

Association Law

(Unofficial Translation)

Chapter one

General provisions

Basis and Goal

Article 1:

This law has been enacted in the light of article thirty five of Afghanistan constitution in order to regulate the affairs related to establishment and activity procedure, rights, obligations and dissolution of social organization.

Definitions and Terminology

Article 2:

1. Association: associations referred to communities, unions, councils, assemblies and organizations which are voluntarily established by a group of real persons and corporates as non-profit, non-political and in accordance with this law.
2. Community: voluntarily gathering of the real persons and corporates, established in accordance with this law to ensure material and spiritual goals including scientific, literature and vocational goals.
3. Union: voluntary unity of corporates organized in accordance with this law for ensuring common and lawful professional, corporate and vocational goals.
4. Council: voluntary unity of real persons in accordance with this law for ensuring common ethnical, corporate and regional goals.
5. Assembly: Unity and gathering of a group of real persons and corporates gathered for a common and determined goal.
6. Registration Certificate: a legally priced document which is prepared and issued by Ministry of Justice.

Observance of Provisions of Laws

Article 3:

Associations shall observe the basic principles of Islam sacred religion, provisions of the constitution and this law and the other enacted laws in the fulfillment of their goals.

Legal Entity Acquisition

Article 4:

Legal entity of association is acquired when its statute has been prepared in accordance with the provisions of this law, registered and published.

Limitations of Activities

Article 5:

- (1) The associations shall not perform against national interest and out of the areas of their registered statute.
- (2) The associations shall not perform political activities and shall not predict political issues in their respective statute.

Equality before the Law

Article 6:

The associations shall have equal rights and obligations before the law.

Chapter Two Establishment Procedure and Registration

Establishment of Association

Article 7:

Afghanistan citizens, who reached 18 years of age, shall establish associations in accordance with the provisions of this law.

Establishment Restriction of an Association Using Similar Name

Article 8:

For more development of associations, two associations shall not be established with the same name.

Establishment of union:

Article 9:

Associations with common and similar objectives and activities can join and merge together.

Contents of Statute

Article 9:

- (1) Statute of association is approved by its founders and the contents include the followings:
1. Title and goals of the association.
 2. Field of activity and work procedure.
 3. Terms and conditions of membership, rights and obligations of its members.
 4. Conditions for membership expulsion and adopting other disciplinary punishments.
 5. Organizational structure.
 6. Date and procedure of holding assemblies.
 7. Procedure for election of the leading body and their authorities.
 8. Procedure to control internal activities of the organization.
 9. Stating the funding source and its supervision procedure.
 10. The procedure for amendment and change in the statute, it's joining and merging with other similar associations.
 11. Determining the location of main office and its branches.
 12. Dissolution cases and its financial settlement procedure.
 13. Names and surnames of founders of the association.
- (2) The founders of association shall prepare and approve the statute mentioned in article 10 (1) in accordance with this law and other legal documents and process that.

Having Records

Article 11:

The associations shall keep regular financial and accounting records.

Headquarter

Article 12:

- (1) The main office and headquarter of an association, which is registered in accordance with the provisions of this law, shall not be located outside the country.
- (2) The associations established and administered by Afghans reside in foreign countries in accordance with the provisions of the laws of these countries; can open their agencies and sub-offices inside the Afghanistan. Therefore, their performances shall be subject to the provisions of this law.
- (3) The associations can open their branch offices out of Afghanistan in accordance with the provisions of host countries' laws providing that they are not against the national interest of Afghanistan.

Registration Authority

Article 13:

- (1) Associations shall register within ministry of justice.
- (2) Establishment Criteria and Registration Procedures shall be regulated with a separate regulation.
- (3) The registration certificate of an association shall be issued by Ministry of Justice for 10000 AFGs and after three years it shall be extended.
- (4) Ministry of Justice shall establish an office which issues and extends the registration certificate in the center of the provinces.

Activity initiation

Article 14:

An association initiates its work after earning a registration license.

The Rights

Article 15:

The social organization registered has the following rights:

- 1- Acts independently or establishes a union with each other based on this law.
- 2- Social organization can have periodical and non-periodical publication for dissemination of its objectives according to the law provisions.
- 3- Other activities assisting in fulfillment of its objectives predicted in its related constitution.

Chapter Three Financial Affairs

Funding Sources of Social Organization

Article 16:

- (1) The social organization shall be funded by the following resources:
 - 1- Entry due
 - 2- Membership due
 - 3- Publication dissemination
 - 4- Donations and gifts by local citizens and foreigners.
- (2) In order to achieve their goals stipulated in their respective statutes, the associations can get the financial and technical assistance of the foreign organizations and associations and inform ministry of justice about that.

- (3) Financial sources of the associations are open and its assets shall be spent only to achieve its goals.

Opening bank account

Article 17:

The associations shall set up a determined bank account in one of Afghanistan local banks and use that.

Revenue and Expenditure Report

Article 18:

The associations shall submit their revenue and expenditure report at the end of their fiscal year to the ministry of justice.

Chapter Four Dissolution of Association

Dissolution of Associations

Article 19:

- (1) An association can be dissolved by decision of the general assembly according to its statute.
- (2) If the general assembly approves dissolution of the association, its assets will be given to a determined source stipulated in its statute under the supervision of The Department of Coordination, Assessment and Registration of Social Organizations and Political Parties. Otherwise, the assets will be given to an association with the similar goals. In case, there is no association with the similar goals, the aforesaid assets shall be distributed to related ministries and departments.

Dissolution of Social Organization by the Court Decision

Article 20:

- (1) An association, registered according to provisions of this law, is dissolved by demand of any of its members and suggestion of Ministry of Justice after decision of authorized court under the following circumstances:
 - 1- Violation of provisions of legislative documents in Afghanistan.
 - 2- Non-performance of commitments stipulated in its statute.
 - 3- Performance of the activity against provisions of its related statute.

- (2) If an association commits a violation, which is stimulated a crime by the law; the association shall be introduced to attorney for prosecution.
If the crime is proved, in addition to the punishment of its actors, the court will rule to dissolution of association.

Financial filtration

Article 21:

- (1) If the court rules its decision to dissolve the association, the court shall assign three persons including representatives of Ministries of Finance and Justice and civil society for filtration of financial affairs and distribution of the assets of the association in observance of the provisions of its statute.
- (2) The court can rule its decision to transfer the assets to another association which has similar goals. If there is no association with the similar goals, the assets shall be transferred to related ministries.

Chapter Five Final Provisions

Non-distribution of assets to determined individuals

Article 22:

After dissolution of association and termination of its activity, its founders shall not allocate the assets of association to themselves, family members or relatives and shall not include such issue in its statute.

Monitoring and Evaluation

Article 23:

- (1) The Department of Coordination, Assessment and Registration of Social Organizations and Political Parties shall have supervision on the performances of associations and conformity of their performances with their statute and enacted laws.
- (2) The associations shall submit the reports of their activities and moveable and immovable properties at the end of every fiscal year to The Department of Coordination, Assessment and Registration of Social Organizations and Political Parties.

Having Logo

Article 24:

The association has special logo and stamp.

Observance of Civil Code Provisions

Article 25:

Those issues which have not been stipulated in this law, the provisions of articles no (403 – 439) of civil code is applicable.

Re-registration

Article 26:

The associations, registered in ministry of justice before the enforcement of this law, shall re-register within one year after publication of this law according to the provisions of the law.

Enforcement

Article 27:

This law is enforced from the date of its publication in official gazette. With the viability of this law, social organization law published in official gazette number 804, date 30-1-1-1369 (19 April 1980) is abolished.