



Coalition for fundamental rights
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STAKEHOLDER REPORT SUBMITTED TO THE UNIVERSAL PERIODIC REVIEW OF TUNISIA 4th CYCLE 2022

Coalition for fundamental rights

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Lawyers without borders (www.asf.org), Association Art Rue (www.artrue.org)
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The adopted methodology

The current report was elaborated in a participatory way by the following organizations: ADLI, ASF, Art Rue and Damj based on:

- All the recommendations made to Tunisia during the Universal Periodic Review in May 2017, ((A/HRC/36/5);
 - The monitoring, follow-up and reporting work that have been developed and published periodically by our organizations and particularly in the framework of the Civil Collective for Individual Liberties and the Observatory for the Defense of the Right to Difference in Tunisia.
- The following report has been the subject of meetings and workshops for its final validation.

Introduction

At the end of the third cycle of the Universal Periodic Review (UPR), Tunisia accepted a series of recommendations made by the Human Rights Council (189 recommendations accepted out of 248 recommendations). In anticipation of the Fourth Cycle of the Universal Periodic Review (2017-2021), ADLI, ASF, Art Rue, Damj, FIDH and Al Kawakibi Center have submitted a report on the review.

In this note, organizations are based on the analysis of activities of several human rights actors to congratulate the Tunisian State for the many achievements made in the field of rights and freedoms since the popular uprising of 2011 and since the UPR of 2017.

However, the declaration of a state of emergency and the announcement of exceptional measures by the President of the Republic in a unilateral manner since July 25, 2021 are of great concern to our organizations: the freezing of the activities of the Assembly of People's Representatives, lifting the immunity of all deputies, appointing a new government, the concentration of powers in the hands of the Head of State (through Decree No. 117 adopted on September 22, 2021), closing the offices of the Anti-Corruption Authority ...

On December 13th 2021, the President of the republic presented his roadmap by which there will be : The organization of a popular consultation between January and March 2022, the preparation of a new constitution that will be subject to a referendum on July 25, 2022 and the organization of legislative elections on December 17, 2022... However, the mentioned roadmap was unilaterally developed by the presidency without any participatory approach. With the lack of transparency and exclusion, there are no guarantees that there will be any inclusion or involvement of OSCs' in this process which constitute serious threats to the exercise of collective and individual freedoms, especially in light of the establishment of a new political and constitutional order !

Our organizations wish to draw the attention of the Human Rights Council to several points of concern that need to be examined in order to guide the democratic transition in Tunisia on the path of the rule of law and to prevent any regression in terms of rights and freedoms.

1. IMPLEMENTATION OF THE CONSTITUTION AND RATIFIED CONVENTIONS

Following its 2017 UPR, Tunisia committed itself to continue the implementation of the constitution of 2014;

In reviewing the work done from 2017 to July 25, 2021 we welcome the efforts made to implement the constitution but we deplore the following statements:

1.1 Structures provided for in the 2014 Constitution but not yet established:

This includes the following structures:

The Constitutional Court, provided for in articles 118 to 124 of the Constitution and organized by organic law No. 2015-50 of December 3, 2015. This structure, which is fundamental to any democracy, has not seen the light of day. Nonetheless, the Provisional Instance for the Control of Constitutionality of draft laws has been dissolved by the Decree 2021-117 of September 22, 2021. Thus, the decree-laws taken on the basis of the latter are now immune from any kind of control, which constitutes a flagrant regression from the principles of the rule of law.

[We recommend the rapid establishment of the Constitutional Court.](#)

- Independent Constitutional Bodies:

The 2014 Constitution created 5 independent bodies: however, only one has been established since 2014 ; The Independent High Authority for the Elections. On the other hand, the Human Rights Instance (created by Article 128 of the Constitution and organized by organic law n°2018-51 of October 29, 2018), the Good Governance and Anti-Corruption Instance (created by Article 130 of the Constitution and organized by organic law n°2017-59 of August 24, 2017); the Sustainable Development and Rights of Future Generations Instance (created by Article 129 of the Constitution and organized by organic law n°2019-60 of July 09, 2019); have not seen the light of day. Finally, the audiovisual communication authority, created by Article 127 of the Constitution, has not even been organized by a law, although a bill has been submitted to Parliament.

We recommend the establishment of the different independent constitutional bodies and the election of their members, as well as the adoption of a law on the authority of audiovisual communication.

1.2 Texts provided for in the 2014 Constitution but not yet adopted:

[This includes the following laws:](#)

[. The law on the audiovisual communication authority, created by Article 127 of the Constitution, the law organizing this authority has not been adopted; although a bill has been](#)

filed with Parliament; We recommend the adoption of the law on the ICAV and its implementing decrees!

Law organizing freedom of conscience: Article 6 of the Constitution guarantees freedom of conscience and protects the sacred. Such a provision would require the enactment of a law that would protect this freedom and settle any possible conflict between freedom of conscience and the sacred. [We recommend the adoption of a law organizing freedom of conscience!](#)

. **Law(s) on social justice and regional balance:** Article 12 of the Constitution requires the achievement of social justice, regional balance and the use of "positive discrimination" measures; however, no comprehensive text has been adopted in this sense, and the annual finance laws have not introduced anything in this regard! [We recommend the adoption of laws on regional balance and social justice. And the promulgation of the decrees for the application of the code of local authorities.](#)

.**Law making the national security forces a republican security:** The Constitution provides for a body of republican security forces protecting order while respecting rights and freedoms (Article 19 of the Constitution): However, nothing has been done to reform the security sector. [We recommend the adoption of a law that clearly establishes the principles and the functioning of a republican security!](#)

. **Law on the right of asylum:** Article 26 of the Constitution refers to a law organizing the right of asylum, Tunisia has received and accepted a large number of recommendations related to this right. Despite the existence of a government project ready to be tabled in parliament, no legal text has seen the light of day Since this right has been continuously violated before and after July 25th, 2021

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[We recommend:](#)

- [The adoption of a comprehensive law on foreigners, including the right to asylum;](#)
- [The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.](#)

. **Law on academic freedom:** Article 33 of the Constitution guarantees academic freedom, but no legal text has been drafted to detail this provision; [we recommend the adoption of a law on academic freedom;](#)

. **Comprehensive law on environmental protection and climate change:** Article 46 of the Constitution makes the state the guarantor of the right to a healthy environment and requires the state to participate in climate security: however, despite this constitutional provision and the many international conventions ratified by Tunisia including the Convention on Biological Diversity CBD (1992 and the Paris Protocol of 2015), Tunisia has not adopted a comprehensive law on the environment and climate. That said, a draft environmental code has been prepared by a team of experts at the request of the Ministry of Environment since 2013, but it has never been approved by the Council of Ministers or transmitted to parliament!
[We recommend the acceleration of the adoption of the draft environmental code.](#)

. **Law on the status of the artist and crafts:** Article 42 of the Constitution recognizes the right to culture and the right to creativity ... However, nothing has been done at the legislative level since 2014.

[We recommend that the State accelerate the adoption of the bill on the status of the artist and crafts filed with the Assembly of People's Representatives since 2019.](#)

1.2 Texts to be harmonized with the provisions of the 2014 Constitution but nothing has been done:

The 2014 Constitution introduced fundamental principles into the Tunisian legal and institutional order. Hence, it was conceived that Tunisia would proceed to harmonize its legislation with the provisions of the new Constitution. While welcoming some of the efforts undertaken for the adoption and harmonization of laws with the Constitution we draw attention to the following shortcomings and deficiencies:

. **A penal code in contradiction with the Constitution:** The Tunisian penal code which dates from 1913; is one of the most liberticidal texts. After the adoption of the Constitution of 2014, this code was to comply with the new Constitution and in particular the principles of the protection of individual freedoms and the assurance of a dignified life (art. 21); the protection of the right to life (art. 22); the protection of dignity (art. 23); the protection of privacy, the inviolability of the home and the secrecy of correspondence, communications and personal data (art. 24). Based on these principles, a new penal code should be adopted to remove crimes such as homosexuality, adultery, sex work, moral crimes: indecent assault or morality ... Review the penalties and replace those of short duration (equal to or less than 2 years) by alternative penalties ... Recall that a commission has been appointed since 2014, responsible for the redesign of the penal code, however no project has been proposed until today;

[We recommend the adoption of a new penal code prepared with a participatory approach that respects human rights and enshrines new penal approaches based on prevention and insertion, rather than punishment and revenge!](#)

. **A code of criminal procedures in contradiction with the Constitution:** The Tunisian code of criminal procedures which dates from 1968; is in contradiction with the provisions of the Constitution relating to the fair trial and the rights of detainees (articles 27 to 30 of the Constitution); hence the need to recast this code. At this level, [we recommend accelerating the adoption of the new code of criminal procedure which has been discussed and approved at the level of the Council of Ministers since 2020!](#)

A personal status code to be updated: The code of personal status (CSP) which dates from 1956; is to be updated after the promulgation of the constitution of 2014 and the Ratification of the Maputo Protocol on the rights of women in Africa (by Law No. 2018-33 of June 6, 2018). Especially since many recommendations were received and accepted by Tunisia in 2017 relating to women's rights that have not been implemented, mainly equality between men and women in terms of inheritance, granting nationality, tax equality; equality in the guardianship of children, the issue of dowry ...

We recommend applying the principles of equality (art. 21 of the Constitution) and consolidating and promoting women's rights (art. 46); and amending the CSP and starting by adopting the draft law on equality in inheritance already tabled by the Tunisian government with parliament in October 2018.

. **Enforce “the right to life is sacred”**: Article 22 of the Constitution considers the "right to life as a sacred right and only accepts to bring limits in extreme cases provided by the law. However, the Tunisian law and in particular the penal code, the code of military justice, the law on the fight against terrorism and money laundering ... retain the death penalty for at least 143 crimes! We can no longer talk about extreme cases. In addition, Tunisia has received and accepted in 2017 recommendations on capital punishment. However, no debate has been initiated on the issue since. Similarly, the statements of the President of the Republic on October 29, 2020, in favor of the application of capital punishment are very alarming.

We recommend: a repeal of capital punishment in a new penal code. If necessary, to revise this overly broad list of crimes punishable by this penalty and to continue to apply the moratorium on the non-application of the death penalty!

. **Implement the constitutional and conventional provisions on torture**: Article 23 of the Constitution protects the dignity of the human being, his physical integrity, prohibits moral or physical torture and considers the crime of torture as imprescriptible. However, Tunisian law, and in particular the penal code and the law relating to the National Authority for the Prevention of Torture (Law No. 2013-43 of October 23, 2013) and judicial practices do not comply with the definition of torture as provided in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), The police continue to practice torture in places of detention, and judges still order anal examinations to prove homosexuality of those arrested on the basis of Article 230 of the Penal Code, which punishes male and female homosexuality with three years in prison

We recommend:

- To comply with the definition of torture as provided by the aforementioned Convention
- Immediately stop the practice of anal and virginity testing and any degrading or inhumane practices.
- To follow up positively the complaints related to the practices of torture and to carry out serious and sincere investigations and to accelerate the trials in this matter;
- To provide the National Authority for the Prevention of Torture with the necessary material means and not to hinder its functioning and its unannounced visits.

. **Implement the principle of protection: "of privacy ... and personal data"**: Article 24 of the Constitution requires the State to protect "privacy, inviolability of the home, the secrecy of correspondence and communications and personal data. This constitutional provision is also reinforced by Tunisia's international commitments and in particular the ICCPR and the recent ratification of Tunisia's accession (on May 30, 2017) to the Council of Europe Convention No. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol No. 181 concerning supervisory authorities and transborder data flows. However, Tunisian laws (criminal code, communications code, law on the protection of personal data) and administrative, police, and judicial practices do not comply with these

commitments.

We recommend:

- The harmonization of Tunisian law with these constitutional and conventional principles;
- The adoption of a new legal framework for the protection of personal data, by accelerating the adoption of the draft code of personal data that has not yet been adopted although submitted since 2018 to the ARP.
- The strengthening of the National Authority for the Protection of Personal Data (created by Law No. 2004-63 of July 27, 2004) by making it more independent (like the constitutional bodies) by giving it broader powers to monitor compliance with the protection of personal data and reinforcing its human and financial resources;

. Harmonize the legal framework relating to the right of access to communication networks: the Constitution guarantees "the right of access to communication networks". However, the 2001 Code continues to be liberticidal and based on the principles of control and restriction. It allows the authorities to bring before the courts people whose comments are deemed censorious of the powers that be or public figures.

We therefore recommend that the telecommunications code be harmonized with the principles of human rights and the values of democracy by removing unjustified penal provisions and in particular penalties depriving freedom of expression;

No longer prosecute journalists, bloggers, users of social networks on the basis of liberticidal articles (including Article 86 of this code which: "punishes by imprisonment for one to two years and a fine of one hundred (100) to one thousand (1000) dinars who knowingly harms third parties or disrupts their peace through the public telecommunications networks. Provision that constitutes a sword of Damocles against any different voice and opinion.

. Modify the legal framework related to exceptional measures and the state of emergency in a context of terrorism :

The Tunisian Constitution, and in particular articles 77 and 80, allow the President of the Republic to "take the measures required by a state of emergency and to proclaim them...". However, the current legal framework applied to the state of emergency is not consistent with the constitution and international commitments of Tunisia. Indeed, the proclamation of the state of emergency is based on Decree No. 50 of January 26, 1978, a decree in flagrant contradiction with the Constitution and in particular its Article 49 which requires that the limits to rights and freedoms could be done only by a law,

Similarly, as of July 25, 2021:

- The President of the Republic has applied article 80, making a very extensive reading of this text. Indeed, based on his reading of this article, the President suspended all activities of the Parliament, proceeded to lift the immunity of all deputies, dismissed the Head of Government, and wanted to take over the presidency of the Judicial Prosecutor's Office, while he already presides over the Military Prosecutor's Office;

- Based on this same provision, the Head of State issued a decree on September 22, 2021 on exceptional measures. Under this text, the President of the Republic concentrated legislative and executive powers in his hands. He repealed most of the Constitution (keeping 49 articles out of a total of 149!). He has made his actions immune from appeal, dissolved the Provisional Institution for the Control of the Constitutionality of Bills of laws (IPCCPL), and planned to create a commission to help him draft revisions relating to political reforms.
- Finally, based on Article 80 of the Constitution, on December 13, 2021, the President announced his roadmap: to organize a popular consultation from January to March 2022, to draft a new Constitution which will be the subject of a referendum on July 25, 2022, and to organize legislative elections on December 17, 2022!

This period is also marked by the most liberticidal measures:

- House arrest without serious and announced reasons (16 people between July 25, 2021 and January 13, 2022),
- Trials of civilians before military courts (by way of comparison, from 2011 to 2021, only 10 civilians were brought before these courts, while from July 25 to December 31, 2021: 12 civilians were brought before the military justice);
- Restriction of freedom of the press and expression: closure of television station offices, dismissal of the director general of the national television, attacks on journalists, etc.
- Restriction of freedom of movement, house arrest, travel ban in application of the border measure S17... ;
- Misuse of the Anti-Terrorism and Anti-Money Laundering Act of 2015, which established a specific investigation and prosecution regime and retained the death penalty for certain terrorism crimes;

In this very uncertain and worrying context, we recommend

- As a main recommendation, the immediate cessation of the application of decree n°50 of January 26, 1978, relating to the state of exception,
- To immediately stop bringing civilians before military courts;
- Stop the use of house arrest without serious and clearly announced reasons;
- Stop the use of the border measure S17,
- Stop all attacks on the independence of the national authorities and the Superior Council of the Judiciary,
- Maintain the constitutional status quo and proceed to reform or adopt a new constitution only after the organization of early legislative and presidential elections,
- Proceed with political and institutional reforms only after the elections;
- Require that the process of political and constitutional reform be transparent and participatory, including the various political tendencies and civil society organizations;
- Harmonize the text relating to terrorism with the provisions of the Constitution and strengthen the guarantees for accused persons and replace the death penalty with a custodial sentence.

. **Reforming the justice system in harmony with the Constitution and international conventions:** In 2017, Tunisia received and accepted a set of recommendations related to the reform of the justice system. Since then, a Council of the Judiciary has been functional, but

many problems persist in the functioning of the justice system:

- At the operational level, we noticed the slowness in the trials and the judgments;
- . A worrying interventionism and systematic pressure from the executive on the functioning of the justice system, attacks on the Supreme Judicial Council.
- . In terms of the training of magistrates, there is still a lack of solid training in human rights and international conventions;
- . At the level of specialized justice, we raise the problems encountered by the specialized chambers in the cases of transitional justice and a disturbing rise in the trials of civilians before military courts;
- At the level of judgments, we note a very conservative reading of legal texts (which are in contradiction with the Constitution and international conventions: penal code, code of penal procedure, code of personal status, law n°92-52 of May 18, 1992 on narcotics....), this has resulted in very restrictive judgments of freedoms.

This policy has led to an overpopulation of prisons and places of detention (150%), a third of which is composed of people arrested and/or judged for drug use!

We recommend:

- Guarantee the independence of the judiciary, and that the executive stops interfering in the judiciary;
- Strengthen the training of judges in human rights and international conventions;
- Improve the material conditions of the work of judges (the state of the courts, offices, etc.) provide judges with research assistants,
- Review judicial policy and replace sentences of two (2) years or less in prison with alternative sentences and systematically suspend the execution of sentences of one (1) year or less in prison;
- Strengthen the specialized chambers in the trials of Transitional Justice and preserve the stability of the judges who sit on them, and guarantee the double degree of jurisdiction
- Review the jurisdiction of military courts and limit them to military offenses only and that no civilian cases be tried by the military justice system.

. **Reform the water code:** the 2014 constitution dedicated a specific article to the right to water (Article 44). The 1975 water code is no longer in harmony with these constitutional provisions. Hence the need for an overhaul of this code.

We recommend accelerating the adoption of the draft of the new water code.

2. RIGHTS OF MINORITIZED AND DISCRIMINATED GROUPS

Tunisia made a commitment following its 2017 UPR to strengthen and protect the rights of the most minoritized and discriminated against groups.

In reviewing the work done from 2017 to July 25, 2021, we welcome the efforts made to protect and improve certain rights, but we regret that many groups continue to be minoritized and discriminated against by law.

2.1. Discrimination against women:

Tunisia is committed by its constitution to protect the achievements of women and to develop and promote them (art. 46); similarly, the ratification of the CEDAW and the Maputo Protocol commits Tunisia to achieve full and effective equality between men and women. However, despite many achievements, discrimination still characterizes Tunisian law. Many texts enshrine gender-based discrimination.

These include:

The Penal Code (CP) dated 1913 which punishes sex workers (Article 231), and Article 230 which punishes female and male homosexuality, Article 226 which punishes any violation of modesty and public morality.

The Personal Status Code of 1956, which attributes to the husband the status of head of the family and therefore the guardianship of the children, which institutes unequal provisions between men and women in terms of inheritance. The Nationality Code does not grant the same rights to Tunisian men and women in the granting of their nationality to their spouses.

We recommend that the State

- Continue on the path of equality and implement the recommendations of the Commission on Individual Liberties and Equality (COLIBE) which resulted in two draft laws: the draft "Code of Individual Rights and Liberties" (text filed with the ARP by a group of deputies on October 18, 2018) and the draft law on equality in inheritance, filed on presidential initiative in November 2018 ;

- Lift the general declarations on CEDAW;

We recommend that the government -adopt the implementing decrees based on equality:

This is the case, of the application texts of the law 2017-58 of August 11, 2017 and in particular regarding legal aid, the care of women victims of violence, the programs and projects of the different ministries related to the fight against violence,

- Guarantee sexual and reproductive rights to all women and girls free of charge and with respect for their personal data and dignity.

2.2. Discrimination against children:

Tunisia is committed by virtue of its Constitution to enshrine the best interests of the child (Article 47), a principle also enshrined in all national legislation (Child Protection Code) and the conventions and protocols ratified by Tunisia. However, national legislation still contains aspects that discriminate against children.

Thus, Tunisian law (Article 15 CSP) continues to discriminate against children born out of wedlock (even those recognized by their fathers) to prevent them from inheriting from their fathers in the same way as their brothers and sisters born in wedlock.

We recommend to the Tunisian State to:

- Remove discrimination against children born out of wedlock and amend the Personal Status Code;

- Lift the general declarations on the convention on the rights of the child.

2.3. Discrimination against LGBTQI+ people:

Tunisia pledged in 2017 to "Ensure the protection of lesbian, gay, bisexual, transgender, altersexual and intersex people, against all forms of stigmatization, discrimination and violence and refrain from conducting random examinations, including anal testing." However, Tunisian law (a penal code that dates back to 1913) punishes female and male homosexuality with 3 years of imprisonment; and judges continue to order forensic medical examinations for people accused of homosexuality;

Transsexual and transgender people are discriminated against, abused, and arrested on the basis of their appearance and the law does not recognize their change of identity.

We recommend to the Tunisian State:

The immediate end of anal tests, the repeal of Article 230 of the penal code, the recognition of sex change and gender identity.

Stop bringing people to justice on the basis of their physical appearance or clothing.

2.4. Discrimination against non-Tunisians: migrants and asylum seekers

Tunisia pledged in 2017 to "Take measures to strengthen mechanisms to locate, identify and assist vulnerable migrants at the borders, including minors, potential asylum seekers and victims of trafficking."

However:

- Tunisia has not acceded to the international conventions on asylum and on the protection of migrant workers and members of their families. It has not adopted a law on the right to asylum either. In addition, the law of March 8, 1968 on the status of foreigners is still very much influenced by security concerns and has become obsolete. The nationality code dated 28 February 1963 and the labor code (dated 1966) are very restrictive. The 1975 law on passports and travel documents, and in particular after its modification on February 3, 2004) instituted a regime relating to irregular migration, repressing any form of assistance to the migrant: three years of imprisonment and a fine of 8 thousand dinars!

We recommend the Tunisian State to :

- Amend its national laws to remove unjustified discrimination against non-Tunisians;
- Recognize the rights to education, health, housing and work without discrimination,
- Recognize the Tunisian nationality to children born in Tunisia.
- Adopt a law on asylum (in application of article 26 of the constitution)
- Ratify ILO Convention 189 on the protection of migrant workers and members of their families.

2.5. Discrimination against persons with disabilities:

Tunisia committed in 2017 to "Redouble efforts to promote the fundamental rights of persons with disabilities in all areas." Since 2005, Tunisia has had a guiding law on the promotion and protection of the rights of persons with disabilities.

However, this law is not in conformity with the constitution and the Convention on the Rights of Persons with Disabilities. On the other hand, the practice is below all constitutional, conventional and legislative requirements.

We recommend that the Tunisian State:

- Put the 2005 law in conformity with the 2008 Convention by rectifying the definition of disability.
- Clearly integrating the human rights approach and considering persons with disabilities as holders of rights and not as beneficiaries of services and benefits.
- Ensuring access to civil and political, economic, social and cultural rights for persons with disabilities.

2.6. Racial discrimination:

Tunisia pledged in 2017 to "adopt a legal framework criminalizing racial discrimination"; this commitment was kept by adopting Law 50 of October 23, 2018, on the elimination of all forms of racial discrimination. However, the implementation of the law is dragging: the National Commission for the Fight against Racial Discrimination, provided for by the law has not yet seen the light of day and the various public departments (education, health, family, justice, public media...) have not yet developed their programs related to the fight against racial discrimination.

We recommend that the Tunisian State implement the 2018 law and quickly set up the National Commission and develop programs and campaigns to raise awareness and fight against all forms of racial discrimination.

2.7. Discrimination on the basis of cultural elements:

Tunisia pledged in 2017 to "Protect the economic, social and cultural rights of Amazigh minorities" and to establish "an inter-religious council." Similarly, the Tunisian constitution protects freedom of conscience (Article 6);

However:

- No official recognition of the Amazigh language, nor encouragement to its teaching and dissemination have been made,
- No recognition of religions other than the three monotheistic ones. Restrictions in the practice of Shiite or Kharijite Muslims, absence of places of worship and burial specific to the Baha'i community, refusal of succession between people belonging to different faiths.

We recommend to the Tunisian State to:

- Adopt a legal text recognizing freedom of conscience, and the recognition of all faiths that do not incite hatred and violence.
- Recognize the Amazigh language and encourage its teaching and dissemination.

2.8. Violations of freedom of association, assembly, and demonstration:

In 2017 Tunisia pledged to "Ensure an enabling environment for human rights defenders to carry out their legitimate activities without undue fear or hindrance" and to "promptly investigate all cases of threats and attacks against human rights defenders, and ensure that those responsible are brought to justice and convicted.."

However, since 2020 and with the restrictions related to the COVID 19 pandemic, and after the events of July 25, 2021, police violence has increased against journalists, civil society activists, and social movements, without any serious investigation of those responsible for the violence. Demonstrations are violently repressed and activists, especially queer activists, are violated, arrested and tried.

We recommend the Tunisian State

- To clearly recognize the rights of HR defenders, to ensure a favorable environment for them to carry out their activities and to prosecute those responsible for violations of their rights;
- Stop any illegal infringement of the freedom to form associations or their functioning;
- Repeal the 1969 law on public meetings, processions, parades, demonstrations and gatherings;
- To repeal the decree n°50 of January 26, 1978, relating to the state of emergency;

2.6. Discrimination on the basis of health status: PLHIV

The Constitution recognizes the human right to health" (Article 38). Similarly, the 1992 law on communicable diseases prohibits discrimination on the basis of communicable diseases. However, the law and practice continue to be discriminatory. Indeed:

- PLHIV do not enjoy their rights and in particular to work, to health and suffer from very alarming social and administrative discrimination and in particular in hospitals.
- Non-Tunisians do not have automatic and free access to treatment and care in public health institutions.

We recommend that the Tunisian State eliminate all forms of discrimination in law and in practice against Tunisian and non-Tunisian PLWHIV and revise the 1992 law.