



The Republic of Tunisia  
Joint Submission to the UN Universal Periodic Review  
41<sup>st</sup> Session of the UPR Working Group

Submitted 31<sup>st</sup> March 2022

**Submission by CIVICUS: World Alliance for Citizen Participation,  
NGO in General Consultative Status with ECOSOC  
And  
Arab NGO Network for Development (ECOSOC Roster Status)**

**CIVICUS: World Alliance for Citizen  
Participation**

CIVICUS UPR Lead, Email:  
[marianna.belalba@civicus.org](mailto:marianna.belalba@civicus.org)  
Nicola Paccamiccio  
Email: [nicola.paccamiccio@civicus.org](mailto:nicola.paccamiccio@civicus.org)

Tel: +41 22 733 3435  
Web: [www.civicus.org](http://www.civicus.org)

**Arab NGO Network for Development**

ANND UPR Lead: [bihter.moschini@annd.org](mailto:bihter.moschini@annd.org)  
Bihter Moschini

Tel:  
Web: [www.annd.org](http://www.annd.org)

## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Arab NGO Network on Development (ANND) is a regional network that works in 12 Arab countries, with a membership of nine national networks. It works to strengthen civil society's role and enhance the values of democracy, respect for human rights and sustainable development in the region.
- 1.3 In this submission, the two organisations examine the Government of Tunisia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Tunisia's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2017. To this end, we assess Tunisia's implementation of recommendations received during the 3<sup>rd</sup> UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.4 During the 3<sup>rd</sup> UPR cycle, the Government of Tunisia received 10 recommendations relating to the space for civil society (civic space). All of these recommendations were supported by Tunisia. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Tunisia has not implemented any of the 10 recommendations relating to civic space. On the contrary, civic space in Tunisia has been deteriorating, particularly since July 2021, when President Kais Saied suspended parliament.<sup>1</sup>
- 1.5 We are deeply troubled by the increased deterioration of civic space in Tunisia amidst growing concerns over a social and economic crisis. In July 2021 President Saied consolidated his powers by taking several decisions that were against the constitution. He introduced a state of emergency, dismissed Prime Minister Hichem Mechichi, suspended parliament and lifted parliamentary immunity. In the following months, activists and journalists have faced increased attacks, prosecution and arrests. In addition, access to information has been limited and media outlets have faced restrictions. On 13 December 2021 President Saied introduced a road map for a political transition in which he stated that an online consultation on constitutional reforms would start in January 2022, followed by a referendum in July and

---

<sup>1</sup> Tunisia: 'Civil society is not yet under direct threat, but we believe that our turn is coming', CIVICUS, 20 January 2022, <https://www.civicus.org/index.php/media-resources/news/interviews/5554-tunisia-civil-society-is-not-yet-under-direct-threat-but-we-believe-that-our-turn-is-coming>.

legislative elections in December 2022. He announced that parliament would remain suspended until these elections for a replacement body were held. In acting, he has continued to ignore calls from civil society for a national dialogue. His road map extends the state of emergency for a year, allowing him to tighten his grip on power.

**1.6** We are further concerned by the lack of improvements regarding the right to peaceful assembly. The Law governing this right continues to impose undue restrictions and the authorities routinely use excessive force to disperse protests.

**1.7** As a result of these issues, civic space in Tunisia is currently classified as ‘obstructed’ by the CIVICUS Monitor, indicating that the freedoms of association, peaceful assembly and expression are being continuously undermined.<sup>2</sup>

- Section 2 of this submission examines Tunisia’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Tunisia’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Tunisia’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, media freedom and access to information.
- Section 5 examines Tunisia’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3<sup>rd</sup> cycle.
- An annex on the implementation of 3<sup>rd</sup> cycle UPR recommendations related to civic space is in Section 7.

## **2. Freedom of association**

**2.1** During Tunisia’s examination under the 3<sup>rd</sup> UPR cycle, the government received one recommendation on the right to the freedom of association and creating an enabling environment for CSOs. Considered under recommendations related to the Constitutional and Legislative Framework, the government committed to ‘accelerate the implementation of the laws on the freedom of expression, assembly and association and to ensure alignment with international standards, including under possible emergency measures. However, as evidenced below, the government has failed to take adequate measures to realise this recommendation.

---

<sup>2</sup> CIVICUS Monitor: Tunisia country page, <https://monitor.civicus.org/country/tunisia>.

- 2.2** Article 35 of the Tunisian Constitution guarantees the right to the freedom of association.<sup>3</sup> Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Tunisia is a state party, also guarantees the freedom of association. However, despite these commitments, the government has not taken adequate measures to ensure the full enjoyment of this right.
- 2.3** After the 2011 Jasmine Revolution, the government enacted Decree Number 88 of 2011 to govern the functioning of CSOs. The Decree provides protections for the exercise of the freedom of association, and it was generally regarded as an enabling piece of legislation that supports the creation and functioning of CSOs.<sup>4</sup>
- 2.4** However, and despite opposition from civil society, in July 2018, parliament passed Law 30, which establishes a National Registry of Institutions and requires not only public and private companies but also all CSOs to register with the new entity. Under this legislation, in order to register CSOs must include data on CSO staff, assets, decisions by CSOs to merge or dissolve and notices or suspension decisions issued against CSOs or CSO networks. The National Registry has the right to approve or deny registration. Failure to register with the new institution could lead to harsh penalties, including up to one years' imprisonment or a fine of 10,000 TND (approx. US\$4,000).<sup>5</sup>
- 2.5** Even more concerning, in February 2022, the government introduced a draft decree with the aim to revise many provisions of Decree Number 88. The draft amendment, if approved in its current form, would considerably restrict the right to the freedom of association.<sup>6</sup> Among the problematic provisions are article 4, which states that an association may not 'threaten the unity of the state or its republican and democratic system'.<sup>7</sup>The vague and broad wording of this provision could lead to undue interference from the state in the activities of organisations.
- 2.6** In addition, article 35 prohibits an association from accepting foreign aid, donations, or grants that are not authorised by the Tunisian Financial Analysis Committee. The current legislation does not require prior government approval for foreign funding.<sup>8</sup> One problematic issue with this provision is that the granting of

---

<sup>3</sup> Tunisia Constitution, 2014, [https://www.constituteproject.org/constitution/Tunisia\\_2014.pdf](https://www.constituteproject.org/constitution/Tunisia_2014.pdf).

<sup>4</sup> Civic Freedom Monitor: Tunisia, International Center for Not-for-Profit Law (ICNL), 22 September 2021, <https://tinyurl.com/2y77jzrk>.

<sup>5</sup> 'From regulation to restriction: Tunisia's new law a threat to flourishing civil society', CIVICUS Monitor, 6 September 2018, <https://monitor.civicus.org/updates/2018/09/06/regulation-restriction-tunisias-new-law-threat-flourishing-civil-society>.

<sup>6</sup> 'Serious threat to freedom of association in Tunisia', International Federation for Human Rights, 15 February 2022, <https://www.fidh.org/en/region/north-africa-middle-east/tunisia/tunisia-the-draft-amendment-of-the-decree-law-on-associations>.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

this authorisation will not be subject to any time limit, which could cause arbitrary delays that would hinder the work of CSOs. One of the implications of this is that the Financial Analysis Committee could wilfully refuse to authorise grants or donations meant for organisations working on issues considered sensitive by the state. Further, article 41 requires an association to publish the subject of foreign funding, its source and value online through its website and in print media, one month after receiving the grants or donation. Similar provisions in other countries have enabled the vilification and smearing of CSOs as ‘foreign agents’.

- 2.7 The requirements of the Draft Decree also prohibit the managers of associations from running for presidential, legislative, or local council elections. This is a grave breach of the constitutional principle to run freely for elections, as guaranteed by chapter 34 of the 2014 Constitution.
- 2.8 Other concerning provisions include the discretionary powers of the authorities to dissolve an association, the introduction of a more bureaucratic process to establish a CSO and weak restrictions on state interference in CSOs.<sup>9</sup>
- 2.9 In addition to the legal restrictions mentioned above, the authorities continue the judicial harassment of Shams, an LGBTQI+ organisation. Shams registered with the government in May 2015, as a CSO working to support sexual and gender minorities. However, since then the government has taken consistent steps to shut Shams down, challenging its registration in court and claiming it was violating the Law on Associations. Despite court rulings in favour of Shams, the government continued to appeal against the decisions on the basis that Shams’ objective to defend sexual minorities, contravenes ‘Tunisian society’s Islamic values, which reject homosexuality and prohibit such alien behaviour’.<sup>10</sup> Finally, on 21 February 2020, the Tunisian appeals court (the Court of Cassation) rejected the government’s bid to shut Shams down.<sup>11</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1 Under Tunisia’s previous UPR examination, the government received three recommendations on the protection of HRDs, journalists and civil society representatives, and supported them all. The government committed to ‘adopt

---

<sup>9</sup> ‘Kais Saied’s next target in Tunisia: Civil Society’, Project on Middle East Democracy, 24 February 2022, <https://pomed.org/kais-saieds-next-target-in-tunisia-civil-society>.

<sup>10</sup> ‘Tunisia civic space under threat by emergency bill and attempts to undermine transitional justice’, CIVICUS Monitor, 5 June 2019, <https://monitor.civicus.org/updates/2019/06/05/Tunisia-civic-space-under-threat-by-emergency-bill-and-attempts-to-undermine-transitional-justice>.

<sup>11</sup> ‘Protest over economic conditions under COVID-19, journalists face threats for critical reporting’, CIVICUS Monitor, 7 May 2020, <https://monitor.civicus.org/updates/2020/05/07/protests-over-economic-conditions-under-covid-19-journalists-face-threats-critical-reporting>.

measures to ensure the protection of free speech and freedom of the press, ensuring that human rights defenders can carry out their legitimate activities', 'carry out prompt investigations into all threats and attacks targeting human rights defenders and guarantee that those responsible are brought to justice and punished in a manner commensurate with the gravity of their acts' and to 'ensure a conducive environment for human rights defenders to carry out their legitimate activities without fear or undue hindrance'. However, as examined in this section, the government has failed to operationalise these recommendations effectively.

- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. However, in spite of these protections legal restrictions and violations persist in Tunisia.
- 3.3** Despite some reforms made in 2011 during the transitional period, which removed some of the criminal penalties for speech offences, Tunisian authorities are still using repressive Penal Code and Telecommunications Code articles to criminalise peaceful speech. A number of legal provisions remain in force and continue to criminalise activities related to the exercise of the freedom of expression, including those on the publication of false information, insulting the head of state, defamation and calumny included in the Penal Code and the 2001 Telecommunication Code.<sup>12</sup>
- 3.4** Several cases illustrate how Tunisian authorities continue to use these repressive laws to prosecute activists, journalists, bloggers and HRDs. At least 21 activists have been prosecuted under these laws since 2017 according to Human Rights Watch.<sup>13</sup> For example, on 3 January 2019, the court sentenced activist Sahbi Amri to three years in prison for defaming prosecutors of the court. The sentence was in relation to Amri's post criticising prosecutors for not opening an investigation into government corruption. She was also sentenced to an additional two-and-a-half years in prison on charges that included violating article 86 of the Telecommunications Code and article 128 of the Penal Code. This second case against Amri was related to her sharing of a Facebook post that criticised the former head of Tunisia's High Judicial Council.<sup>14</sup>
- 3.5** In a Facebook video post, blogger and political activist Hajer Awadi alleged government corruption and highlighted the poor distribution of food supplies in Le Kef, in the northwest of Tunisia. She was arrested and interrogated by police and charged with 'insulting a civil servant' under article 125 of the Penal Code and

---

<sup>12</sup> 'Tunisia: Unfinished rights business', Human Rights Watch, 28 February 2020, <https://www.hrw.org/news/2020/02/28/tunisia-unfinished-rights-business>.

<sup>13</sup> Ibid.

<sup>14</sup> CIVICUS Monitor, 5 June 2019, op. cit.

‘causing noises and disturbances to the public’ under article 316 of the Penal Code.<sup>15</sup>

- 3.6** During the COVID-19 pandemic, blogger Emma Chargui was sentenced to six months in prison for a social media post where she said the virus came from China and advised people to wash their hands. The text imitated the format of a Quranic verse and authorities charged her with ‘inciting hatred between religions through hostile means or violence’ and ‘offending authorized religions’.<sup>16</sup>
- 3.7** HRDs, activists and journalists are also the target of physical and verbal attacks. LGBTQI+ activists have particularly faced increased harassment online and offline, attacks, arrests and prosecution, because of their work as well as solely on the basis of their gender expression and sexual orientation.<sup>17</sup> On 13 January 2020, Frita, a transgender woman HRD and member of the Tunisian Association for Justice and Equality, was violently attacked in Tunis and subjected to electric shocks by three men, including a police officer.<sup>18</sup>
- 3.8** On 4 March 2021, HRD Rania Amdouni was convicted of ‘violating the general morals’, and ‘insulting a government employee’, and sentenced to six months in prison. She is a member of Tunisian Association for Justice and Equality (Damj) and advocates for gender equality and the rights of excluded communities, including LGBTQI+ people. She was arrested on 27 February after she complained to the police about threats she received from identified individuals who came to her home and threatened to burn it down. Prior to her arrest, she had also been subjected to smear campaigns and other forms of harassment online.<sup>19</sup>
- 3.9** In early March 2021, Badr Baabou, head of Damj, was assaulted. That same month a plainclothes officer attempted to force his way inside the association’s office without a warrant and interrogated employees about their activities. In addition, in February 2021, Ayub Belarbi, another activist who works with Damj, was forcibly disappeared, physically assaulted, denied the right to speak with a lawyer while in detention and forced to sign a false confession in which he admitted to assaulting a police officer.<sup>20</sup>

---

<sup>15</sup> CIVICUS Monitor, 7 May 2020, op. cit.

<sup>16</sup> ‘Tunisia: Blogger Emna Chargui sentenced to six months in prison for social media post, Amnesty International, 15 July 2020, <https://www.amnesty.org/en/latest/news/2020/07/tunisia-blogger-emna-chargui-sentenced-to-six-months-in-prison-for-social-media-post/>.

<sup>17</sup> ‘LGBT activists in Tunisia under pressure’, CIVICUS, <https://www.civicus.org/index.php/fr/medias-ressources/112-news/875-lgbt-activists-in-tunisia-under-pressure>.

<sup>18</sup> CIVICUS Monitor, 7 May 2020, op. cit.

<sup>19</sup> Ibid.

<sup>20</sup> ‘Ten years post-revolution: protests met with detentions and excessive force, LGBTI activists targeted’, CIVICUS Monitor, 25 May 2021, <https://monitor.civicus.org/updates/2021/05/27/ten-years-post-revolution-protests-met-detentions-excessive-force-lgbti-activists-targeted/>.



- 3.10** Since the decision of President Saied to dismiss Prime Minister Mechichi, suspend parliament and lift parliamentary immunity, violations against HRDs and journalists increased. In the wake of President Saied assuming exceptional powers, as of August 2021, at least 50 cases of arbitrary travel bans have been documented, without any due process principles being followed. Amongst those who received a travel ban are judges, senior state officials and civil servants, businesspeople and a parliamentarian. Additionally, at least 50 Tunisians, including former officials, a judge and three lawmakers, have been placed under arbitrary house arrest.<sup>21</sup>
- 3.11** In addition, the authorities arrested and prosecuted several parliamentarians and human rights activists for speaking up against President Saied's measures. On 29 July 2021, security forces arrested Hamza Ben Mohamed, an activist and blogger, after he published posts criticising President Saied's decisions.<sup>22</sup> In addition, Selim Jebali was sentenced to one year's imprisonment, reduced on appeal to six months, for 'insulting the president, defaming the army and accusing public officials of crimes related to their jobs without furnishing proof of guilt', due to Facebook posts in which he labelled President Saied as a 'coup maker'. Television host Amer Ayed was arrested and faced similar charges for comments he made about President Saied during his show. Social media commentator Amina Mansour remains under investigation for comments she made about President Saied in a satirical Facebook post.<sup>23</sup>
- 3.12** Attacks on journalists have been frequent since the declaration of the exceptional state, including excessive use of force and arrests while covering protests, seizure of equipment, arrest, detention, prosecution and imprisonment. For example, in October 2021, Amer Ayad was detained by the military court after he recited a poem by the poet Ahmed Matar. The authorities considered one of the phrases as an attack on the dignity of the President of the Republic. He was released a month later.<sup>24</sup>

## **4. Freedom of expression, media freedom and access to information**

- 4.1** Under the 3<sup>rd</sup> UPR cycle, the government received seven recommendations relating to the freedom of expression, media freedom and access to information. For example, the government pledged to 'strengthen the implementation of legislation in the areas of freedom of expression, access to information and non-discrimination and ensure that all relevant laws are fully in line with the Constitution' and 'align the

---

<sup>21</sup> 'Tunisia: CIVICUS Monitor Watchlist', CIVICUS Monitor, March 2022, <https://civicus.contentfiles.net/media/assets/file/Tunisia.CIVICUSMonitor.March2022.pdf>.

<sup>22</sup> 'Tunisia: one-man rule setback for human rights and rule of law', Euro-Med Human Rights Monitor, October 2021, <https://euromedmonitor.org/uploads/reports/EnTunisiaReport.pdf>.

<sup>23</sup> 'Tunisia; New Prosecutions resurrect shadow of dictatorship', SMEX, 22 December 2021, <https://smex.org/tunisia-new-prosecutions-resurrect-shadow-of-dictatorship-crosspost>.

<sup>24</sup> 'Tunisia: Where poems lead to prison', Article 19, 5 February 2022, <https://www.article19.org/resources/tunisia-where-poems-lead-to-prison>.



legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards'. The government supported all the recommendations. However, as discussed below, the government did not take effective measures to implement these recommendations.

- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 30 of the Constitution of Tunisia also guarantees the right to the freedom of expression. Despite this normative framework, the full enjoyment of the freedom of expression is hampered by restrictive legislation and extra-legal measures against media outlets.
- 4.3** Although important improvements were made after the 2011 revolution to protect media freedoms and access to information, the situation has worsened since the 2019 general elections and particularly following the decisions taken by President Saied since July 2021.
- 4.4** Tunisia passed the Right to Access Information Law (Law No. 2016-22) in March 2016 and the Freedom of Audiovisual Communication Law (Decree-law 116/2011) during the transitional period. Despite the legal protections, the authorities have made attempts to amend these laws in order to limit media freedoms unduly. In 2020, parliamentarians attempted to amend the Freedom of Audiovisual Communication Law, specifically to alter the process of appointing members to and renewing the composition of the High Independent Authority of Audiovisual Communication (HAICA).<sup>25</sup> The amendments would allow the government to dominate audiovisual media by controlling its regulatory authority.<sup>26</sup>
- 4.5** In practice, media outlets have faced obstruction to their work, particularly after July 2021. The offices of privately-owned TV channel Zaytouna were raided by security forces and equipment was confiscated on the grounds of the channel not having a broadcasting licence in October 2021. Similarly, the same month, security forces raided the offices of privately-owned television channel Nessma TV and privately-owned radio station al-Quran al-Kareem, shortly before HAICA shut down both outlets, stating that they did not have the proper broadcasting licence.<sup>27</sup>
- 4.6** Earlier in July 2021, police raided the Tunis headquarters of Al Jazeera TV, evicting its staff and closing down the office. Although there is no official court decision, since

---

<sup>25</sup> 'Draft bill gives further impunity to security forces during protests', CIVICUS Monitor, 19 November 2020, <https://monitor.civicus.org/updates/2020/11/19/draft-bill-gives-further-impunity-security-forces-during-protests>.

<sup>26</sup> 'Tunisia: Human rights organisations call on Tunisian Parliament not to pass amendment to law on Freedom of Audiovisual Communication', Article 19, 19 October 2020, <https://www.article19.org/resources/tunisia-human-rights-organisations-call-on-tunisian-parliament-not-to-pass-amendment-to-law-on-freedom-of-audiovisual-communication>.

<sup>27</sup> CIVICUS Monitor, March 2022, op. cit.

then the police have blocked access to the office and now Al Jazeera operates from the front yard of the National Union of Tunisian Journalists. Additionally, the station has been denied authorisation to film and has had to use borrowed footage.<sup>28</sup>

- 4.7** Access to information had also been deteriorating despite legal protections. In response to the COVID-19 pandemic, in April 2021 the Minister of Health issued a ministerial order to sanction doctors and health workers who make unauthorised statements about the pandemic to the media or online.<sup>29</sup> Further, concerns have been raised by CSOs over the systematic news blackout since President Saïed's announcement of exceptional measures.<sup>30</sup>

## 5. Freedom of peaceful assembly

- 5.1** During Tunisia's examination under the 3<sup>rd</sup> UPR cycle, the government received and supported one recommendation on the right to the freedom of peaceful assembly, as part of a general recommendation calling on Tunisia to 'accelerate the implementation of the laws on the freedom of expression, assembly and association and to ensure alignment with international standards, including under possible emergency measures'. As evidenced below, the government has failed to realise this recommendation.
- 5.2** The 2014 Constitution provides in article 37 that the 'right to assembly and peaceful demonstration is guaranteed'. Article 21 of the ICCPR also guarantees this right. However, in practice, Law Number 69-4 of 1969, which has never been amended, imposes limitations on public meetings, processions, parades, demonstrations and gatherings beyond what is permissible under international human rights law. The law prohibits unplanned assemblies, places limits on the place and time in which protests may be held and empowers the authorities to prevent any assemblies that disturb public order or peace. In addition, Tunisia's State of Emergency law, which was imposed on 25 November 2015 and continually renewed thereafter, allows for further limitations on public assemblies, such as allowing the authorities to impose curfews and ban public protests altogether without a court order.<sup>31</sup>
- 5.3** In practice, the authorities routinely use excessive force to disperse protests, particularly those against the government. On 14 January 2018, widespread protests took place in the context of the anniversary of the 2011 revolution. Hundreds of

---

<sup>28</sup> 'Evicted from their office, Al Jazeera works from a front yard in Tunisia', Human Rights Watch, 17 November 2021, <https://www.hrw.org/news/2021/11/17/evicted-their-office-al-jazeera-works-front-yard-tunisia>.

<sup>29</sup> Freedom of the Net, Freedom House, 2021, <https://freedomhouse.org/country/tunisia/freedom-net/2021>.

<sup>30</sup> 'Political developments raise concerns for civic space', CIVICUS Monitor, 1 September 2021, <https://monitor.civicus.org/updates/2021/09/01/political-developments-raise-concerns-civic-space>.

<sup>31</sup> ICNL, *op. cit.*

people took to the streets in several cities across Tunisia to voice their opposition to austerity measures adopted by the government. Reports indicate that more than 900 protesters were detained.<sup>32</sup>

- 5.4 Further anti-government protests erupted on 14 January 2021 to mark the 10-year anniversary of the revolution. Human rights organisations reported the use of excessive force against protesters, which included teargas, water cannon and physical violence. Protester Haykel Rachdi died on 18 January 2021 after sustaining a serious head injury from police intervention during a protest. The Tunisian Association for Justice and Equality and the Tunisian League for Human Rights identified that at least 1,540 people were arrested during the protests, including minors.<sup>33</sup>
- 5.5 On 13 January 2022, the government imposed a blanket ban on peaceful assemblies, in response to rising COVID-19 numbers. The ban came a day before further anti-government protests were planned to take place on the 11-year anniversary of the revolution. Despite the ban, on 14 January 2022, people gathered to stage anti-government protests and denounce the arbitrary ban on gatherings. However, the authorities prevented people from gathering on the main street in the centre of Tunis, which has traditionally been the central meeting point for protests. Police responded by dispersing protesters with teargas, sound bombs, batons and a water cannon. Rhida Bouziane, a 57-year-old man, died, reportedly as a result of injuries sustained during the police crackdown on the protest.<sup>34</sup>
- 5.6 In addition, the authorities have specifically targeted LGBTIQI+ people who take part in protests, through arbitrary arrest, physical violence, rape threats and denial of access to legal representation.<sup>35</sup>

## 6. Recommendations to the Government of Tunisia

CIVICUS and ANND call on the Government of Tunisia to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the

---

<sup>32</sup> 'Anniversary of Jasmine Revolution marred by detention of hundreds of protesters, CIVICUS Monitor, 25 January 2018, <https://monitor.civicus.org/updates/2018/01/25/anniversary-jasmine-revolution-marred-detention-hundreds-protesters>.

<sup>33</sup> CIVICUS Monitor, 27 May 2021, op. cit.

<sup>34</sup> CIVICUS Monitor, March 2022, op. cit.

<sup>35</sup> 'Tunisia: Police Arrest, Use Violence Against LGBTI Activists', Human Rights Watch, 23 February 2021, <https://www.hrw.org/news/2021/02/23/tunisia-police-arrest-use-violence-against-lgbti-activists>.

right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

### **16.1 Freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Review and amend Law 30 that established the National Registry of Institutions and review the powers of the Registry, particularly in relation to its responsibility to approve or deny the registration of CSOs.
- Stop targeting CSOs, including those working on LGBTQI+ rights, with legal actions and other forms of harassment and ensure that they can operate without fear of reprisals
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- Remove undue restrictions on the freedom of association and stop the process of revising Decree No. 88 of 2011 and create an enabling environment for the freedom of association in accordance with international standards, specifically ICCPR articles 21 and 22.

### **16.2 Protection of human rights defenders**

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs, including those advocating for gender equality and the rights of LGBTQI+ people, are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.

- Specifically, amend the Penal Code and the Telecommunications Code to bring them into line with the ICCPR and the UN Declaration on Human Rights Defenders.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists and hold to account those who have subjected LGBTQI+ activists to threats and smear campaigns.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

### **16.3 Freedom of expression, media freedom and access to information**

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Stop any attempts to amend the Freedom of Audiovisual Communication Law, maintain the independence of HAICA and prevent increased state control of audiovisual media.
- Reinstate all media outlets that have unwarrantedly been closed.
- Reform defamation legislation in conformity with ICCPR article 19.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Guarantee unfettered access for all people in Tunisia to domestic and foreign media information, both offline and online.

- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression, media freedom and access to information, including by ensuring free access to electronic media, ceasing censorship and surveillance, liberalising electronic media ownership rules and enabling journalists, bloggers and other internet users to play a full and active role in promoting and protecting human rights.
- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.
- Implement legislative measures to enable access to information and establish mechanisms to facilitate public access, in line with international best practices.
- Adopt a law on access to information in order to promote the full exercise of the rights to the freedoms of expression and opinion.
- Organise inclusive consultations with journalists and the media in order to resolve disputes that exist concerning current and proposed media and disinformation laws.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.
- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all arenas, including in the arts.

#### **16.4 Freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Amend Law Number 69-4 of 1969 by replacing restrictive provisions with more enabling ones in order to guarantee fully the right to the freedom of peaceful assembly.

- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

### **6.5 Access to UN Special Procedures mandate holders**

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the independence of judges and lawyers; 4) Special Rapporteur on the right to privacy; and 5) Working Group on Arbitrary Detention.

### **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.



- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.