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# **LAW NO. 154 OF 1959 AS AMENDED IN 1988 AND 1992**

Dated Nov. 7<sup>th</sup> 1959 on Associations

*In the name of the people*

We, Al-Habib Burqiba, President of the Republic of Tunisia

Upon review of articles 8 and 64 of the Constitution,

The order dated September 15<sup>th</sup> 1888 on associations,

The order dated August 6<sup>th</sup> 1939 in associations and the amendments thereof

And based on the proposals of the Minister of State for Interior and the Minister of State for Presidency Affairs,

We hereby issue the following:

## **PART ONE**

### **CREATION AND MANAGEMENT**

#### **Chapter One**

#### **Normal Associations**

#### **ARTICLE 1:**

An association is an agreement between two individuals or more through which their experience and activity are shared on permanent basis and for purposes other than the financial ones and generating profits thereof.

Associations shall be subject, in their creation, to the public principles in transactions and civil contracts.

Associations, by activity and purposes, shall be categorized as follows:

- Women associations;
- Sports associations;
- Scientific associations;
- Cultural and arts associations;
- Charity, emergency and social associations;
- Development associations;

- Amicable associations; and
- Associations of public interest.

The category of the association shall be indicated within the statement presented by its founders and also within the advertisement in the official gazette of the Republic provided for in articles 3 and 4 herein.

Associations of public interest may not turn down the involvement of any person who commits to its principles and resolutions unless if such person has been denied his/her political and civil rights or has exercised acts and practices contradicting with the association's objectives. In case of disputes over the involvement rights, the applicant may file a suit in the court of first instance whose scope of competency covers the association premises.

**ARTICLE 2:**

It shall not be possible in any way to have the purpose for which the agreement was conducted or the goal thereof contradictory to the laws and morals or leading to disrupting public order, undermining the unity of national soil or the State's Republican regime.

The founders or directors of associations may not have been formerly convicted of any felony against good morals.

The directors of associations of public interest shall not be bearers of tasks and responsibilities within the central setups of political parties. These provisions apply to the managing body as well as the divisions, branches, detached entities and subsidiary groups indicated in article 6 (bis) of this law.

**ARTICLE 3:**

Those who may wish to form an association shall file the following in the Province head offices or the district in which the social department exists;

- a. A statement involving the name of the association, its main cause, objective and head office;
- b. Five-copy lists stipulating the following:

Names and titles of the association founders at any position of management and steering, their dates of birth, places of birth, profession, premise, ID numbers and date of issuance.

- c. Five copies of the Articles of Association.

The statement and the attached documents shall be signed by two or more of the founders and stamped, except for two copies. And a receipt shall be produced thereof.

**ARTICLE 4:**

The association may not be legally created and fully acquire the right to initiate any activity unless after three months of the date of applying the statement indicated in article 3 (new) herein and without prejudice to the provisions of article 5 (new) hereunder and following the issuance in the official gazette of the Republic of Tunisia stipulating, particularly, the following:

- Name of the association, cause and objective.
- Names, titles and professions of its founders and those in charge of its management in any way whatsoever.
- Date and number of the receipt stated in article 3 (new) of this law.

When necessary and in consideration for the association's cause and objective, the three months period may be cut down by a decision of the Minister of Interior.

**ARTICLE (5):**

The Minister of Interior may, prior to the expiry of the three- month period from the date of submitting the statement indicated in article 3 (new) herein, take a decision to disapprove the establishment of the association.

The disapproval decision shall be reasoned and notified to the concerned individuals. Such decision may be challenged as per the established procedures in the article on abuse of power provided for by law No. 40 of 1972 dated June 1<sup>st</sup> 1972 and related to the Administrative Court.

**ARTICLE 6:**

Every amendment of the articles of association during the activity of an association shall be subject to the same conditions and procedures of its very establishment indicated herein by articles 3 (new), 4 (new) and 5 (new).

Every legally-established association shall duly inform the Minister of Interior or the concerned governor of all changes initiated within its administration or steering individuals. Associations that have been legally created shall inform the Minister of Interior and the concerned governor upon creation of any division, branch, detached entity or a subsidiary affiliated group that is under its management or in constant connection with it for a common system.

The notice thereof shall clarify the following:

- Names and titles of everyone in charge of these divisions, branches, detached entities or subsidiary affiliated groups, their DOBs, POBs, residence and professions.
- Number, date and place of ID issuance for each of them.
- Specific address for each division, branch, detached entity or subsidiary group.

Any change with regard to managers, address of any division, branch, detached entity or a subsidiary group shall be reported as per the provisions of the first paragraph of this article.

**ARTICLE 7:**

Each member of an association that hasn't been created within a specific term may withdraw at any point following payment of the year's subscription. Any agreement in contradiction to this shall be deemed insignificant.

**ARTICLE 8:**

Associations that have been created legally may, without a special permit, receive, acquire, possess and dispose the following:

- 1) Subscriptions paid by members or funds extracted therefrom. Such subscriptions may not be of more than 30 Dinars;
- 2) Premises and equipment or the association and for the meeting of its members; and
- 3) The necessary real-estate to realize the established objective except for the donations from the government and the public institutions.

The first aid or charity associations may accept contributions upon the approval of the Minister of State for Interior.

**ARTICLE 9:**

Every association that benefits from regular subsidies from the State, regional or local groups or public institutions to present its annual accounts, budgets and supportive documents thereto and its account shall be mandatorily subjected to an annual audit by the Audit personnel in the Ministry of Finance.

Every amount released from the State or the public associations that is not spent within twelve months for its specified purpose shall be transferred back to the State's Treasury.

**ARTICLE 10:**

Each association created in contradiction with articles 2, 3, 4, 5 and 6 above shall be deemed inexistent by the competent court which shall look into the case brought up by prosecutors, the Minister of State for Interior or the Attorney General.

The Minister of State for Interior shall maintain the right to shut down the organization's premises and ban its meetings by a reasoned decision until a final verdict is issued provided that the case is brought before the court within no more than eight days.

**ARTICLE 11:**

Associations that have been legally created may merge or come together under one framework.

The associations' union or mergence shall be pursuant to the procedures above and such shall also announce the premises and objectives of the associations thereof.

Any subsequent breakup of the associations, unions or combination shall be announced in the same manner and month.

**Chapter two**

**Associations of national interests**

**ARTICLE 12:**

It shall be allowed by virtue of an order issued by proposal of the Minister of State for Interior to grant an association the national interest following the administrative authority's examination of its objective and activity.

A national interest may not be awarded to associations that are less than two years old.

**ARTICLE 13:**

An association that may wish to acquire a national interest shall address the Minister of State for Interior with a request signed by all those authorized by the general assembly to do so.

Such request shall be supplemented by five articles of association extracted from the typical articles of association executed by the Minister of State for Interior.

**ARTICLE 14:**

Any association that has been granted the national interest may undertake all the civil procedures allowed by its articles of association. However, it may not own or purchase real-estates that are not crucial for the purpose it was established for.

The funds of these associations shall be deposited under the name of the government or the government institutions.

The associations' acceptance of grants and donations shall be permitted by a decision of the Minister of State for Interior.

Real-estates included in the donations and grants contracts which are not crucial for the association's activity may be accepted subject to the terms and methods provided for in the text related to acceptance of grants.

The value shall be released to the association's fund.

An association may not accept movables or real-estates unless if utilized for the benefit of the giver.

Every other ownership in contradiction with the provisions of this article shall be deemed void.

Article (15): It shall be possible, by virtue of an order, to withdraw the national interest from any association that has breached its lawful and statutory obligations.

### **Chapter three**

#### **Foreign Associations**

**ARTICLE 16:**

A foreign association shall be defined, no matter what nature it may develop, as an organization having the same features of normal associations and a social premise abroad or inside Tunisia and is supervised by a board of directors with at least half of members being foreigners.

**ARTICLE 17:**

A foreign association may not be found or exert any activity inside Tunisia unless following the approval of its Articles of Association by the Minister of State for Interior and following the opinion of the Minister of State for Foreign Affairs.

**ARTICLE 18:**

All foreign associations shall be subject to the provisions of chapter one of part one herein. The foreign directors of the association shall possess valid IDs.

**ARTICLE 19:**

The license awarded by the Minister of State for Interior may be temporary or regularly renewable.

Certain requirements may be observed thereof. And it may be withdrawn by a resolution at any time.

**ARTICLE 20:**

Foreign associations of whatever nature that haven't been licensed as above shall be deemed void.



The Minister of State for Interior shall determine on such revocation.

**ARTICLE 21:**

Refusal to license or the resolution requiring withdrawal of the associations' licenses that allow continuation of activity or the revocation decision may all be enforced by all available means.

During the month in which such decision is issued or published, the properties of these organizations shall be liquidized.

**ARTICLE 22:**

Whoever bears responsibility or persists at any capacity in bearing the responsibility of running the unlicensed foreign associations or institutions shall be punished with a one to five years imprisonment and a fine of ten to one hundred dinars.

Whoever participates in running these associations and affiliates shall be punished with imprisonment for six months to three years and a fine of ten to fifty dinars.

These penalties shall apply to directors, facilitators and whoever taking part in the activity of the associations or institutions working without consideration to the license requirements or those that exceeded the expiry date.

**PART TWO**

**DISSOLUTION, PENALTIES AND ENFORCEMENT**

**ARTICLE 23:**

Regardless of the judicial repercussions that might be inflicted upon the founder or the director as a result of violating the legal texts, particularly those of a punitive nature, the Minister of Interior may, once extremely confident and in order to avoid jeopardizing the public order, issue a reasoned decision to temporarily close down the relevant association's premises or those used by it and to suspend every activity, meeting or convention of its members.

Such temporary closure and suspension of activity by the Minister of Interior shall not exceed fifteen days.

Upon the expiry of this term, and in case no judicial claims have been filed to dissolve the association, the latter may regain all of its rights unless such term has been further extended for no more than fifteen days by a permission issued by the Head of the competent court of first instance in writing.

**ARTICLE 24:**

The Minister of Interior may request the competent court of first instance in writing to dissolve every association that has seriously breached the provisions of this law or it turned out to have objectives, activity and conduct that is contradictory to the general order and morals or when the association has engaged in activities that has a political stain.

The dissolution claim indicated herein shall be subject to the rules of the Civil and Commercial Pleadings bylaw.

**ARTICLE 25:**

The Minister of Interior may, at any point of the dissolution procedures, request the head of the court of first instance in writing for an emergency rule for temporary closure of the association's premises and suspension of its activity.

The closure and suspension decision shall be applied upon issuance of the draft rule regardless of the appeal.

**ARTICLE 26:**

The association's properties may be transferred upon the agreement of its members to dissolve it as per the Articles of Association. If such articles of association do not address the manner of transfer, such can be decided in the general assembly.

In case the transfer hasn't been processed as per the conditions above, the association's properties shall be transferred to the State's possession which shall earmark them for emergency or precautionary projects notwithstanding the right to retrieve such properties by a claim in accordance with article 28 below. In case the association has received regular

subsidy from the government or public institutions, its properties shall be liquidized by the State Property Administration.

The liquidation outcome shall be awarded to projects of social interest.

**ARTICLE 27:**

In terms of the judicial dissolution, the association's dissolution shall legally be considered by the State Property Administration. The assets produced from the dissolution shall be earmarked for the establishments of social interests.

**ARTICLE 28:**

In terms of dissolving the association, the benefits and gains generated through grants which haven't been expressly earmarked for an activity of assistance, the donor, heirs or successors may claim such grants back.

In case the gains and benefits have been donated for an activity of assistance, no claims may be filed to have them back unless by committing to utilize them for the established purpose thereof.

All claims for retrieval or demands shall be deemed invalid in case they weren't brought up against the liquidator within six months of the dissolution rule or the involuntary dissolution decision and the comprehensive provisions of the liquidator which acquired the force of judiciary are to challenge all those concerned.

**ARTICLE 29:**

A breach of the provisions stipulated herein shall require an imprisonment of one to six months or a fine of fifty to five hundred dinars.

Such penalties may be inflicted upon those who pay assistance in the convention of an association that hasn't been recognized or has already been dissolved.

**ARTICLE 30:**

Whoever takes part either directly or indirectly in maintaining or re-creation of associations that had not been recognized or had been dissolved by one to five years in prison and a fine of one hundred to one thousand or either one.

**ARTICLE 31:**

Any association director who voluntarily incited, during meetings, any acts of crime and felonies either through rhetoric, incitement, writing, announcing, dissemination, distribution, writing or presentation shall be fined of ten to one hundred dinars and three months to one year imprisonment in addition to other harsher penalties defined by the effective law to be inflicted upon those who are personally responsible for such incitement. In no way will such people be charged any less than those convicted from the association's directors as above.

**ARTICLE 32:**

All acts in contradiction with this law have been amended particularly the orders dates Sept. 15<sup>th</sup> 1888 and August 6<sup>th</sup> 1936.

**ARTICLE 33:**

This law shall enter into force as of January 1<sup>st</sup> 1960.

**ARTICLE 34:**

The associations indicated above which are operational until December 31<sup>st</sup> 1959 shall abide by the provisions herein and the executive bylaws by June 30<sup>th</sup> 1930.

**ARTICLE 35:**

This law shall be published in the Republic of Tunisia's official gazette and shall be applied as a State act.

Issued at the Presidency of the Republic of Tunisia

November 7<sup>th</sup> 1959

President: Al-Habib Burqiba