or other advocacy efforts that may affect public policy.

## What Does It Mean to Be “Non-Profit”?

Associations maintain non-profit status. This distinguishes associations from for-profit, private companies and businesses. There is no definition for “non-profit” in *The Law on Associations*. However, it is defined in *the Law on NGOs* as follows: “An organization cannot distribute its assets, income or profits to any person, except for the working objectives of the organization. In addition, an organization cannot use its assets, income or profits to provide private benefits, directly or indirectly, to any founder, member, director, officer, employee, or donor of the organization, or their family members or relatives.” (*Article 5, the Law on NGOs*)

## What Are the Forms of Associations the Law Permits?

*The Adopted Amendments to Law on Associations – 2017* introduced several forms of associations, including community, union, council, assembly, foundation, society, and entity, as well as their alliance, such as a federation or confederation established as corporate entities to pursue professional and technical purposes. (*Article 2.1*) Applicants can register their associations under any of these categories that may be applicable.

*The Law on Associations* gives the right to both real persons and legal persons to establish associations in Afghanistan.

## What Are the Goals and Objectives an Association May Pursue?

Considering the full range of forms defined in the Law on Associations, an association can pursue full range of purposes permitted by the Law. (*Article 2, the Adopted Amendments to the Law on Associations*.) This is an inclusive provision permitting all types of lawful purposes.

## What Are the Limitations on Activities of an Association?

*The Law on Associations* lists restrictions on the activities of associations in Afghanistan. (*Article 5*) The law restricts associations from performing activities that are against Afghan national interests. (*Article 5.1*) The law also restricts associations from carrying out political activities. In addition, it restricts them from including any political issues in their statutes. (*Article 5.2*) The term “political” is not defined and could be interpreted in different ways. Interpreted progressively, this restriction would (1) separate associations from political parties; (2) prevent them from nominating presidential and parliamentary candidates for office; and (3) prevent them from nominating presidential and parliamentary candidates for office and from fundraising or campaigning for those candidates. This restriction is apparently not intended and is not being applied to prevent associations from engaging on issues of public concern, whether through research, public awareness campaigns, or other advocacy efforts that may affect public policy.

## Does the Law Restrict the Location of Headquarters and Branches of an Association?

The main office and headquarters of an association, which is registered in accordance with the provisions of *the Law on Associations*, must not be located outside the country. (*Article 11.1, the Law on Association*)

Associations established and administered by Afghans who reside in foreign countries in accordance with the provisions of the laws of these countries can open their branches and sub-offices inside Afghanistan. In such cases, their activities are subject to the provisions of the Law on Associations. (*Article 11.2, the Law on Associations*)

Associations can open their branch offices outside of Afghanistan in accordance with the provisions of host countries’ laws, provided that they do not operate against the national interest of Afghanistan. (*Article 11.3, the Law on Associations*)

## CHAPTER THREE:

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# Establishment Criteria

## Who Can Establish an Association?

Afghan citizens, who have reached 18 years of age, are not convicted of a felony and are not deprived of civil rights based on the decision of a competent court may establish associations in accordance with the provisions of *the Law on Associations and the Regulation on Procedure of Establishment and Registration of Associations*. (Article 7, *the Law on Associations* and Article 7, *the Regulation on Procedure of Establishment and Registration of Associations*)

The law limits eligible founding members to Afghan citizens, and thereby excludes foreigners, refugees, stateless persons and others in Afghanistan from forming associations. In addition, the law restricts the ability of minors to serve as founding members of associations.

## How Many People Are Required by Law to Establish an Association?

*The Law on Associations* does not specify the required minimum number of founders for an association, but *the Regulation on Procedure of Establishment and Registration of Associations* requires the existence of not less than 10 founding members in order to establish an association. (Article 6.2, *the Regulation on Procedure of Establishment and Registration of Associations*)

## Who May Serve as A Founder?

*The Adopted Amendments to Law on Associations – 2017* identify both real and legal persons as eligible founders who can establish associations in Afghanistan. (Article 2.1)

## What Documents Are Required to Establish an Association?

To establish an association, the founders need to prepare the following documents:

- (1) *Registration application, which has to be signed by all founders, who should not be less than ten real persons or the representatives of corporate entities;*
- (2) *The statute of the association, approved and signed by the founders;*
- (3) *The founders' identification chart (should not be less than ten individuals), including a copy of the tazkera (identification card) of each of the founders;*

- (4) *The finance committee members' identification chart (at least three individuals), including a copy of the tazkera (identification card) of each of the three finance committee members.*
- (5) *Board members' identification chart (at least three individuals), including a copy of the tazkera (identification card) of each board member;*
- (6) *A copy of the logo of the association, with a few words of explanation regarding the logo;*
- (7) *The address of the main office of the association with the telephone numbers of the director and deputy of the association;*
- (8) *The logo of association; and*
- (9) *For associations pursuing professional/scholarly purposes, the founders (of associations, unions, councils, assemblies, foundations, organizations and entities) should provide a copy of their university bachelor degrees.*

*(Article 7, the Adopted Amendments to Law on Associations – 2017)*

***Note:** The board of the association should also include the director, deputy, and secretary of association.*

*(Article 6, the Regulation on Procedure of Establishment and Registration of Associations,)*

## CHAPTER FOUR:

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# Registration Procedures

## Which Governmental Authority Is Responsible for Registration?

The Ministry of Justice is responsible for the registration of associations in Afghanistan. (*Article 13.1, the Law on Associations*)

The Department of Coordination, Assessment and Registration of Associations and Political Parties shall review the registration application and statute of the association, to ensure their conformity with provisions of *the Afghanistan Constitution, the Law on Associations, and the Regulation on Procedure of Establishment and Registration of Associations*. In addition, the Department of Coordination facilitates the affairs related to the registration of associations and issuance of registration licenses. (*Article 4, Regulation on Procedure of Establishment and Registration of Associations*)

## How Can an Association Be Registered?

An association should submit a registration application signed by all founders to the Ministry of Justice in Kabul or to its provincial departments in the provinces. (*Article 13.1 and 13.4, the Law on Associations and Article 6, the Regulation on Procedure of Establishment and Registration of Associations*)

## What Information and Documents Are Required for Registration?

The following documents are required for registration of an association:

- (1) *The registration application to the Ministry of Justice, signed by all founders and approved (signed and stamped) by the Minister of Justice;*
- (2) *The statute approved and signed by the founders;*
- (3) *The founders' identification chart (not less than 10 individuals);*<sup>3F<sup>4</sup></sup>
- (4) *A copy of the tazkera (identification card) of each of the founders;*
- (5) *The finance personnel identification chart (at least 3 individuals);*<sup>4F<sup>5</sup></sup>
- (6) *A copy of the tazkera (identification card) of each of the financial personnel;*

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<sup>4</sup>[http://moj.gov.af/Content/files/jadwal\\_moseseen.pdf](http://moj.gov.af/Content/files/jadwal_moseseen.pdf)

<sup>5</sup>[http://moj.gov.af/Content/files/masoolien\\_mali.pdf](http://moj.gov.af/Content/files/masoolien_mali.pdf)

- (7) *The Board members' identification chart (at least three individuals);*<sup>5F6</sup>
- (8) *A copy of the tazkera (identification card) of each of the board members;*
- (9) *A copy of the logo of the association with a few words of explanation about the logo;*
- (10) *The address of the main office of the association, with the telephone numbers of the director and deputy of the association; and*
- (11) *For associations pursuing professional/scholarly purposes, the founders of associations, unions, councils, assemblies, foundations, organizations, and entities should provide a copy of their university bachelor's degrees.*  
*(Article 7, the Adopted Amendments to Law on Associations – 2017)*

*(Article 6, the Regulation on Procedure of Establishment and Registration of Associations,)*

*Note: The identification charts of the founders, board members and finance personnel are available at <http://moj.gov.af/fa>.*

## What Information Does the Statute of An Association Contain?

The Law on Associations, in article 10, requires the inclusion of specific information in the governing statutes of associations, as follows:

- (1) *The title of the association, that is, the given name of the association, and the goals of association, which can be scientific, literary, vocational, professional, corporate, ethnic and/or regional;*
- (2) *The field of work of the association, noting that associations have an express right to include any kind of activity in their statute, but for activities that undermine national interests, fall outside the scope of the registered statute, or constitute political activities;*
- (3) *membership policy of association and the rights and responsibilities of its members;*
- (4) *conditions for the expulsion of members and adopting other disciplinary punishments;*
- (5) *structure of association, that is, the governing bodies of the association (interpreted by the Ministry of Justice as a requirement to set up a general assembly and a board of directors);*
- (6) *date of the general assembly meetings and the procedure for holding these meetings;*

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<sup>6</sup>[http://moj.gov.af/Content/files/List\\_haveat\\_modeera.pdf](http://moj.gov.af/Content/files/List_haveat_modeera.pdf)

- (7) *procedure for the election of any governing body, such as the board of directors and its authorities;*
- (8) *procedure to control internal activities of the association, that is, the role of the general assembly, the board of directors, and/or the supervisory board; and the internal policies such as procurement policy, employment policy and other kind of governing documents;*
- (9) *income sources of an association and how to supervise the cost and expenses;*
- (10) *procedure to amend the statute and the procedure for joining and merging with other associations;*
- (11) *location of the main office and its branches, noting that the main office of an association must be located inside Afghanistan, as stated in Article 12 of the Law on Associations, and that an association can open branch offices inside Afghanistan and/or abroad);*
- (12) *dissolution procedure of the association and the consequences of dissolution, that is, financial settlement after dissolution (according to Article 21, the distribution of the assets of an association will be in accordance with the provisions of its statute); and*
- (13) *names and surnames of the founders of the association.*

In addition to aforementioned contents in its statute under *Article 10*, an association has to indicate its geographical coverage for operation and its inclusive goals in its statute. (*The Adopted Amendments to Law on Associations - 2019, Article 10.14*)

Prior to registration, the founders of association should prepare and approve the statute in accordance with the Law on Associations and other legal requirements in Afghanistan. (*The Law on Associations, Article 10.2*) All the founding members should sign the last page of statute.<sup>7</sup>

## Are There Any Additional Documents for Associations Established for Scholarly Purposes?

A new restriction was introduced for associations established for professional/scholarly purposes: specifically, the founders of associations, unions, councils, assemblies, foundations, organizations, and entities that are established for professional/scholarly purposes must have university bachelor degrees. Otherwise, they will not be registered under the law. (*Article 7, the Adopted Amendments to Law on Associations - 2017*)

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<sup>7</sup> not a regulatory requirement.



## Are There Any Asset Requirements for A New Association?

There is no requirement for associations to have fixed assets before registration. However, a charity association must deposit two million AFN in its respective bank account to receive its registration license. (*Article 17, the Amendments to the Law on Associations – 2019*)

## Can A Person Work for More Than One Association as A Director at the Same Time?

The director of an association cannot work as a director of another association at the same time. (*Article 17, the Regulation on Procedure of Establishment and Registration of Associations*)

## Where Should an Association Submit the Registration Application?

An association should submit a registration application to the Ministry of Justice in Kabul or to its provincial departments in the provinces. (*Article 13.1, 4, the Law on Associations and Article 6, the Regulation on Procedure of Establishment and Registration of Associations*)

Once the founders receive the registration application approved and signed by the Minister, they should submit all the required documents, explained above, to the Department of Political Parties and Associations within the Ministry of Justice.

The Department of Political Parties and Associations will review the documents and will inform the applicant if there are any problems or concerns with the application.

If the documents are accepted, the Department of Political Parties and Associations will submit two official letters to the founders; one official letter to the Ministry of Finance, Revenue Department in order to secure a tax identification number (TIN) for the association; and another official letter to Attorney General's Office to verify that the founders have a clear background and are not deprived of any social rights.

Once the association has received the tax identification number (TIN) from the Revenue Department of the Ministry of Finance and the official letter signed by the Attorney General's Office, then the applicant must submit both official letters and the TIN to the Department of Political Parties and Associations.

The Department of Political Parties and Associations will then ask all ten founders to come to this department in order to verify the accuracy of their identification numbers and signatures.

## How Long Should the Registration Process Take?

In *the Law on Associations*, there is no fixed time period within which the government must act on the registration application of an association. According to *the Regulation on Procedure of Establishment and Registration of Associations*, however, the Ministry of Justice must register an association within 15 days from the date the application is submitted, after reviewing its documents. (*Articles 8.2 and 9.1 of the Regulation on Procedure of Establishment and Registration of Associations*)

## What Happens If the Registration Application Is Approved?

Once the registration application is approved and all the documents are completed, the association will receive its license and may initiate its work. (*Article 14, the Law on Associations*)

## What Happens If the Registration Application Is Refused?

In case the application for establishment and registration is rejected, the Ministry of Justice has to provide written reasons to the applicant. If the applicant is not convinced, he/she can appeal to a competent court. (*Article 11, Regulation on Procedure of Establishment and Registration of Associations*)

## On What Grounds Can the Ministry Deny Registration?

The registration application may only be denied if there is a problem with the name of the association (*Article 8, the Law on Associations*); its founders are deprived of social rights, based on the review of the Attorney General's Office (*Articles 112 -113, the Penal Code*); its statute is not in accordance with the Law on Associations (*Articles 4 and 10.2, the Law on Associations*); or its statute contains goals/activities that violate existing laws (*Article 10.2, the Law on Associations*).

In addition, to enable the applicant to revise the defects (of documents), the Ministry of Justice can reject the submitted documents for registration license in following cases:

- (1) *Lack of conformity of the goals of association with the Law on Associations.*
- (2) *Mismatch of the name of association with its goals and duties.*
- (3) *Similarity of the name of association with the name of an association already registered.*
- (4) *Failure to accurately complete the form attached in this regulation.*

*(Article 10.1, the Regulation on Procedure of Establishment and Registration of Associations)*

Once the registration application is rejected, the applicant must revise the documents within 15 days after the date of rejection and submit the revised documents to Ministry of Justice. Otherwise, the application will be considered rejected.

*(Article 10.2, the Regulation on Procedure of Establishment and Registration of Associations)*

## What Happens If There Is Problem with The Statute, Founders and/or Name of the Association?

The application will be rejected where there is a problem with conformity of the goals of the association with *the Law on Associations*; the name of association mismatches its goals and duties; the name of association is similar to the name of another association registered in Ministry of Justice; and the forms for founders, board members and/or financial committee members are filled out inaccurately.

The applicant has to revise the documents within 15 days after the date of rejection and submit the revised documents to the Ministry of Justice. Otherwise, the application will be considered rejected.

*(Article 10, the Regulation on Procedure of Establishment and Registration of Associations)*

## Is There A Registration Fee?

Following approval of the registration application and completion of the registration procedure, the founders must pay 10,000 AFNs for a three-year license. This license is only valid for three years and after three years the association must extend its license. *(Article 13.3, the Law on Associations)* It is worth noting that this 'license extension process' is not an automatic renewal upon payment of the fee; instead, it is a renewed application process.

The fee for extension of the license is a separate requirement. The registration license will be extended 30 days prior to its expiration date upon payment of 5,000 AFN after every three years.

*(Article 9.3, the Regulation on Procedure of Establishment and Registration of Associations)*

The registration certificate of an association will be issued by Ministry of Justice and or by a person who is authorized by the Minister. *(Article 13.3, the Amendments to the Law on Associations - 2019,)*

## What If the Registration License Is Not Extended Within the Required Time Period?

In case the registration license is not extended within three months after the expiration of time period, the association shall pay an extra amount of 2500 AFN in addition to the 5000 AFN for the license extension. (*Article 9.5, the Regulation on Procedure of Establishment and Registration of Associations*)

## What If the Registration License of An Association Is Lost?

In case the registration license of an association is lost, a new registration license will be issued after announcement in mass media and upon payment of 10,000 AFN for the rest of licensing period.

(*Article 9.8, the Regulation on Procedure of Establishment and Registration of Associations*)

## When Does the Association Actually Acquire Legal Entity Status?

The association acquires legal entity status when its statute has been prepared in accordance with the provisions of the Law on Associations and it is registered in the Ministry of Justice. (*Article 4, the Law on Associations*)

## Is It Possible for The Public to See Information On Registered Association?

Information about a registered association is made available by the Ministry of Justice through its website.<sup>8</sup> The available information includes the name of the association, name of its director, location of the association, the number of its license, and the telephone number of its director.<sup>9</sup>

## Can an Association Operate Under A New Name?

Whenever the founders of a registered association want to change the name and/or goals of an association, they have to submit the new statute with the approval of the general assembly and or other authorized bodies of the association to the Ministry of Justice.

The Ministry of Justice will issue a new registration license under the new name in accordance with the provisions of *the Law on Association* and *the Registration Regulation for Associations* for 10,000 AFN.

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<sup>8</sup><http://moj.gov.af/fa/page/registered-political-parties-and-social-organizations/1701>

<sup>9</sup> This is not a legal requirement.

*(Article 15, the Regulation on Procedure of Establishment and Registration of Associations)*

## Can an Association Bring Amendments to Its Statute?

In case of amendment to the statute, the individuals in charge of the association must submit the amended statute with a copy of the decision of the general assembly and/or other authorized bodies of the association to the Ministry of Justice.

The Ministry of Justice must record the amendment of the statute provided that the amendment does not contradict the provisions of laws and *the Registration Regulation for Associations*.

*(Article 14, the Regulation on Procedure of Establishment and Registration of Associations)*

## CHAPTER FIVE:

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# Dissolution of Associations

## Does the Law Recognize Both Voluntary and Involuntary Dissolution?

*The Law on Associations* recognizes both voluntary dissolution and involuntary dissolution of associations, which is consistent with good regulatory practice.

## Do Associations Have the Right to Voluntary Dissolution?

The law stipulates that an association can be dissolved by decision of the general assembly in accordance with the provisions of its statute. (*Article 19.1, the Law on Associations*)

## What Are the Grounds for Involuntary Dissolution?

An association will be dissolved per Ministry of Justice recommendation to a competent court in the following circumstances:

- (1) *When the association violates provisions of the legislation of Afghanistan;*
- (2) *When it does not perform its commitments stipulated in its governing statute;*
- (3) *When it performs its activities against the provisions of its governing statute.*

*(Article 20.1, the Law on Associations)*

The Law on Associations stipulates that if an association commits a criminal violation (e.g., such as a violation of the Penal Code of Afghanistan), then the association will be prosecuted by the Attorney General's Office. If the crime is proved, in addition to the punishment of the responsible individuals, the court will rule to dissolve the association. (*Article 20.2, the Law on Associations*)

The Amendments to the Law on Associations – 2019 introduced more grounds for dissolution of associations. The name of the association will be removed from the registry if: (1) it fails to submit its report within three months after the end of the fiscal year; (2) it is determined during monitoring and evaluation that the association's performance contradicts the law's provisions and its respective statute; and (3) its office does not have a specific address. (*Article 18.3, the Adopted Amendments to Law on Associations - 2019*) The registration license of an association will be revoked at the suggestion of the Department of Coordination, Assessment, and Registration of Associations and Political Parties and upon

approval of the Minister of Justice. (*Article 18.4, the Adopted Amendments to Law on Associations - 2019,*)

If, during monitoring, it is recognized that performance of the association is not in conformity with its statute and enacted laws, or that its office does not have a specific location, then the Department of Coordination, Assessment and Registration of Social Organizations and Political Parties of the Ministry of Justice must remove the name of association from the registration list and revoke its registration license. (*Article 23, the Adopted Amendments to the Law on Associations - 2017*)

## Can A Dissolved Association Appeal in the Court?

*The Law on Associations* does not address the ability of a dissolved association to file an appeal. At the same time, according to provisions of *the Criminal Procedure Code*<sup>10</sup> and *Civil Procedure Code*<sup>11</sup> of Afghanistan, any real or corporate person can file an appeal in case they do not agree with the decision of the primary court.<sup>12</sup>

## What Are the Consequences of Dissolution?

After both voluntary and involuntary dissolution of an association and once all debts have been paid, its assets will be transferred to a designated recipient stipulated in the statute of the dissolved association under the supervision of the Department of Political Parties and Associations. If there is no provision regarding consequences of the dissolution in its statute, the assets will be given to an association with similar goals. In case there is no association with similar goals, the aforesaid assets shall be distributed to related ministries and departments. (*Article 19.2, the Law on Association*)

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<sup>10</sup> Please see chapters 11 (article 246) and 12 (article 270) of Afghan Criminal Procedure Code, official gazette 2014/1132

<sup>11</sup> Please see article 359 and 436 - 447 of Afghan Civil Procedure Code, official Gazette 1990/722

## APPENDIXES

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**Chart for Founders of (** *name of associations* **)**

No.	Identification			Position in association	Age	Taskers Number	Place of Issue	Education Degree	Position in Government (if any)	Work background	Original residential place	Current residential place	Previous location of association	Current location of association	Signature	Remarks
	Name	f/name	G/F/ name													

Based on above details the identification chart of ( *name of association* ) is prepared and approved.

**Identification Chart for Board Member of ( *name of associations* )**

No.	Name	f/name	G/F/ name	Position in association	Age	Taskers Number	Place of Issue	Education Degree	Position in Government (if any)	Work background	Original residential place	Current residential place	Previous location of association	Current location of association	Signature	Remarks

Based on above details the identification chart for board members of ( *name of association* ) is prepared and approved.

**Identification Chart for Finance Members of ( *name of associations* )**

No.	Name	f/name	G/F/ name	Position in association	Age	Taskers Number	Place of Issue	Education Degree	Position in Government (if any)	Work background	Original residential place	Current residential place	Previous location of association	Current location of association	Signature	Remarks

Based on above details the identification chart for finance members of ( *name of association* ) is prepared and approved.