Press Release Re: draft law no. 30/2018 calling for the creation of a national register of institutions, which threatens the freedom of associations in Tunisia.

In response to the Ministry of Justice’s draft law creating a national registry of institutions, which will be discussed and approved in the People’s Assembly on Thursday and Friday July 26 and 27, 2018; and after studying the contents of this draft law, which would require associations to register with the National Registry of Institutions under severe penalties, the undersigned organizations and associations:

1. Affirm adherence to the principle of transparency and accountability of associations, which is effectively guaranteed by decree no. 88 of 2011, regulating the work of associations;
2. Adhere to decree no. 88 of 2011, which is considered one of the most important gains of the revolution, and to the system of authorization as described in the law and caution against a backslide towards the kind of licensing system the draft law would lead to;
3. Affirm the unconstitutionality of this draft law on the grounds that it contravenes the provisions of Article 65 of the Constitution, which requires the organization of associations under organic laws and not under ordinary laws;
4. Express deep concern regarding the repressive nature of the draft law, which would effectively lead to an aversion to civic work and would affect the transformative role played by associations. It would also limit the principles of freedom of association, a right granted by the Constitution and international treaties ratified by the Tunisian State, as well as decree no. 88 of 2011 concerning associations;
5. Note that the reasons for suggesting this draft law according to the explanatory memo did not reference associations, not as a direct statement or as a hint, but did mention companies and economic institutions, which serves to reinforce the feeling that associations were inserted into the text;
6. Recall that by reference to the goals of the draft law, associations are classified as “economic activity,” while associations are not actually considered as such, except incidentally, or in the case of a specific type of association, like those described in decree no. 117 of 2011 concerning microfinance;
7. Express grave concern over the frequency of legislative initiatives of several ministries intending to limit and control the role of associations, for the Ministry of Human Rights, Constitutional Bodies and Civil Society is preparing a new legislative framework for the work of associations at the same time as this draft law was presented by the Ministry of Justice;
8. Note that associations and civil society representatives were not included in this legislative initiative affecting the right to form associations in Tunisia;
9. Invites the People’s Assembly to review the recommendations of the Financial Action Task Force (FATF-GAFI) and international partners who reject the repression and restraining of freedoms against associations as a way to combat money laundering and terrorism;
10. Urge the respected members of parliament to remove associations from the scope of this law;
11. Invites representatives of associations and civil society activists and all living forces to mobilize to demand by all peaceful means the removal of associations from the scope of this law and to protect them and ensure their freedoms;

The undersigned:

- Tunisian Forum for Economic and Social Rights (FTDES);
- Al-Bawsala;

Unofficial English translation provided by POMED staff
• Mourakiboun;
• Jmeyte;
• Tunisian Association Defending Individual Liberties (ADLI);
• Committee for the Respect of Freedoms and Human Rights in Tunisia (CRLDH);
• International Observatory for Associations and Sustainable Development (ASDi);
• Vigilance Association for Democracy and the Civil State (جمعية نظرة على أمل الديمقراطية والدولة المدنية);
• Damj - Tunisian Association for Justice and Equality;
• Tohida Bin Al Sheikh Group;
• Fanni Raghman Anni;
• Alliance for the Women of Tunisia (Coalition Pour les Femmes de Tunisie);
• Free Sight Association;
• Kalam;
• Chouf;
• EuroMed Rights;
• Solidar Tunisie;
• Avocat Sans Frontieres;
• PCPA Soyons Actifs/Actives;
• Tunisian Association of Democratic Women (AFTD);
• World Organization Against Torture (OMCT).