

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. 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.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

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 practice, the authorities routinely use excessive force to disperse protests, particularly those against the government.

The authorities have specifically targeted LGBTQI+ people who take part in protests, through arbitrary arrest, physical violence, rape threats and denial of access to legal representation.



FREEDOM OF EXPRESSION

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.

Tactics to curtail independent press such as financial strangulation, cancellation of broadcasting licences, equipment confiscation and censorship are widespread.

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.

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.



FREEDOM OF ASSOCIATION

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 adding more requirements to register an organisation.

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.

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THE PATTERN OF VIOLATIONS ON CIVIC FREEDOMS INCLUDE:



Repeated repression of protests



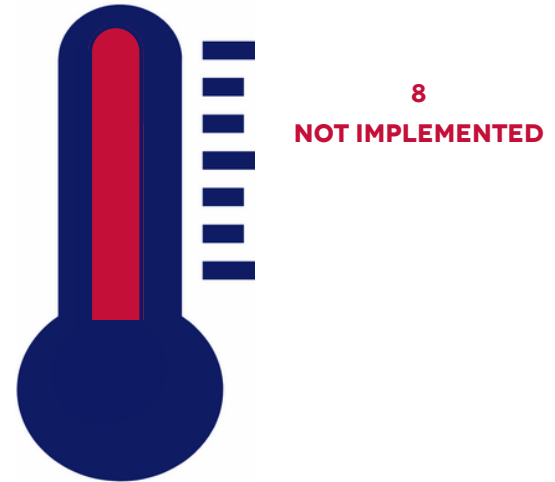
Targeting of LGBTQI+ rights organisations and defenders



Raids and shutdowns of media outlets

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Recommendations related to the space for civil society in 2017:



Tunisia did not implement any of the recommendations related to civic space



RECOMMENDATIONS

- 1 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.
- 2 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.
- 3 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.
- 4 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.
- 5 Reinstate all media outlets that have unwarrantedly been closed.
- 6 Reform defamation legislation in conformity with ICCPR article 19.