**Tunisia: organization calling on the government to immediately withdraw the draft law on the Audio-Visual Commission**

A number of national and international human rights organizations held meetings and consultations discussing the law concerning the Audio-Visual Commission referred by the presidency of the government to the Assembly of the Representatives of the People in December 2017, which is currently being discussed by the Committee of Rights and Freedoms in the assembly.

The Parliamentary Committee held hearings to listen to these organizations which are interested in:

- Expressing their satisfaction with the positive attitude of the members of the Committee on Rights and Freedoms, and their keenness to ensure the commitment of Tunisian legislations to safeguarding freedoms, namely the freedom of press and expression.

- Calling on the presidency of the government to immediately withdraw the draft law for the following reasons:

1- **The absence of transparency and participatory approach in the preparation of the draft law:**

 The preparation of the draft law by the Ministry of Relations with Constitutional Bodies, Civil Society and Human Rights was characterized the absence of serious dialogue with the various stakeholders and professionals concerned with the bill. The organizations and actors expressed these facts in two open letters addressed to the three presidencies on 20 June 2017, and 18 December 2017, considering that the consultations conducted by the ministry are nominal and not transparent, and that they excluded stakeholders in the media sector.

**2- Failure to include the draft law in the framework of a clear general vision for reforming audiovisual communication:**

In contrast to the approach followed in 2011 through the adoption of the decree 115 (on freedom of the press, printing and publishing) and the decree 116, which organizes the audiovisual sector and includes provisions on the reform body, today a opposite approach is being followed by the adoption of a draft law on the common provisions among the independent constitutional bodies and the separation of the Law on the establishment of the Audio-Visual Commission from the rest of the provisions governing the audiovisual sector , with the absence of a regulatory framework for freedom of expression, press and publication, as well as the absence of framework for self-regulation as guaranteed by international standards.

The broad debate on a general vision to reform audiovisual communication and to include the safeguards of freedom of information and audiovisual communication provided for in the new constitution, was missed in this pathway.

 The government draft law will result in the break-up of the legal system, weakening of independent bodies, and relinquishment of the achievements recognized by the legal framework (I would prefer 'legislation' if it is the decree No. 116-2011) issued in 2011 and reinforced by the constitution in 2014.

**-3 Break up and fragmentation of the legal framework for audio-visual communication:**

The fragmentation of legal texts leads to ambiguity, contradiction and limitation of the freedom of audiovisual communication and the independence of the Reform Body.

As confirmed by all legal analyzes conducted by specialized organizations and experts, this fragmentation contradicts with the principles of good governance and international standards, especially that the adoption of comprehensive laws and the unification of legal texts would simplify the legal systems and enhance their efficiency and effectiveness.

 The signatory organizations consider that the adoption of a comprehensive legal framework for the freedom of audiovisual communication, as is the case in democratic systems, represents one of the most important guarantees to regulate the media landscape and to protect the citizen's right to free and pluralistic media abiding by the rules and ethics of the journalistic profession, as well as to avoid any possible control of parties with the political or financial influence over media.

**4- Draft law containing legal gaps and real threats to the independence of the audiovisual body:**

The various legal analyzes and comments done by competent organizations, experts and professionals agree on the existence of many legal gaps in the suggested draft law, the absence of guarantees of financial and functional independence of the Audio-Visual Commission, and the lack of proportionality between the necessary requirements of independence and the mechanisms of accountability, as well as the deprivation of the new commission from actual punitive powers and the failure to explain its roles in monitoring the establishment of media ownership and its task during the electoral period.

Signatory Organizations

SNJT Syndicat des Journalistes Tunisiens

IWATCH

CRLDHT Comité pour le Respect des Libertés et des Droits de l'Homme

LTDH Ligue Tunisienne des Droits de l’Homme

EUROMED

FTDES Forum Tunisien pour les Droits Economiques et Sociaux

L'ATDVU Association Tunisienne de Défense des Valeurs Universitaires

BAWSALA

UTMA Union Tunisienne des Médias Associatifs

Association Vigilance

Alternative Media

Al Khatt

ATFD Association tunisienne des femmes démocrates

DPA Tunisia

DRI Tunisia

Organisation contre la Torture Tunisie

NAWAAT

Article 19

Reporters Without Borders

IMS International Media Support

Association Arabe des Libertés Académiques

CM Solutions

West Africa PANOS Institute Institut