



Organizing in Tunisia

Legislative Fact Sheet

This fact sheet highlights some of the key pieces of legislation that have been passed in Tunisia since the Jasmine Revolution that implicate and affect key rights at the heart of organizing on the ground and online, including the rights to freedom of expression, association, assembly, political participation, and access to information.

2011

JAN

State of Emergency (in reliance on [Decree Law No. 50 of 1978 Regulating the State of Emergency](#))

On January 15, 2011, Tunisian authorities declared a state of emergency that was renewed through March 2014. It was re-imposed on July 4, 2015, following a mass shooting in Sousse, and renewed through October 2015. It was then re-imposed again on November 24, 2015, following an attack on the Presidential Guard in Tunis. The country has remained in a continuous state of emergency since. Under the state of emergency, authorities are empowered to prohibit demonstrations and strikes, place individuals under house arrest, and take measures to ensure “control of the press,” impeding on the rights to **free assembly, movement, and expression** as a result.

SEPT

Decree Law No. 87 of 2011 on the Regulation of Political Parties

[This legislation](#) affects the right to **political participation**. The decree establishes the process through which individuals can establish and register political parties and includes provisions on funding and oversight. This decree replaced a prior law [which prohibited](#) the establishment of political parties whose principles, activities, and programs were fundamentally based on “religion, language, race, sex, or region.”

Decree Law No. 88 of 2011 on the Regulation of Associations

This is the [primary legislation](#) regulating civil society, and by extension, affecting the right to **freedom of association**. [It has been described](#) by ICNL as “one of the most enabling civil society laws” in the MENA region. The law governs associations, networks of associations, and foreign organizations and is largely permissive with regard to the registration, activities, funding, and oversight of civil society. However, [a few legal loopholes](#) have granted authorities discretion in implementation and have left some aspiring associations without proper recourse.

NOV

Decree Law No. 115 of 2011 on Press, Printing, and Publishing and Decree Law No. 116 of 2011 on the Freedom of Audiovisual Communication and the Creation of an Independent High Authority for Audiovisual Communication

[Decree Law No. 115 of 2011](#) replaces Tunisia’s 1975 Press Code, and affects **the right to freedom of expression and access to information**. The legislation limits state intervention in the media, abolishes prison sentences for defamation and insult, and protects the confidentiality of sources. However “journalists” under this law are required to have university degrees or depend on journalism as their main source of income. This definition has been restrictive in some contexts and has deprived certain individuals, including bloggers, of protection under the law. Decree Law No. 116 of 2011 governs the audiovisual sector and establishes an independent body to license, monitor, and regulate the sector. The Independent High Authority for Audiovisual Communication (HAICA) was formally created in 2013 in implementation of this decree.

2014

JAN

The Constitution

[Tunisia's constitution](#) came about as a result of a lengthy process involving compromise, concessions, and some [critiques of disenfranchisement](#). The founding document does protect freedom of **opinion, thought, expression, information, and publication**; the right to **access of information**; freedom to **establish political parties, unions, and associations**; and the right to **assembly and peaceful demonstration**, among other individual rights inherent to organizing on the ground and online. The constitution does allow for limitations on the exercise of these rights “without compromising their essence,” provided that these limitations are necessary, proportionate, and set forth by the law.

2015

JULY

Organic Law No. 26 of 2015 on Combating Terrorism and Money Laundering

Replacing a 2003 law, [this legislation](#) provides vague definitions for various offenses, raising concerns on how broad application could affect **peaceful exercise of fundamental freedoms**; grants authorities extensive surveillance powers, infringing on the **right to privacy**; extends pre-charge detention to 15 days; creates a specialized unit of judges to hear terrorism cases and empowers them to close hearings to the public and admit anonymous witness testimony, implicating **due process**; includes the death penalty as punishment for certain crimes; and lends immunity to security forces who use lethal force to combat terrorism. [Organic Law No. 9 of 2019](#) amended this law and clarified some vague definitions, but retained most of its problematic provisions.

2016

MAR

Organic Law No. 22 of 2016 on Access to Information

[This law](#) requires all government bodies, public institutions, and institutions that receive public funding to make a range of information public upon 20 days of a request; refusal to do so must be justified and in writing. Certain exceptions are made in the law, particularly in the realms of public security, national defense, and international relations. A quicker process is also available in time-sensitive situations. The law establishes an entity to oversee compliance with the law called the Access to Information Authority (INAI). While the law is [considered](#) to be “one of the most progressive **access to information laws** in the world,” some executive bodies have refused to comply with requests, leaving [issues with implementation](#).

2018

OCT

Law No. 52 of 2018 on the National Registry of Institutions

Created with the stated purpose to combat money laundering and terrorism financing, the law makes it mandatory for public and private companies, including civil society associations, to register with a national registry. Those not registered face financial and legal sanctions. The law [has been criticized](#) for unnecessarily including civil society (already governed by Decree Law No. 88 of 2011), for counteracting the progressive nature of said-decree, and for its restrictions on the **right to freedom of association**.

In addition to the above, Tunisia has passed other relevant laws that may positively affect organizing, including [Organic Law No. 53 of 2013 Establishing and Organizing Transitional Justice](#); [Organic Law No. 50 of 2015 on the Establishment of a Constitutional Court](#), a body that has not yet been created, but is expected to play an instrumental role in **interpreting rights**; [Organic Law No. 58 of 2017 on Eliminating Violence Against Women](#); and [Organic Law No. 50 of 2018 on the Elimination of All Forms of Racial Discrimination](#).

However, Tunisia has also continued to enforce a number of laws passed prior to the Jasmine Revolution that have harmed organizing on the ground and online. Included among these are articles of the [Telecommunications Code](#) and [Penal Code](#), both of which have been increasingly used to **restrict speech online**, with the latter additionally relied on to prosecute **LGBTQ persons**; as well as [Law No. 4 of 1969 Regulating Public Gatherings](#), which severely constrains the right to **peaceful assembly** and authorizes security forces' use of lethal force to protect their positions and buildings. In recent years, draft laws that threaten to have a significant impact on **fundamental freedoms**, including a [state of emergency law](#), [audiovisual communication law](#), and [police protection law](#), were introduced, but tabled as a result of successful civil society mobilization. ✨

