ANNUAL REPORT
STATE OF INDIVIDUAL LIBERTIES
March 2020 - March 2021:
THE YEAR OF ALL THREATS
SYNTHESIS

Supported by
HEINRICH BÖLL STIFTUNG

June 2021
مكونات الائتلاف المدني للحريات الفردية
ANNUAL REPORT
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About the Civil Collective for Individual Liberties:

The Collective is an informal coalition of associations and civil society movements; created at the initiative of a group of associations and launched on January 2019. The Collective brings together about forty associations working to defend individual freedoms within the framework of a human rights approach; based on full and effective equality between men and women, the fight against all forms of discrimination based on sex, race, color, ethnic or national origin, disability, language, religion, economic and social status, sexual orientation and gender expression or identity, disease ... Since its creation, the Collective has been involved in all activities and events related to human rights in general and individual freedoms in particular and it publishes an annual report on the state of individual freedoms. You can follow the Collective’s activities on its Facebook page link: https://fr-fr.facebook.com/pages/category/Community/Le-collectif-pour-les-libert%C3%A9s-individuelles

June 2021

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PREFACE

Since its creation on January 19th, 2016, the Civil Collective for Individual Liberties publishes annually a report on the state of individual liberties. These reports are an attempt to document the main violations of individual liberties committed by various public actors: institutions, politicians, police, judiciary ... but also public figures, opinion leaders, groups of citizens or citizens acting individually...

Since 2016, these Reports have also tried to present the advances (if they exist) in terms of support or protection of rights and freedoms and especially individual liberties on the legislative, regulatory, institutional or operational level...

The Collective has opted since the elaboration of its first report to adopt the same outline and the same approach:

At the level of the outline of the report; we opted, and from the beginning, for a simple outline based, firstly, on the various violations of individual liberties and attacks against the most discriminated and minorized groups (women; children; LGBTQI++ people; migrants...); secondly, the report relates the achievements in terms of freedoms and thirdly presents the recommendations.

This year [2020] we have noticed the rise of threats and violations against individual freedoms and the most exposed groups: journalists and activists. This state of affairs did not surprise the members of the Collective since we have already drawn attention in the 2019 report to the Dangers

1. See the reports of the Civil Collective for Individual liberties on the following links:
of populists! and the aggravating circumstance of the COVID-19 pandemic! These two factors have led to a deterioration in the state of freedoms and an increase in attacks against the actors of freedoms...

In terms of the approach to the development of the Report, the Collective has been proceeding since 2016 with a participatory elaboration of the Report. A member association takes the initiative to prepare the draft of the Report and all the members take part to enrich and improve it. This year the Tunisian Association for the Defense of Individual Liberties took the initiative and the Tunisian League for the Defense of Human Rights, the Tawhida Ben Sheikh Group, the World Organization against Torture and Lawyers Without Borders have actively contributed to its development.

This year and for the third consecutive year; the Collective is very grateful to the Heinrich Böll Stiftung for its financial support to publish and distribute the Report.

For the Civil Collective for Individual Liberties and the editorial board.

Pr. Wahid Ferchichi

عن الائتلاف المدني للحريات الفردية وفريق التحرير

وحيد الفرشيشي
INTRODUCTION

“The State guarantees to citizens individual and collective rights and freedoms. It ensures them the conditions for a dignified life.” These are the provisions of paragraph 2 of Article 21 of the Constitution of January 27th, 2014.

There is no doubt that the State must provide a supportive framework for the exercise of rights and freedoms. In other words, dignity is the foundation of this framework, without which it would be useless to talk about individual liberties.

In fact, in international law of human rights, the State has two obligations:

A negative obligation in the form of abstention in the case of “freedom- rights” or a positive obligation when the State undertakes the necessary legislative and other measures in the case of “rights- claim.” These obligations must be reaffirmed even when the State takes exceptional measures in times of crisis. These measures must respect the civil and democratic character of the State in accordance with articles 2 and 49 of the Constitution.

However, it seems that the pandemic has done damages to health and the economy, but also to freedoms. Indeed, the authorities have taken advantage of the precariousness of the context to attack mainly human rights defenders.

In this report, we found that the most affected categories of people were women, LGBT persons or those who advocate for their rights as well as sub-Saharan residents in Tunisia and young people who were subject to arbitrary arrests and violence committed by the forces of law and order during the period from January 2021 to March 2021.

The perpetrators of the violations were mainly the police and to a lesser extent citizens, politicians and public figures...

What marks this period is the fact that the violations increased on social networks. We cite Facebook pages inciting hatred and violence against certain individuals and the perpetrators of these statements remain unpunished. On the
ذلك، تتفاعل السلطات بطريقة فعالة أسرع وأكثر فعالية عندما ينتقد
ناشط في الفضاء الرقمي السياسة الحكومية في فترة الأزمة الصحية.
اذ لا تقوم السلط بتتبع الأفراد الذين يدعون للكرهية بل وفي المقابل،
يعاقب من يمارس حرية في التعبير.
أما من ناحية المصادر التي استقينا منها المعلومات فقد استندنا في
صياغة هذا التقرير إلى تقارير ودراسات أعدتها ونشرتها منظمات غير
الحكومية، وطنية ودولية، والمعطيات الأخرى منشورة في الصحف
العريضة، إنضا، تقارير و منشورات مختلف الهرارات الوطنية
المستقلة على غرار الهيئة العليا المستقلة للاتصال السمعي البصري
والهيئة الوطنية للوقاية من التعذيب والهيئة الوطنية لحماية المعطيات
الشخصية.

يندرج تلخيص أهم الانتهاكات التي طالت الحريات الفردية في سياق
الحالة الوبائية ومختلف الإجراءات التي تم اتخاذها في الفترة الممتدة
بين نوفمبر 2020 إلى غاية مارس 2021. وفق أثرت هذه الإجراءات
على منظومة الحريات الفردية بما في ذلك حرية التنقل والحق في
التمتع بالخدمات الصحية.

ككل سنة، يأتي هذا التقرير على تعداد وتقييم مختلف الاعتداءات
في ظل
2021- مارس 2020
على الحريات الفردية الواقعة بين جانفي
19- جائحة كوفيد

في نفس الوقت، لاحظنا غياب ضمانات حقيقية لتطبيق الدستور على
غرار تركيز المحكمة الدستورية.

مع ذلك، هناك العديد من المظاهر الإيجابية التي تخللت هذه الازمة
والتي هي بمثابة التطورات التي تم تسجيلها في مجال الحريات
الفردية. تذكر على سبيل المثال بعض قرارات المحاكم الوطنية
والأعمال المنجزة من قبل الهيئات المستقلة والتي تمهد لمجلة
جديدة في هذا المجال.

في المقابل، يلعب المجتمع المدني دورًا مهمًا للغاية منذ سقوط
النظام السابق إلى حد هذه الساعة. فهو بمثابة الحامي للحقوق
والحريات من الانتهاكات التي قد تطالها.
I. VIOLATIONS OF RIGHTS AND FREEDOMS

Concerns about the consequences of the unprecedented measures adopted and renewed to face the health crisis are rapidly increasing. Moreover, it was a favorable setting for the infringement of rights and freedoms.

1. WOMEN’S RIGHTS

1.1. Attacks on women

Several women were subjected to physical and sexual assaults in public, including and especially within the family. On the other hand, some women were assaulted by police officers.

June 2020: The pandemic increases violence against women:

The number of cases of all types of violence against women, has increased alarmingly since the promulgation of governmental decree nº 2020-156 of March 22, 2020 establishing the essential needs and requirements to ensure the continued operation of vital services, as part of the implementation of total containment measures.

As of May 3, more than 7,000 cases of violence have been reported to the toll-free number set up by the Tunisian Ministry of Women.

August 2020: Associations denounce the increase in police violence against women:

In the north of Tunis, two police officers manhandled a woman and tried to force her into their car. The victim was removed from their vehicle by passers-by.

Between August 4th and 5th, in Tunis, at least three women were violently assaulted by the police or with their complicity. Among them, a lawyer and an LGBT activist.

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أوت 2020: إيقاف المعتدين على منشطة راديو-ماد

تم إيقاف المتهمين بالاعتداء على منشطة راديو-ماد ضحية عملية قطع الطريق المتزامنة التي وقعت يوم 18 أوت 2020 وفق ما أكدته الناطق الرسمي باسم قوات الأمن الداخلي بنابل في تنصيب له. كما أكدت المشتبه في شخصيتها أن مكافحة قد ذكنت من قبل وحدات الأمن بنابل، إذ تعرضت المعتدي الذي اعترف من جهته بالفعل، من جهة أخرى، للإجبار على التوقيع.

أبريل 2021

أبريل 2021: النساء ضحايا العنف الجنسي والجنسي

نشر المنتدى التونسي للحقوق الاقتصادية والاجتماعية تقريره الحادي عشر للشهر، يتعلق بظاهرة العنف والهجرة.

أفاد التقرير أن خلال شهر فبراير 2021، تم الإبلاغ عن 53.7% من حالات العنف المبلغ عنها كانت حالات عنف جماعي صادر عن النوعين الاجتماعي والاقتصادي، مقابل 45.5% عنف فردي.

تم تصدر التحريض الأول للمستقبل من-specfic للערים الأكثر عنها: 30% في ولايات أروان، تونس بو، وأبو عروس، تليهما ولاية نابل (15%). تم الانتهاء من جميع الدراسات الخاصة بهذه الم Nhấtة، القروية، ثم المهدية (7%) لكل منطقة.

تأتي بعدها ولايات سوس، صفاقس، قبلي بنسبة 5% تليها ولايات بنزرت، الكاف، وسيدي بوزيد بنسبة 2%.

August 2020: Arrest of the attackers of the host of Radio Med:

The alleged attackers of the host of Radio Med, who was victim of a violent robbery on August 18th, 2020, were arrested, said the spokesman of the Union of Internal Security Forces in Nabeul in a statement. The host revealed, for its part, that a confrontation was organized the day before by the security services of Nabeul, where she recognized her attacker, who in turn confessed the deeds.

November 2020: A passenger (a woman), victim of aggression in a public transport: Harassed in the metro!

A new episode of violence has just taken place in a means of public transport in the line number 2 of the metro in Tunis. The line has indeed turned into a nightmare for one of the passengers who was faced by five offenders.

February 2021: Women victims of physical and sexual violence

The Tunisian Forum for Economic and Social Rights (FTDES) published its report for February 2021, which focuses on social movements, suicides, violence and migration. The report announced that during January 2021, 53.7% of reported violence was collective violence perpetrated by both genders, compared to 45.3% for individual violence.

Women represented 29.3% of all victims of violence, while men represented 65.9% of aggressors.

6 وقائع المعتديين على منشطة راديو ماد: https://www.businessnews.com.tn/arrestation-des-agresseurs-de-lanimatrice-de-radio-med,520,101601,3#:~:text=Les%20agresseurs%20pr%C3%A9sum%C3%A9s%20de%20l,
7 النساء ضحايا العنف الجنسي والجنسي: Femmes journalistes : Victimes de violences physique et sexuelle : https://lapresse.tn/91429/femmes-journalistes-victimes-de-violences-physique-et-sexuelle/
1.2. The assaults against women

Women continue to be targeted by politicians, the media and social networks.

• The politicians’ harassment

**April 2020**: Abir Moussi accuses Yadh Elloumi of having said: “Your place is in Abdallah Guech”!

The president of the Free Destourian Party (PDL), Abir Moussi has made serious accusations, on April 21, 2020, against the deputy of Qalb Tounes, Yadh Elloumi. Ms. Moussi accuses her colleague in Parliament of having interrupted and insulted her, during the work of the Committee on Administrative Reform.

**August 2020**: Equality in inheritance is not recognized to women:

President Kaïs Saïed took the opportunity of the National Day of Women to reiterate his opposition to equality in inheritance, which remains one of the last bastions of legal inequality between the sexes in Tunisian society.

**September 2020**: Bochra Bel Haj Hmida has been the victim of a campaign of denigration and defamation on social networks. The lawyer has, among other things, been attacked by the deputy of “the Voice of Farmers”. The Tunisian Association of Democratic Women (ATFD) reacted to the attacks orchestrated against its former president, the lawyer, human rights activist and former deputy; it called on the prohibition of sexism in the rules of procedure of the house of representatives.

**September 2020**: ATFD condemns the insults of Seïf Eddine Makhlouf against Abir Moussi.

The Tunisian Association of Democratic Women (ATFD), has strongly condemned the insults of the deputy of Al Karama, Seïf Eddine Makhlouf, against Abir Moussi, president of the PDL (Parti Destourien Libre).

إضافة إلى ذلك وخلال شهر فبراير 2021، مثلت النساء 29.3% من أجمالي ضحايا العنف، في حين كان الرجال بنسبة 65.9% من العدد الإجمالي للمعتدين. أفاد التقرير بأن صحفيات قد تعرضن للاعتداء في أماكن حساسة من أجسادهن من قبل بعض المشاركين في تحرك منظم من أنصار حركة النهضة، في حين أنهن كن بصدد تغطية التظاهرة يوم 27 فبراير 2021. وهو ما اعتبره المنتدى الأول مرة، إذ لم يتم تسجيل أي حادثة تحرش جماعي بهذه الطريقة في الطريق العام من قبل المضايقات ضد النساء.

2.1. المضايقات ضد النساء

يتواسل تعرض النساء إلى شتى أنواع المضايقات من الطبقة السياسية وفي الإعلام وفي مواقع التواصل الاجتماعي.

• تعتن السياسيين ضد النساء

أفريل 2020: عيب موسي يتهم عبير موسي بقوله لها «مكانك في عبد الله قش» (مكان لامتهان الجنس في تونس العاصمة)

وجهت رئيسة الحزب الدستوري الحر، عبير موسي، اتهامات خطيرة إلى النائب عن قلب تونس، عياض اللومي. إذ اتهمت السيدة موسي زميلها في البرلمان بمقاطعتها وشتمها أثناء جلسات لجنة الإصلاح الإداري.

أوت 2020: مساواة في الميراث غير معترف بها للنساء

استغل الرئيس قيس سعيد مناسبة الاحتفال باليوم الوطني للنساء، والتي تمثل أخيرًا نقطة تحول في الحركة للمساواة الفعلية بين الجنسين في المجتمع التونسي.


https://lapresse.tn/91429/femmes-journalistes-victimes-de-violences-physique-et-/sexuelle


https://www.webmanagercenter.com/2021/03/09/464698/kais-saied-pas-de-so-ciete-libre-sans-femmes-libres

Brothel in Tunis.

9 Abir Moussi accuse Yadh Elloumi de lui avoir dit : « Ta place est à Abdallah Guech »!

الجمعية التونسية للنساء الديمقراطيات تدين و تمسترک.
بعد تهجم سيف الدين مخلوف على عبير موسي : جمعية النساء الديمقراطيات تدين و تستنكر

11 Member of the Assembly of People’s Representatives since 2019.
12 The deputy of the Echâab Movement.
13 The deputy of the Courant Démocrate.
14 Deputy of Al Badil Ettounsi.
15 Deputy of Al Badil Ettounsi.
16 After the condemnation of his verbal assault on Moussi by the Parliament Bureau, Makhlouf reacts by... reinsulting her. In a long Facebook status, written to react to the statement of the Parliament Bureau, Makhlouf called Abir Moussi a “guenon” and a “trash can”. He also called on deputies Tarek Fetiti, Mabrouk Korchi, Khaled Krichi, Samia Abbou and Hafedh Zouari (who are behind the decision according to him), to note the statement condemning his insults on toilet paper and use it afterwards: “Write on it your statement, then make of it what you deem useful ... and good”.
17 Deputy Mohamed Affes.
18 نائب رئيس البرلمان الثائر.
19 الوثائق
“Single mothers are either prostitutes or raped. Sexual freedom is fornication,” he said.

December 2020: Deputy insulst women:

Deputy Said Jazziri of the Errahma party has made very serious remarks live on Radio Quran, a radio station that broadcasts without a license in Tunisia. Said Jazziri has surpassed Mohamed Affes in terms of insults and contempt by calling on Wednesday, December 16, 2020 for the marriage of minors and describing women as “machines to procreate.”

• The public figures’ harassment

August 2020: Lotfi Abdelli’s remarks fall under the Law related to the elimination of violence against Women!

The president of the National Union of Tunisian Women (UNFT) felt that what was said in the show of Lotfi Abdelli on Abir Moussi falls under the Law n°58 [Organic Law No. 2017-58 of August 11, 2017 on the elimination of violence against women], because it is an attack on the dignity and person of the politician. “What happened to Abir Moussi is the equivalent of a crime of violence!”

1.3. Cyber violence against women

November 2020: Widespread, online violence has become an inherent inevitability for some women because of their presence on social networks. “Every girl with a Facebook account has experienced some form of cyber violence. Harassment, revenge porn, blackmail, 80% of women have experienced violence on the Net in Tunisia. This violence has several aspects and is rampant via social networks.”

•

كما دعا النواب طارق الفتيتي ومبروك كرشيد وخالد كريشي وسامية عبو وحافظ زواري (الذين كانوا وراء هذا البيان حسب تقديره)، إلى كتابة بيان التندد على ورق الحمام و استخدامه في ما بعد: « اكتبوا هنا بيانكم وافعلوا به ما ترونوه مفيدا و جيدا » .

ديسمبر 2020: محمد العفاض يتهجم على الأمهات العازبات

انتقد النائب عن كتلة ائتلاف الكرامة محمد العفاس، الخميس خلال الجلسة العامة المخصصة لمناقشة مشروع الميزانية وزارة المرأة والأسرة وكبار السن لسنة 2021، أن «حرية المرأة لدى الماجرين بقضاياها هي حرية الوصول للمرأة»، ومشددًا على أن «المرأة في الشروط والظروف والرغبات والظروف المتعلقة بالمرأة لها حريات وحقوق».

ندأ النائب بالبرلمان التونسي عن حزب الرحمة الإسلامي “سعيد الجزيري” في خطاب صادم الى زواج القاصرات، وشبه النساء بـ “المصانع الجنسية” لانجاب الأطفال التي تبدأ في سن الرابعة عشر وتنتهي في سن الأربعين ومن ثم يتم رميها. وعندما نتكلم عن الضوابط والحيات يتهموننا بالظلمية وهذا النموذج خلف المواخير التي تبيع فيه المرأة شرفها وخلف نسب عالية في الطلاق والعنف الزوجي.

ديسمبر 2020: نائب يشتم النساء

دعا النائب بالبرلمان التونسي عن حزب الرحمة الإسلامي “سعيد الجزيري” في خطاب صادم الى زواج القاصرات، وشبه النساء بـ “المصانع الجنسية” لانجاب الأطفال التي تبدأ في سن الرابعة عشر وتنتهي في سن الأربعين ومن ثم يتم رميها. واستغل هذا النائب إذاعة القرآن الكريم التي تبث بصفة غير قانونية ويستمع لها الألف يوميا، للترويج الى خطابه المتطرف.


1.4. Sexual and reproductive rights

In 2020, access to contraception and abortion continued to be increasingly impeded. The COVID-19 pandemic exposed more clearly the weaknesses of the system and the lack of prioritization of sexual and reproductive health within it.

March/April 2020: Urgent call to public authorities to ensure continuity of access to sexual and reproductive health services:

The call was made after the COVID-19 epidemic abandoned support for frontline structures, including maternal and neonatal health consultations and contraceptive and abortion services, and was compounded by the closure of some National Office of Family and Population (ONFP) centers for several weeks.

1.5. Political rights

March 2021: Low representation in decision-making positions


The Minister stressed that women are not properly represented in decision-making positions in Tunisia, despite their presence in the judicial sector as magistrates.

3.1. العنف المسلط على النساء في الفضاء الرقمي

نوفمبر 2020: أصبح العنف الرقمي بالنسبة لبعض النساء أمراً منتشرًا وحتمياً بوجودهن على مواقع التواصل الاجتماعي. "كل الفتيات اللاتي " تعرضن للعنف الرقمي. هذا النوع من العنف له جوانب عديدة ومنتشرة على مواقع التواصل الاجتماعي.

4.1. الحقوق الجنسية والإنجابية

شهدت سنة 2020 صعوبات فيما يتعلق بالحصول على وسائل منع الحمل والإجهاض.

وقد كشفت بان بشكل أوضح وضع منظومة الصحة الجنسية والإنجابية بسبب جائحة كوفيد-19 إذ أن المنظومة الصحية لم تولي أولوية للصحة الجنسية والإنجابية.


15. https://www.leaders.com.tn/article/29626-appel-urgent-assurer-la-continuite-de-l-acces-aux-services-de-la-sante-sexuelle-et-de-la-reproduction#:~:text=Un%20collectif%20d%e2%80%99associations%20et,l%e2%80%99acc%C3%A9s%20%C3%A0%20leurs%20prestations
1.6. Marriage equality

July 2020: The Association for the Support of Minorities expresses outrage against the mayor of Kram

Despite the cancellation of the circular prohibiting Tunisian women from marrying non-Muslims, the mayor of the municipality of Kram, Fathi Laâyouni, continues to apply it.

The municipality of Kram still requires the presentation of a certificate of conversion to Islam issued by the mufti to be able to marry a Tunisian woman. On 8 September 2017, the Minister of Justice, Ghazi Jeribi has signed a circular repealing circular n°216 of November 5, 1973 prohibiting Tunisian women from marrying non-Muslims. A circular that the mayor of Kram has obviously decided to ignore.

16 Marriage equality

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16 Fathi Laâyouni refuse de marier une Tunisienne à un non-musulman : https://www.businessnews.com.tn/fathi-laayouni-refuse-de-marier-une-tunisienne-a-un-non-musulman,520,100116,3#:~:text=Malgr%C3%A9%20l'annulation%20de%20la,La%C3%A2youni%20continue%20de%20l'appliquer.&text=Mais%2C%20le%20maire%20du%20Kram,faire%20qu'%C3%A0%20sa%20t%C3%A9te
2. THE RIGHTS OF LGBTQI++ PEOPLE

• The freedom and privacy of LGBTQI++ people is threatened:

On January 13, 2020, police officers assaulted a trans person, as well as two of her trans friends, a few meters away from the Ministry of Interior, causing fractures to her skull and internal bleeding.

June 2020: Convictions for homosexuality upheld:

On June 06, 2020, the Court of First Instance of Kef sentenced two young homosexuals to 2 years in prison for homosexuality, after they initially filed a complaint against each other over an unpaid loan. This decision was upheld on July 28, 2020, by the Kef Court of Appeals, which upheld the conviction and reduced the sentence to one year in prison.

On August 5, 2020, activists from DAMJ and Outcast were verbally and physically assaulted by law enforcement officers on Habib Bourguiba Avenue in the city center of Tunis. The officers not only committed these acts of violence but also encourage passers-by to participate in them, offering them protection and impunity. LGBTQI++ people have been harassed on social networks, where their personal information, including addresses and phone numbers, as well as their sexual orientation, has been disclosed.

January 2021, Human rights defenders and members of DAMJ are awaiting trial and are charged with “property damage” because of their participation in the peaceful protest in December 2020.

22 À Tunis, des associations dénoncent la multiplication des violences policières contre des femmes :
23 Tunisia : Violences policières contre des défenseur-es des droits humains et des manifestants pacifiques :

الحرية الخاصة مهددة:
في 13 جانفي 2021، قام أفراد الشرطة بتعمد إصابة عابرة جندريا إضافة إلى أفراد من فريقها، على بعد بضعة أمتار من وزارة الداخلية، مما تسبب لها في كسور على مستوى الجمجمة إضافة إلى نزيف داخلي.

جوان 2020: أدانات من أجل المثلية الجنسية في:

الجمعية التونسية لمساندة الأقليات تندّد بتجاوزات رئيس بلدية الكرم
https://ar.la-femme.tn/2021/03/19/%D9%88%D8%B2%D9%8A%D8%B1%D8%A9-%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D9%85%D9%86-%D9%86%D9%8A%D9%88%D9%8A%D9%88-%D8%B1%D9%83-%D8%AA%D9%88%D9%86%D8%B3-%D8%AA%D9%88%D8%A7%D8%B5%D9%84-%D8%B7%D8%B1%D9%8A

• هزيمة المرأة من نيبور: تونس تواصل طريقها من أجل تحقيق المساواة واقعا وتشريعا (فيديو)
https://ar.businessnews.com.tn/%20%d8%a7%d9%84%d8%ac%d9%85%d8%b9%d9%8a%d9%91-%d8%a7%d9%84%d8%a8%d9%85%d8%b7%d9%85%d8%a8%d9%84%d9%8a%d8%a8%d9%84-%d8%b1%d8%a7%d9%84%d8%b3-%d8%a8%d9%84%d9%8a-%d8%a9-%d8%a7%d9%84%d9%83%d8%b1%d9%85%20%d9%84%d9%84%d9%82%d8%a7%d9%86%d9%88%20,520,13262,3

• حقوق المثليين والمثليات ومزدوجي الميل الجنسي والعابرين والعابرات...

ترقب سنوي حول حقوق الحريات الفردية في تونس مارس 2020 - مارس 2021. سنة كل التهديدات

أثناء كل التهديدات: 2021 - مارس 2020
تقرير سنوي حول واقع الحريات الفردية في تونس مارس

المجال توسيع مشاركة المرأة في الحياة العامة والسياسية بفرض مبدأ التناصف الأفقي في الانتخابات البرلمانية والتناصف الأفقي والعمودي في الانتخابات البلدية وهو ما مكّن من حصول النساء على 50 بالمائة على مقاعد في هذه المجالس.

6.1 المساواة في الزواج

جويلية 2020: الجمعية التونسية لمساندة الأقليات تندّد بتجاوزات رئيس بلدية الكرم للقانون

9 جويلية 2020، عبرت الجمعية التونسية لمساندة الأقليات عن استنكارها لنشر بلدية الكرم الوثائق المطلوبة لعقد القران، وذلك في تعارض مباشر وصريح مع منشور وزير العدل الذي ألغى في سنة 1973، والذي أدى إلى تبرعات وقرارات الدولة، واعتبرت أن ما قام به رئيس بلدية الكرم يكرّس اتجاها خطيرا لتفكيك سلطة الدولة، يهدد وحدة الدولة وتماسكها.

• قانون مساواة في الزواج

法国24, 20200814-violences-police-tunisie-contre-femmes

• Les défenseurs des droits humains, manifestant pacifiquement en décembre 2020.

• تمت انتهاكات الشرطة رجلين، وزيرة المرأة من نيويورك: تونس تواصل طريقها من أجل تحقيق المساواة واقعا وتشريعا (فيديو)
February 2021: personal data breach

LGBTQI++ people were harassed on social networks, where their personal data information, including addresses and phone numbers, as well as their sexual orientation, were disclosed.

27 February 2021: Harassment, Arbitrary Detention of LGBT Rights Activist:

Police arrested a feminist and LGBT rights activist on February 27, 2021 after she left the police station in downtown Tunis in a distraught state.

Police officers had refused to register the activist’s complaint relating to repeated harassment she said police officers inflicted on her on the street and online. Police officers in the station then proceeded to harass her based on her presumed sexual orientation and gender expression. The activist began shouting on the street outside the station and cursing the Tunisian police system.

The activist was sentenced on March 4, 2021, to six months of prison and a fine for shouting outside a police station after officers refused to register her harassment complaint. The activist who is in a women’s prison in Manouba, west of Tunis, where her lawyer said she has faced harassment by prison guards due to her gender expression.

February 2021: personal data breach

In the city of Kaf, on the outskirts of the capital Tunis, two men were arrested after their sexual orientation was disclosed.

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On February 27, 2021, the Court of Appeal in Tunis ordered Rania Amdouni released. The appeals judge confirmed Amdouni’s conviction but suspended her six-month sentence and increased the fine from 18 dinars to 218 dinars.

Tunisia: Harassment, Arbitrary Detention of LGBT Rights Activist:

https://www.hrw.org/node/378129/printable/print

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3. THE FREEDOM OF THOUGHT

Hate has become commonplace, threatening the free voices of the broadcast and print media. In addition, activists have been arrested for expressing their opinions on the Internet. Nevertheless, the authorities do not react when some members of parliament adopt hate speech and violence against journalists on social networks and even on the air.

3.1. Freedom of expression under threat

Freedom of expression is threatened by some populist deputies as well as by the judiciary, which in some decisions limits the exercise of this freedom.

In addition, criticism of the government’s handling of the COVID-19 pandemic can lead to prosecution of individuals who express themselves freely on social networks.

On April 14, 2020, two bloggers were arrested for posting their opinions on Facebook

The bloggers were charged with contempt of officers, public order and defamation.

They were charged for posting videos on social networks in which they accused the government of not providing sufficient compensation to people in financial difficulty and not providing a solution to the shortage of basic necessities in the market in the context of the COVID-19 pandemic.

July 2020, a deputy threatens to ban journalists from entering Parliament!

A member of parliament has threatened, in a status published on social networks, to ban journalists from the Assembly of People’s Representatives (ARP).

3. حرية الفكر والتعبير

ان ظاهرة خطاب الكراهية أصبحت تنتشر بشكل كبير في أوساط المجتمع التونسي وتهدد الأصوات الحرة في المجال السمعي البصري والإعلام المكتوب. وقد تعرض العديد من الناشطين إلى اقتحامهم على مواقع التواصل الاجتماعي. مع ذلك، لا تتفاعل السلطات عندما يلجأ بعض النواب إلى خطابات العنف والكراهية ضد الصحافيين على مواقع التواصل الاجتماعي وحتى في الإذاعات.

3.1 حرية التعبير مهددة

أصبحت حرية التعبير مهددة من قبل بعض النواب الشعبيين إضافة إلى القضاء المحلي الذي يقيد ممارسة حرية التعبير من خلال بعض القرارات والاتهامات القانونية الصادرة عليه. كما أن الطرق التي تدير بها الحكومة جائحة كوفيد. 19 ولدت بعض المضايقات ضد الأشخاص الذين يعبرون عن آرائهم بكل حرية على مواقع التواصل الاجتماعي.

26 تونس: الشرطة تعتقل ناشطين، وتستهدف بعض الناشطين على شبكات التواصل الاجتماعي.

27 يوريسي دالي يهدد بحظر الصحفيين من دخول البرلمان.
November 12, 2020: The Tunis Court of First Instance sentenced a blogger, to two years in prison for posting on Facebook a video deemed offensive by a court official\(^{28}\).

### 3.2. Incitement to hatred and violence threatens press freedom

Some deputies and politicians adopt hate speech against journalists and go unpunished. As a result, freedom of the press seems to be under threat as the authorities do not react to these hateful and violent statements. At the same time, we recorded attacks by law enforcement officials against journalists and human rights defenders.

June 2020, 28 journalists including nine women were physically assaulted: The Monitoring Unit of the National Union of Tunisian Journalists (SNJT) in its latest report noted that the number of physical assaults against journalists doubled in June 2020 compared to the previous month.

The SNJT report shows 22 assaults against 10 in May. The assaults were committed against 21 journalists and 7 journalists-photographers belonging to 18 media (7 radio stations, 7 television channels, 2 electronic sites, 1 daily newspaper and a news agency). In this report prepared with the assistance of Unesco and published on July 3, 2020, the monitoring unit denounces a “disturbing” increase in the number of attacks against journalists in one month, warning of “greater violence on the web and social networks.”

The arrests continue as journalists are attacked on social networks.

By November 12, 2020, a Tunisian journalist was sentenced to two years in prison for posting a video deemed offensive by a court official.\(^{19}\)

### 2.3. Incitement to hatred and violence threatens press freedom

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\(^{19}\) Tunisie : Une lourde peine est prononcée contre un blogueur :

\(^{28}\) Tunisie : 28 journalistes agressés physiquement en juin 2020 :
October 2020: The SNJT calls on the media to boycott the Coalition Al Karama:

The SNJT notes in their electronic accounts, that the president of the Coalition Al Karama and the deputy of the same coalition Abdellatif Aloui have targeted journalists of different media, because of their position against the draft amendment of the decree-law no116 relating to the audiovisual.

4. FREEDOM OF DEMONSTRATION

Article 37 of the 2014 Constitution guarantees the right to “peaceful assembly and demonstration”.

The State protects the dignity of people and prohibits torture and inhuman, cruel and degrading treatment. But, it seems that these guarantees were not realized in practice. Indeed, freedom of demonstration was hampered by the brutal and violent security apparatus. As a result, demonstrators have been assaulted by police and mass arrests have taken place, including minors.

June 21, 2020, Clashes between police and protesters demanding jobs:

Workers protesting to be hired by oil and gas companies in the area. Police fired tear gas in Tataouine, in southeastern Tunisia, to disperse protesters who threw rocks and blocked roads with burning tires, demanding jobs and the release of an activist.

Le SNJT appelle les médias à boycotter toutes les activités de la Coalition Al Karama : https://www.webmanagercenter.com/2020/10/10/457078/le-snjt-appelle-les-medias-a-boycotter-toutes-les-activites-de-la-coalition-al-karama/


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Le SNJT appelle les médias à boycotter toutes les activités de la Coalition Al Karama : https://www.webmanagercenter.com/2020/10/10/457078/le-snjt-appelle-les-medias-a-boycotter-toutes-les-activites-de-la-coalition-al-karama/


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FREEDOM OF DEMONSTRATION

Article 37 of the 2014 Constitution guarantees the right to "peaceful assembly and demonstration".

The State protects the dignity of people and prohibits torture and inhuman, cruel and degrading treatment. But, it seems that these guarantees were not realized in practice. Indeed, freedom of demonstration was hampered by the brutal and violent security apparatus. As a result, demonstrators have been assaulted by police and mass arrests have taken place, including minors.

June 21, 2020, Clashes between police and protesters demanding jobs:

Workers protesting to be hired by oil and gas companies in the area. Police fired tear gas in Tataouine, in southeastern Tunisia, to disperse protesters who threw rocks and blocked roads with burning tires, demanding jobs and the release of an activist.
January 14, 2021, **Mass arrests of protesters:**

- Police across the country arrested hundreds of protesters in all parts of the country, many of them minors. A spokesman for the Ministry of the Interior said authorities arrested at least 630 protesters nationwide. He added that the detainees were between 13 and 25 years old.\(^{32}\)

January 18, 2021, **arbitrary arrests:**

According to official sources, 968 people - nearly double that number, according to associations - have been arrested during and on the sidelines of the protests that have erupted throughout the country since January 14. In all, of the 968 people arrested, only 47 have been tried. Just over 300 are in detention awaiting trial and more than half have been released, according to the Ministry of Justice.\(^{33}\)

On March 7, 2021, the Collective of support for social movements in Tunisia denounced in a statement “the security drift. A climate of intimidation that some groups and agencies including police unions are working to establish through social networks, the grid of popular neighborhoods or in demonstrations illustrate this drift security.”\(^{34}\)

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\(^{32}\) Tunisia: La police a violemment réprimé des manifestations Un décès, des arrestations pour des messages Facebook et pour « insulte à la police » : https://www.hrw.org/fr/news/2021/02/05/tunisie-la-police-violemment-reprime-des-manifestations

\(^{33}\) Arrestations arbitraires, violences... Un mois de manifestations réprimées : https://inkyfada.com/fr/2021/03/03/arrestations-violences-manifestations-tunisie/

\(^{34}\) Un collectif de soutien se mobilise contre la violence policière : https://www.leconomistemaghrebin.com/2021/03/07/societe-civile-mobilise-liberation-rania-amdouni/
5. THE RIGHT TO PROTECTION OF PERSONAL DATA

The State must ensure that the confidentiality of each person is protected. And this even when the authorities take measures to identify the people likely to have been exposed to the coronavirus. However, in some cities the identity of patients has been revealed to the public.

October 2020: Public list of Covid-19 patients

The president of the National Authority for the Protection of Personal Data, announced to have filed a complaint against local officials of the governorate of Monastir who had published a list of names of about fifteen people affected by Covid-19 on the official website of the small municipality of Bennane.

6. THE RIGHT TO HEALTH: AN ABSOLUTE DISTRESS IN THE FACE OF THE FIGHT AGAINST THE CORONAVIRUS

The right to health is guaranteed in Article 38 of the Constitution by stating:

“The State guarantees prevention and health care to every citizen and provides the necessary means to ensure the safety and quality of health services.

The State guarantees free health care for people without support and with low income. ”

But, the health crisis caused by the coronavirus has made the implementation of this right difficult to achieve.

Thus, the crisis has revealed the precariousness of the public health system. The shelters are saturated, the night patrols are suspended, the food distributions and the mobile care services no longer exist. Citizens who used to reach out to people living on the streets every day are now locked down in their homes.

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The crisis has even affected prisons and detention facilities, which suffer from overcrowding and lack of access to care. A total of 117 inmates tested positive at the end of November 2020 with 193 cured and 7 hospitalized. Prison officers were also affected with 84 officers testing positive at the end of November of which 165 were cured.

7. VIOLATION OF THE PRINCIPLE OF NON-DISCRIMINATION

Organic Law No. 2018-50 of October 23, 2018, on the elimination of all forms of racial discrimination establishes protection against all forms of racial discrimination. It allows for the protection, in a particular way, of foreigners coming from sub-Saharan African countries.

However, we have recorded several cases of racist attacks against sub-Saharan and even Tunisians of color or binational.

On December 18, 2020, a study conducted by the Tunisian Forum for Economic and Social Rights titled: “Between securitisation and racialization: The sub-Saharan experience in Tunisia” revealed that 51.1% of sub-Saharan surveyed claimed to have been victims of racism and hatred from Tunisians, such as insults, physical attacks.

These racist acts were committed by 87.2% of Tunisian citizens, cab drivers at 56.8% and shopkeepers [3%].

This study is published in English: “Between Securitisation and Racialisation: The Sub-Saharan African Experience in Tunisia”, available at: https://www.ftdes.net/rapports/racialisation.en.pdf


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8. POLICE ABUSES

The police are accused of having used excessive violence against peaceful demonstrators on several occasions. The period of the health crisis was marked by arbitrary and mass arrests of human rights activists who were exercising their right to protest.

In this regard, NGOs have called on the Tunisian authorities to abandon the violent means of repression regularly employed.

From the outset, citizens continue to be subject to abusive arrests, denial of papers, blackmail, and patronage.

9. FREEDOM OF CONSCIENCE

Article 6 of the Constitution states that: “The State shall protect religion, guarantee freedom of belief and conscience and religious practices... The State shall commit to preventing calls of takfeer [calling another Muslim an unbeliever] and incitement to hatred and violence and to confronting them.”

But, these constitutional guarantees did not prevent authorities from interfering in the convictions of individuals. Like for instance, the arrest of a group of foreigners in Ennifha (sousse) for proselytism to Christianity and the non-recognition of the Baha’i’s association by the authorities.

7. خرق مبدأ عدم التمييز

يحمي القانون الأساسي عدد 2018-58 المؤرخ في 23 أكتوبر 2018 والمراهق لكل أشكال التمييز العنصري، بشكل خاص الأجانب القادمين إلى تونس من مختلف دول إفريقيا جنوب الصحراء.

مع ذلك، سجلنا العديد من حالات عنف مبني على العنصرية ضد القادمين من دول إفريقيا جنوب الصحراء وحتى تونسيين من أصحاب البشرة السوداء.

8. التجاوزات الأمنية

تواجه قوات الأمن تهمة الاستعمال المفرط للقوة ضد المتظاهرين السلميين في عدد من المناسبات. وقد تم تسجيل العديد من الإيقافات العشوائية والجماعية ضد المدافعين عن حقوق الإنسان الذين كانوا يسعون لحماية حقوقهم في الاحتجاج السلمي.

في هذا المجال، دعت المنظمات غير الحكومية إلى التخلي عن الأساليب القمعية العنيفة والانتقاد إلى الأولويات الداعمة في مواجهة التحركات الاحتجاجية السلمية.

ولا يزال المواطنين يتعرضون للإيقافات غير القانونية أو تسليم الأوراق الرسمية أو الإيقاف أو المحسوبية.
10. THE RIGHTS OF CHILDREN: ABUSED DIGNITY

Sexual assaults against children constitute a gross violation of children’s rights. Article 47 of the Constitution imposes on the State the obligation to preserve the dignity of children. However, we have been observing that children and especially minor girls were victims of rape, sexual harassment or even human trafficking.

For example, a teacher has sexually harassed his students41 and an imam harassed minor girls42. It has also been noted cases of violation of the physical and moral integrity of the children43.

11. PRACTICES OF TORTURE AND PUNISHMENTS OR INHUMANE TREATMENT

Article 23 of the Constitution provides that: “The State shall protect human dignity and physical integrity and shall prohibit psychological and physical torture. The crime of torture is imprescriptible.”

Inspite of that, we have found that certain detainees were mistreated or tortured in prison or in detention places. According to the INPT report: February 8, 2021, a young detained, tortured in the prison of Monastir and March 6, 2021, In detention, a young diabetic died in Sfax.44
9. حقوق الطفل: اغتصاب كرامة الطفل

يعتبر العنف الجنسي المسلط على الأطفال من أخطر الاعتداءات التي تطالهم. إذ يفرض الفصل 47 من الدستور على الدولة ضمان الكرامة وتوفر جميع أنواع الحماية لكل الأطفال دون تمييز ووفق المصالح الفضلى للطفل. في المقابل، لاحظنا أن الأطفال وخصوصا الفتيات ضحية للاغتصاب والت거리 والاتجار بالبشر. على سبيل المثال، قيام معلم بالتحرش بالطفل، وتحرش أمام جامع بالمدرسة، على سبيل المثال، قيام معلم بالتغطية والتلل قبل التلاميذ.”

كما تم تسجيل خروقات طالت الحريات الجسدية والمعنية للأطفال.

10. ممارسة التعذيب وتطبيق العقوبات والمعاملات الإنسانية

ينص الفصل 23 من دستور 2014 الدولة تحمي «كرامة الذات البشرية وحرمة الجسد وتمنع التعذيب المعني والمادي. ولا تسقط جريمة التعذيب بالتقادم».

لا أنه تم تسجيل العديد من حالات سوء المعاملة والتعذيب فيما يتعلق بالموقوفين في السجون أو بمراكز الإيقاف.

في فبراير 2021، تعرض شاب موقوف إلى التعذيب في سجن المنستير.

وفي مارس 2021، توفي شاب متوفى بالسجول المدني بصفاقس، بوفاة في حالتة الصحية وهو يشكو من مرض السكري ويعاني من جروحه.

http://kapitalis.com/tunisie/2020/04/30/enseignant-accuse-de-harcelement-sexuel-a-kairouan/
https://le-ministere-de-la-femme-se-charge-du-dossier

https://www.mosaiguefm.net/ar/866455/%D9%81%D8%AA%D8%AD%D8%AB-%D9%81-%D9%88%D9%82%D9%88%D9%81-%D8%A8%D8%AC%D9%86-

Droits de l’enfant : Une amende de 5000 dinars infligee a IFM
https://www.mosaiguefm.net/fr/actualite-regional-tunisie/856827/liberation-du-jeune-detenu-torture-a-la-prison-de-monastir

http://kapitalis.com/tunisie/2020/04/30/enseignant-accuse-de-harcelement-sexuel-a-kairouan/
https://le-ministere-de-la-femme-se-charge-du-dossier

L'imam responsable du coup monté de la Mosquée accusé de harcèlement sexuel
https://tn24.tn/fr/amp/article/l-imam-responsable-du-coup-monte-de-la-mosquee-accuse-de-harcelement-sexuel-233524

https://www.mosaiguefm.net/812412/%D8%A7%D9%84%D9%85%D9%87%D8%AF%D9%8A-%D8%A9-%D8%AE%D8%A7%D9%84-%D9%8A-%D9%88%D9%8A%D8%B9%D8%AA%D8%AF%D9%8A-%D8%B9%D9%84-%D8%A7%D8%AA/

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II. WHAT ABOUT ACHIEVEMENTS?

The health crisis and the exceptional measures that accompanied it resulted in restricting rights and freedoms.

On the one hand, the legislator focused only on reinforcing restrictions on human rights while neglecting individual freedoms. On the other hand, from the angle of the jurisprudence, we noted that very few decisions were issued in the field of individual liberties.

Likewise, being committed to defend and promote human rights, has led civil society and the independent authorities to develop a framework of monitoring the impact of the exceptional measures on individual liberties.

Moreover, civil society has developed recommendations to the authorities in order to fight against abuses on individual liberties in time of coronavirus.

1. LEGAL TEXTS: INDIVIDUAL LIBERTIES ARE NEGLECTED

Between 2020 and the beginning of 2021, the legal system was consolidated by the adoption of texts reinforcing socio-economic rights to the detriment of individual freedoms. This was achieved through the ratification of certain international conventions on human rights and following the adoption of legislative and regulatory texts and other administrative acts that implement these rights such as the Circular No. 19 of July 15, 2020 and Governmental decree No. 85 of 1989.


The Minister of Local Affairs, Lotfi Zitoun, has sent an official correspondence to mayors informing them of the cancellation of Circular No. 85 of 1989.
2. THE CONTRIBUTION OF JURISPRUDENCE: A WEAK RECORD

To be truly effective, justice must be universal, addressed to all, and accessible to all. This is affirmed by the 2014 Constitution, which states in Article 102 that the judge is the guarantor of rights and freedoms. At this stage we have listed some judicial and administrative decisions that attest to a step forward in this area.

- The Judicial Judge

- A turning point in the fight against racism:

In October 2020: An 81-year-old Tunisian man wins his case and has the word “Atig” removed from his name.

An 81-year-old Tunisian man has won his case and will have the word “Atig,” which means “freed by” and refers to the country’s legacy of slavery, removed from his name. The Court of First Instance in Medenine has made a historic ruling, Minority Rights Group International (MRG) announced.

- A turning point for LGBT activism in Tunisia:

On February 21, 2020, the Court of Cassation issued a ruling legalizing the association Shams by affirming the judgment of the Court of Appeal of Tunis, which had already rejected the request of the authorities to dissolve the association whose activities are contrary to the traditions of Tunisians, according to the State’s litigation officer who

from December 12, 1965, Lotfi Zitouni called on mayors to adhere to the provisions of the Tunisian Constitution and the laws in force governing civil status registers, abolishing restrictions on the allocation of first names. It should be recalled that some municipalities prohibit the registration of a newborn under a non-Arabic name. This is the case in Sfax and Kram, among others.

The official gazette n°17 of 28 February 2020, p. 588.
had appealed to the Supreme Court against the decision of the Court of Appeal.

The administrative justice

On May 3, 2020, the administrative court decided to cancel the S17 procedure.

According to this procedure, Tunisians were prevented from leaving the country. They were denied the right to cross the border for lack of tangible explanations and plausible arguments; in the name of a procedure. Amnesty International has since highlighted the arbitrary and abusive use of this measure restricting people’s right to freedom of movement. It has called on the Tunisian judiciary to insist that such measures be approved by a judge before they are implemented.49

July 16, 2020: The Administrative Court suspends the detention of 22 migrants arbitrarily held at the El Ouardia reception and orientation center.50

3. THE ROLE OF INDEPENDENT AUTHORITIES

The independent authorities make an essential contribution to the concrete application of rights and freedoms and to the implementation of international human rights instruments.

These bodies have documented in their respective fields of specialization: freedom of audio-visual communication, the prohibition of torture, human rights violations and abuses by the authorities and even by certain public figures or politicians.

In May 2020, the National Institution for the Prevention of Torture (INPT) published its April report of targeted preventive visits to places of deprivation of liberty in the context of COVID-19.

https://www.leconomistemaghrebin.com/2020/06/08/tribunal-administratif-application-procedure- s17-illegale/

https://jamality.org/pr/detentions-arbitraires-au-centre-el-ouardia-quand-le-ministere-de-linterieur- sentette-letat-de-droit-seffrite/

https://www.leconomistemaghrebin.com/2020/06/08/tribunal-administratif-application-procedure-s17-illegale

4. THE ROLE OF CIVIL SOCIETY: HARD WORK TO ENSURE RESPECT FOR INDIVIDUAL FREEDOMS

Civil society organizations are referred to as guardians, as they ensure that human rights are respected and implemented by the State.

At this level, we have observed the role played by these organizations, mainly, at the time of the coronavirus. This role consists in: Alerting the public opinion in order to pursue the guilty and to suppress impunity. In this respect, NGOs identify abuses, conduct investigative missions, and denounce violations at the national and even international level.

• The promotion of individual liberties

Civil society organizations are mobilizing again to revive the adoption of a Code of Individual Liberties, a little over a year after a draft was tabled in the Assembly of People’s Representatives (ARP).

March 2020, the association L’Art Rue created a space for debate and reflection for the Tunisian civil society: #DPDW (Dream Performative Digital World)

Through debates and online conferences, DPDW invites artists, activists, experts and Tunisian associations to freely exchange around individual freedoms and question the challenges and dangers that Tunisian society faces today.

On June 24, 2020, the final report of the Truth and Dignity Commission (IVD) was published in a special issue of the Official Gazette of the Tunisian Republic (JORT).

4. دور المجتمع المدني: تكثيف الجهود لضمان احترام الحريات الفردية

تتساهم منظمات المجتمع المدني يومياً في تعزيز وحماية وتحسين حقوق الإنسان وضمان احترامها من طرف الدولة.

وفي هذا الإطار، قمنا بدراسة الدور الذي تلعبه هذه المنظمات خاصة في ظل جائحة كوفيد-19.

وتمثل دور هذه المنظمات خاصة في إعادة الرأي العام بهدف تتبع الجناة وإلغاء سياسة الإفلات من العقاب.

وفي هذا السياق، تقوم المنظمات غير الحكومية برصد التجاوزات من خلال القيام بأعمال تقصي. كما تعمل على ادانة التجاوزات على الصعيدين الوطني والدولي.

• تعزيز الحريات الفردية

30 و 31 جانفي 2020، تونس: المجتمع المدني يتحرك من أجل المصادقة على مجلة الحريات الفردية.

تستجدي منظمات المجتمع المدني من جديد للتظاهر باتجاه مصادقة مجلس نواب الشعب على المجلة بعد مرور أكثر من سنة على تقديم مشروعها بمبادرة من عدد من النائبات والنواب. انتمت ندوة بتونس العاصمة بحضور العديد من نشطاء المجتمع المدني التونسي وضيوف من بلدان أخرى وذلك بهدف تحديد الاستراتيجيات المستقبلية لدفع الحكومة الجديدة لمساندة مشروع المجلة وتعزيز المناصرة حتى يتم إدراج مقررة مجلة الحريات الفردية في جدول أعمال مجلس نواب الشعب.

مارس 2020، انشاء المنصة الرقمية #DPDW التابعة لجمعية الشارع فن: تخصيص فضاء للنقاش وتبادل الأفكار بين مختلف منظمات المجتمع التونسي:

تقوم جمعية الشارع فن بتنظيم حلقات نقاش وحوار عن بعد ومن خلالها يقع تشريك فنانين وناشطين وناشطات في مجال حقوق الإنسان وخبراء وجمعيات تونسية للتعبير بكل حرية حول مواضيع تتعلق بالحريات الفردية. في نفس الوقت، يقع التعرض للتحديات والمخاطر التي تهدد في الوقت الراهن المجتمع المدني التونسي.


The Civil Collective for Individual Liberties (CCLI) published as every year its report on the state of individual liberties in Tunisia in 2019 and more precisely after the legislative elections and the presidential election of 2019. This period was marked by the rise of populist discourse.


The publication of the report entitled “Freedoms at the time of the coronavirus. The Covid-19 veils, the Covid-19 unveils”, of the Tunisian Association for the Defense of Individual Liberties (ADLI), proves that "rights and freedoms have fallen victim to the epidemiological situation, as there have been many unjustified infringements, especially with regard to the most economically and socially vulnerable social groups, indicating once again the close link between all rights and freedoms.".

• The protection of LGBT rights

8 April 2020, Damj association has launched an urgent appeal for donations for LGBTQI++ people.

Indeed, the coronavirus has thrown many LGBTQI++ people, Tunisian and foreigners, in a great socio-economic precariousness. This precariousness greatly reduces for some of these people, and completely annihilates for others, the possibility to face the coronavirus and its consequences.

February 23, 2021: Joint letter to UN experts and EU states regarding police violence targeting LGBT activists in Tunisia.

The following associations and organizations: Human Rights Watch and Damj the Association for Justice and Equality sent a joint letter to UN experts and European...
Union states regarding police violence targeting LGBT activists in Tunisia to express their concerns about violations committed by Tunisian security forces against activists at demonstrations, including some who work on issues of sexual orientation and gender identity in violation of the Tunisian Constitution and international human rights protections.  

• Publications on the theme of individual liberties

December 2020, “Indissociable rights and freedoms” or the invisibility of individual freedoms and economic, social and cultural rights. A collective work under the direction of Mr. Wahid Ferchichi published by ADLI.  

December 2020, The publication of the advocacy sheets: “Indissociable rights and freedoms: The path to dignity. This work published by the ADLI allowed to present recommendations to the decision makers in order to concretize all the rights and freedoms in an Indissociable way for a better Tunisia.

January 2021, Publication of a study on the 10 years of legislation on rights and freedoms.

A book by Prof. Wahid Ferchichi published by ADLI focuses on what has been adopted at the legal and institutional level 10 years after the revolution, while analyzing the context of the construction of this new edifice, particularly by relying on the observation of political, parliamentary and social life, through the combined reading of official reports and documentation published by civil society organizations.

[56] Lettre conjointe aux experts de l’ONU et aux États de l’UE concernant la violence policière ciblant les militants LGBT en Tunisie:


CONCLUSION

On the basis of the information we have gathered on individual freedoms, we have found that the most affected areas are the following:

Firstly, we must remember that journalists must have the freedom to collect and publish all relevant information in the midst of the pandemic. However, during this period we have recorded an increase in incidents of violence against journalists including during demonstrations. Therefore, firm measures must be taken to reverse the recent deterioration of freedom of expression and press freedom protection and safety of journalists must be strengthened.

Moreover, the right to freedom of expression is undoubtedly one of the values gained from the revolution. However, bloggers and activists are targeted for criminal prosecution under unconstitutional and liberticidal criminal provisions.

As such, the Tunisian authorities must immediately stop exploiting outdated, excessively vague, and repressive laws to prosecute people for simply exercising their right to freedom of expression online.

Second, the public health system is severely affected by the COVID19 pandemic, despite the efforts of the authorities to contain the epidemic and its consequences.

This is, in fact, explained by the public and health infrastructures that are weakened by the state’s policy before and after the revolution, particularly in the interior regions of the country.

Indeed, the governmental approach has not succeeded in resolving the inequalities between regions where hospital services have deteriorated. Access to care remains poor and unequal.

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Voir le rapport d’Amnesty international publié le 9 novembre 2020 :
Tunisie : Traduit·e·s en justice pour avoir exprimé leurs opinions en ligne : L’utilisation de lois archaïques et bancales pour limiter la liberté d’expression
التقرير السنوي حول وضع الحريات الفردية في تونس مارس 2020 - مارس 2021: سنة كل التهديدات

الخدمات الصحية في تونس بين الجهات، وخاصة في المناطق الداخلية حيث تعاني هذه الأماكن من اهتراء التجهيزات الطبية ورداءة البنية التحتية.

كما لاحظنا ضعفا في نسق التلقيح وبداية محضة وبطيئة على مستوى الحملة الوطنية للتلقيح. كذلك هو الشأن بالنسبة لنسق تلقيح أعوان الصحة.

لمجابهة هذه الوضعية، يجب على الدولة تفعيل برامج وآليات ناجعة وفعالة لتمكين التسريع في نسق التلقيح وتحقيق تغطية أكبر.

كما يجب التأكيد على توفير خدمات الرعاية الصحية مع ضمان الكرامة والحماية الخاصة للمواطنين.

ثالثا، سجلنا قمعا عنيفا تعامل أمنيا قمعيا للمظاهرات السلمية التي شارك فيها مناضلين ومناضلات من المجتمع المدني وخاصة الناشطين و الناشطات "الكوربين"، إذ أن من بينهم من تعرض إلى الإيقاف التعسفي. و قد بينت منظمات المجتمع المدني من خلال الشكاوى التي بلغتها من ضحايا الإيقافات العشوائية حصول العديد من الاعتداءات بالعنف عند الإيقاف وفي مراكز الاحتفاظ بما في ذلك اعتداءات وسوء معاملة طالب الأطفال الموقوفين.

لذلك، يجب القيام بالتحقيقات اللازمة في التهم الموجهة للأمن بتفتيش الموقوفين وتعريفهم للممارسات المهينة والقاسية والخاطئة بالكرامة وذلك بهدف تتبع مرتكبيها أمام العدالة ومحاسبتهم.

أما فيما يتعلق بالتحقيقات اللازمة في التهم الموجهة للقرار، فقلت لم يتضح، ولكن القوانين الصادرة في فترة الازمة الصحية لم تعكس تطلعات المجتمع المدني. لذلك فإن القوانين الصادرة في هذه الفترة لا تعكس إلا صورة هزيلة للحريات الفردية في المقابل لاحظنا تفوق الحقوق الاقتصادية والاجتماعية على حساب الحريات الفردية.

https://lapresse.tn/91812/demarrage-timide-et-lent-de-la-campagne-de-vaccination-contre-la-
covid-19-un-vaccin-pour-les-privileges
https://www.leconomistemaghrebin.com/2021/01/23/la-ltdh-craint-le-retour-des-actes-de-tor-
ture-dans-les-centres-de-detention

انظر أصدر وحيد الفرشيشي 10 سنوات من التشريش في مجال الحقوق والحريات. 

In addition, we noted a low rate of immunization that accompanied a timid and slow start to the immunization campaign. Also, the speed of vaccination of health personnel is too low.

In order to face this reality, the State must implement widely accessible vaccination programs and maintain high vaccination coverage rates.

Similarly, the proper implementation of measures applied in the crisis to care for the sick, is undoubtedly essential to solve the problems of equal access to care, access to essential medicines, quality of care and especially to ensure respect for the dignity and privacy of citizens.

Thirdly, we have noted a violent repression of peaceful demonstrations in which civil society activists and especially LGBTQI++ activists participate, some of whom have been arbitrarily arrested. The civil society associations also noted that the complaints they received show several extreme acts of violence during arrests and in detention centers, including mistreatment of children.

We therefore insist that all allegations of torture and other forms of ill-treatment by security forces be recorded and investigated in order to bring the perpetrators to justice.

Progress on individual freedoms did not improve significantly.

The laws and decree-laws adopted during the period of the health crisis do not meet the expectations of civil society. Indeed, we can only draw a rather weak picture in terms of freedoms. Thus, we note the pre-eminence of socio-economic rights over freedoms.

The Assembly of People’s Representatives (ARP) misses the opportunity to harmonize laws with the Constitution of 2014 and international human rights instruments duly ratified by Tunisia. The ARP should, therefore, diligently repeal the criminal laws restricting freedoms and adopt the laws relating to associations and HAICA.
Also for the jurisprudence, the record in terms of freedoms is very low. We note that very few decisions have been rendered in this area.

In fine, the civil society is dynamic and works unceasingly for the improvement and the implementation of freedoms while taking care of their respect by the authorities. Nevertheless, its activities are often hampered by the social and political context. We have noted that since the demonstrations organized in January 2021 in the framework of the commemoration of the 10th anniversary of the Tunisian revolution, the institutional relentless has increased against human rights defenders, and more specifically the systematic persecution of LGBTQI++ activists.

In sum, Tunisia is facing a major social, political and legal challenge, namely, to find the balance between enacting new measures to preserve public health and at the same time preserve the inalienable rights of the human person.