

The Civil Collective  
for Individual Liberties

# INDIVIDUAL LIBERTIES

IN 2019

## THE DANGER OF POPULISM

APRIL  
2020

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for **Individual Liberties**

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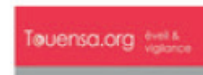
 **HEINRICH BÖLL STIFTUNG**  
**TUNISIE**  
Tunis

**APRIL**  

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**2020**





# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>5</b>
<b>1. SUMMARY OF THE MAIN VIOLATIONS</b>	<b>8</b>
1.1. Violations of freedoms on the basis of discriminations	8
- The fierce fight against women	8
- The regression of women's rights on the political level	8
- The violation of the fundamental right to free choice of the spouse	8
- The regression of reproductive services	8
- The fierce fight against LGBTQI ++	9
- Violation of the rights of people living with HIV	10
- Hypocrisy in the sale of alcoholic beverages	10
1.2. Police abuses	10
1.3. Access to justice	10
1.4. Violations of children's rights	11
- Minors in adult prisons	11
- Children, first victims of human trafficking	11
- Sexual assault against children	12
1.5. Violations related to the freedom of conscience	12
- Violations of the freedom of conscience by public authorities	12
- Violations of the freedom of conscience by some religious leaders	13
- Violations of the freedom of conscience by individuals	13
1.6. Violation of the freedom of association	13
<b>2. SUMMARY OF THE PROGRESS IN THE FIELD OF INDIVIDUAL LIBERTIES</b>	<b>14</b>
2.1. Legislative and regulatory progress	14
2.2. An institutional progress	15
2.3. Jurisdictional progress	15
2.4. A great dynamic of civil society: the defended causes and achieved results	16
<b>3. CHALLENGES AND PRIORITIES FOR 2019</b>	<b>19</b>
3.1. Institutional Challenges	19
3.2. Legislative and Regulatory Challenges	19
<b>CONCLUSION</b>	<b>22</b>
<b>ANNEX : LIST OF USEFUL LINKS</b>	<b>23</b>

# INTRODUCTION

The role of the constitutional Court<sup>1</sup> consists in guaranteeing the supremacy of the Constitution, on the one hand, and protecting the republican democratic regime and rights and freedoms on the other hand.<sup>2</sup> However, the continued absence of this Court has led to the enforcement of repressive laws, such as, articles 226 and 226 bis of the Penal Code punishing offenses based on vague, equivocal and undefined notions like “indecent assault”, “indecentry” and “attacks on public morality”.

As a result, authorities infringe on constitutionally guaranteed freedoms, such as: freedom of conscience, the right to privacy and the prohibition of torture and inhuman, degrading and humiliating treatments.

First of all, freedom of conscience is mainly threatened during the month of Ramadan. Many actors are actually persecuting individuals who do not observe fasting.

Secondly, the right to privacy which obliges the State not to interfere is violated. In fact, individuals are still being subjected to arbitrary or unlawful interference with their intimate and sentimental life, family life, religious and non-religious beliefs etc.

Thirdly, despite the commitment of Tunisia to end non-consensual anal tests, these inhuman practices that amount to torture continue to be applied against persons who are presumed or identified as homosexuals.

Consequently, these infringements have led to the violation of the minimal guarantees of fundamental rights applicable to all. These guarantees are expressed in article 21 of the Constitution as follows: “the State shall guarantee to individuals a dignified life”. Undoubtedly, dignity is the bedrock of all rights and freedoms.

Unfortunately, police and judicial practices in this field have unveiled the gap between the text guaranteeing the freedom and its implementation by the authorities.

Furthermore, this report has been produced within the context of election campaigns of both legislative and presidential elections which took place between September and November 2019. At that time, the political landscape was in turmoil and the candidates who were running for presidency held controversial opinions on individual freedoms.

In the meantime, two main questions have divided the society and the public opinion, namely, the equality in inheritance and the decriminalization of homosexuality. Thus, the reaction of politicians was either rejecting or promising to improve individual freedoms.

In sum, 2019 was marked by two aspects that explain the violations of individual freedoms. On the one hand, issues of individual freedoms were relegated to the backseat.<sup>3</sup> On the other, before, during and after elections, the emergence of populism had an impact on the consolidation of rights and freedoms.

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<sup>1</sup> Article 118 of the 2014 Constitution.

<sup>2</sup> Article 1 of the law n° 2015-50 of 3 December 2015, related to the constitutional Court. The official gazette of 8 December 2015, n°98, p. 2926.

<sup>3</sup> Collectif civil pour les libertés individuelles et Observatoire du droit à la différence, Les libertés individuelles lors des campagnes électorales de 2019, Rapport publié le 1<sup>er</sup> novembre 2019, disponible en trois langues sur le lien : [http://www.adltn.org/sites/default/files/1.\\_rapport\\_lib\\_indiv\\_dans\\_les\\_campagnes\\_electorales\\_de\\_2019\\_version\\_integrale.pdf](http://www.adltn.org/sites/default/files/1._rapport_lib_indiv_dans_les_campagnes_electorales_de_2019_version_integrale.pdf)

## Issues of individual freedoms are played down:

In 2019, presidential and legislative elections took place in Tunisia. However, candidates paid less attention to the issues related to individual freedoms.<sup>4</sup> Actually, this can be explained by the fact that tackling the issue of individual freedoms poses a risk to candidates running for presidency.

Thus, individual liberties were of secondary importance during the elections and that was in favor of social and economic issues. As a matter of fact, the public speech that has prevailed in the electoral programs in a context of an economic crisis has resulted in a majority who does not give priority to issues related to individual freedoms and equality.<sup>5</sup>

## A period marked by populism:

Populism<sup>6</sup> has always been growing up in a context of aggravated economic and social inequalities, corruption of parties in power and considerable deterioration (or the absence) of social rights.<sup>7</sup> Undoubtedly, this context does not leave room for individual freedoms.

Moreover, the electoral campaign of Mr. Kais Said (the actual President) has carried the slogan Acha'ab yourid (the people want) which expresses a populist discourse that is distant from representative democracy. In this way, the head of the State does not represent the people but rather adhere to what the latter would say. In other words, through Acha'ab yourid, no importance has been accorded to individual freedoms. This implies a fortiori that the will of people would deprive the individual of his will and of his personal autonomy. Therefore, the exercise of individual freedoms will remain dependent on the collective will.

That is to say, the individual is reduced to nothingness; individuals are only defined in accordance with his belonging to the group. Hence, this represents a danger to individual freedoms since the arrival of Mr. Kais Said to power. In the same context, legislative elections gave rise to a Parliament dominated by populists.<sup>8</sup>

In fact, besides to Ennahdha, the Islamist party which does not adopt individual freedoms as an objective per se but enhances these freedoms in a vague way. l'italf Al-Karama, Harakit Echaâb, and Errahma are also described as populist parties. l'italf Al-Karama, for example, refuses completely any debate or commitment towards individual freedoms.

While other parties consider that social and economic issues should have priority over individual freedoms, Al-tayar Adimokrati, Qalb Tounis and Afek Tounis consider that individual freedoms are a priority as it is the case for the rest of rights and freedoms guaranteed by the Constitution.<sup>9</sup>

Yet, this wave of populism is counterbalanced by the commitment of the civil society, thanks to its continued work to monitor the violations, protecting the exercise of individual freedoms and to reinforce them.

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<sup>4</sup> See Human Rights Watch 2020 World Report : <https://www.hrw.org/world-report/2020/country-chapters/tunisia>

<sup>5</sup> <https://www.webmanagercenter.com/2019/11/02/440740/tunisie-libertes-individueles-parent-pauvre-des-elections-generales-de-2019-rapport/>

<sup>6</sup> "Populism considers society to be ultimately separated into two homogeneous and antagonistic camps, the pure people versus the corrupt elite, and which argues that politics should be an expression of the volonté générale (general will) of the people."

MUDDE (C.), ROVIRA KALTWASSER (C.), *Populism: A Very Short Introduction*, New York, Oxford University Press, 2017, p. 6.

<sup>7</sup> TARRAGONI (F.), « Chapitre 5. Vers une nouvelle théorie du populisme », in TARRAGONI (F.) (dir.) *L'esprit démocratique du populisme*, La Découverte, Paris, 2019, p. 265. Cf. GODIN (Ch.), « Qu'est-ce que le populisme ? », *Cités*, vol. 49, n°1, 2012, p. 12.

<sup>8</sup> [https://www.lepoint.fr/afrique/tunisie-la-victoire-de-kais-saied-une-percee-electorale-des-populistes-20-10-2019-2342314\\_3826.php](https://www.lepoint.fr/afrique/tunisie-la-victoire-de-kais-saied-une-percee-electorale-des-populistes-20-10-2019-2342314_3826.php)

<sup>9</sup> Voir à ce niveau, Mohamed Anoir ZAYANI, *L'appropriation du code des libertés individuelles par les acteurs politique*, FIDH, LTDH, ADLI et ATFD, Tunis, janvier 2020, disponible sur le lien : [http://www.adlitn.org/sites/default/files/2.\\_etude\\_appropriation\\_du\\_codil\\_fr\\_ar\\_web\\_0.pdf?fbclid=IwAR3TSKLeEH441oTSHDViSRFzWVXaGd6twFD3NlZ6ax0lbmwbckyuW39o3g](http://www.adlitn.org/sites/default/files/2._etude_appropriation_du_codil_fr_ar_web_0.pdf?fbclid=IwAR3TSKLeEH441oTSHDViSRFzWVXaGd6twFD3NlZ6ax0lbmwbckyuW39o3g)



# 1 | SUMMARY OF THE MAIN VIOLATIONS

## 1.1. Violations of freedoms on the basis of discriminations

### | *The fierce fight against women*

Among the causes that led to the continued fierce fight against women is the issue of equality in inheritance. In fact, the arrival of the right wing parties to Parliament like Ennahdha and l'italf Al-Karama has spawned a discourse based on violence and discrimination towards individual freedoms and especially women's rights.

Some called for the withdrawal from the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Then, even following the entry into force of the law on eliminating all forms of violence against women, right-wing parties were rejecting it by considering that this law is undermining the Arab-Muslim identity of Tunisians. This crisis that invaded the country was reaffirmed by the discourse adopted by the candidates to the legislative and presidential elections. It was also accompanied by attacks and assaults against defenders of women's rights, feminist associations and especially women deputies in the Parliament who were subject to insult and defamation and even to the violation of their privacy.

It would be interesting to know that private and public media have been reproducing the social patriarchal construction and gender discrimination in the absence of monitoring and regulation mechanisms. For example, on 13 May 2019 in a mosque in Menzel Bourguiba, the Imam devoted the Friday sermon to talk about the tight jeans of girls. He further denounced the "nudity" that "invades" the streets of the country. The Imam started his sermon with the phrase "hold your girls so that we can fast".<sup>10</sup>

### | *The regression of women's rights on the political level*

On the political level, women's representation has declined markedly between 2014 and 2019. After the legislative elections of 2019 the percentage of women in Parliament has went down to 24% compared with 34% in 2014.

- *The violation of the fundamental right to free choice of the spouse*

For the third year consecutively and since the repeal of the circular dated 5 November 1973 (repealed on 8 September 2017) which bans the marriage of Tunisian women with a non-Muslim, many civil state officers still refuse to conclude marriage contracts of Tunisian women with a non-Muslim.

- *The regression of reproductive services*

The field of services related to abortion and contraceptives is witnessing several obstacles mainly in the public sector. According to a study that was published by the national institute on statistics on 25 June 2019, the use of contraceptives has decreased in 6 years between 2012 and 2018 from 50.0% to 44.3%.

<sup>10</sup> <https://ar.businessnews.com.tn/%d8%a7%d9%85%d8%a7%d9%85%20%d9%85%d8%b3%d8%ac%d8%af:%20%d8%b4%d8%af%d9%88%d8%a7%20%d8%b9%d9%84%d9%8a%d9%86%d8%a7%20%d8%a8%d9%86%d8%a7%d8%aa%d9%83%d9%85%20%d8%ae%d9%84%d9%8a%20%d9%86%d8%b5%d9%88%d9%85%d9%88!537,3268,3>



Furthermore, obstacles to provide secure and medical abortion in the public sector since 2011 can be explained by the conservative mentalities and the non-respect of the procedures imposed by the State. This has also led to stigmatizing single women and minor girls. While, the number of women of childbearing age has increased, the number of abortions remains unchanged and did not exceed 1500 abortions per year in the public health facilities for more than ten years. According to a study published by Tawhida Ben Cheikh, many obstacles have been facing girls to access to the services of abortion. The conducted study among youth has shown based on the neighborhood that between 9% (well-off neighborhood) and 14% (poor neighborhood) know someone for whom abortion was denied. This illustrates clearly the absence of equity for access to health services based on the socioeconomic status.

### | *The fierce fight against LGBTQI ++*

#### - The fierce fight of authorities

- The fierce fight of authorities against LGBTQI ++ is mainly based on articles 226, 226 bis and 230 of the penal Code and other laws. Since it is difficult to prove homosexuality, authorities tend to apply other articles to prosecute, arrest and punish individuals based on their behavior and forms of expressing themselves through their appearance or clothes. In fact, during 2019, a little over a hundred court decisions were rendered on the basis of article 230 of the Penal Code.
- In addition, despite the condemnation of anal tests by the committee against torture, authorities still apply forced anal tests. Thus, based on article 230, persons suspected of being homosexual are forced by a judge's order to submit to an anal examination conducted by a forensic physician to prove their homosexuality.
- On 14 February 2019, a 40-year-old guy named Fahd (nickname) said that the police broke into his house when he was with his friends. The police found condoms which Fahd was distributing as part of his association activities. Fahd and his friends were beaten, insulted and calling them homosexuals without informing them of the reasons of the arrest.
- On 24 March 2019, Hela, transgender was arrested on the basis of contempt of a public officer and indecency. She has been arrested until 29 March 2019. Then, she was released until her court hearing that was due to 26 April where she was sentenced to a fine of 200 dinar.
- On 23 May 2019, a homosexual man was sentenced to one year of imprisonment for the crime of procurement. In December 2019, the sooner got out of prison, he was convicted a second time for the same act.

#### - The fierce fight of media and politicians

- 15 February 2019, homosexuals "are not men, they cannot serve their country, they are neither patriots nor good citizens", has stated a comedian in a sketch broadcast on a private channel.<sup>11</sup>
- With the approach of presidential elections of 2019, on 23 August 2019, the President of the Destour free party, Abir Moussi noted in Mosaïque FM: "I think that decriminalizing homosexuality undermines the Tunisian society. There is no reason to legalize homosexuality, because, homosexuals can one day claim for the right to marry".<sup>12</sup>

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<sup>11</sup> <http://kapitalis.com/tunisie/2019/02/13/homophobie-la-haica-adresse-une-mise-en-garde-a-atteessia/>

<sup>12</sup> « AbirMoussi trouve des justifications juridiques à l'homophobie », Kapitalis, 23 août 2018. Disponible sur : [http://kapitalis.com/tunisie/2018/08/23/tunisie-abir-moussi-trouve-des-justifications-juridiques-a-lhomophobie/?fbclid=IwAR2gSH\\_uRHk4nk91EKdt5\\_84v-\\_JhBWWleKQOk6raRi3\\_t2DXyAvvdmpfnM](http://kapitalis.com/tunisie/2018/08/23/tunisie-abir-moussi-trouve-des-justifications-juridiques-a-lhomophobie/?fbclid=IwAR2gSH_uRHk4nk91EKdt5_84v-_JhBWWleKQOk6raRi3_t2DXyAvvdmpfnM)

### | *Violation of the rights of people living with HIV*

The scope of the law of 27 July 1992 related to communicable diseases is considered to be limited. Even though, this law guarantees the principle of non-discrimination, it limits this right with regard to the health field since it does not extend to be applied on the rights and freedoms.<sup>13</sup>

Women living with HIV are exposed to stigmatization and discrimination especially when they give birth. Beside their bed a sign refers to their HIV status.<sup>14</sup>

### | *Hypocrisy in the sale of alcoholic beverages*

On her official facebook page, the deputy Leila Hamrouni published a post on the 23 May 2019 in order to address an explanation concerning information on social media reporting that she was caught in a state of intoxication with two men in her car. The deputy denounced the campaign of defamation that had as a goal to damage her reputation.<sup>15</sup>

29 October 2019, the police of Ariana conducted a search in a house near la Soukra where a Halloween party took place. As reported by Mosaïque Fm, a dozen of persons were arrested and many alcoholic beverages were seized.<sup>16</sup>

## 1.2. Systematic police abuses in total impunity

- Police fired tear gas to disperse demonstrators who protested after a young man died inside a police station near the coastal resort of Hammamet, witnesses said. The young man was arrested on 15 February 2019 after a fight between groups of youths in the town of Barraket Essahel, 60 kms (37 miles) southeast of the capital Tunis.<sup>17</sup>
- Police beat and sexually assaulted a protester while breaking up a sit-in in Tunis on March 12, 2019. The protestor said he was participating in a sit-in the governmental square called for by activists on Facebook, to protest sanitary conditions in Tunisian public hospitals, when the police assaulted him. On March 19, he filed a complaint against the police officers for rape and assault at the First Instance Court of Tunis.<sup>18</sup>

## 1.3. Access to justice:

### | *The right to access to justice for citizens*

In spite of the legal framework that protects the defender in penal and civil matters; many obstacles face the litigants which makes the right to access to justice ineffective. In fact, proving the inability of some citizens to access to the court proceedings is difficult since it depends on the arbitrariness (corruption and patronage) of the municipality which is in charge of delivering the certificates to litigants in order to submit them to the legal aid offices to get the judicial assistance.

<sup>13</sup> <http://kapitalis.com/tunisie/2019/08/08/droits-des-personnes-porteuses-de-sida-une-reforme-juridique-simpose-en-tunisie/>

<sup>14</sup> <https://tunisia.unfpa.org/sites/default/files/pub-pdf/Arabe.pdf>

<sup>15</sup> <https://www.realites.com.tn/2019/05/deputee-en-etat-divresse-leila-hamrouni-porte-plainte/>

<sup>16</sup> <https://www.realites.com.tn/2019/11/halloween-descente-securitaire-dans-une-villa-a-la-soukra/>

<sup>17</sup> <https://www.reuters.com/article/us-tunisia-protests/tunisian-police-and-protesters-clash-after-death-at-police-station-idUSKCN1Q50R8>

<sup>18</sup> <https://www.hrw.org/news/2019/03/28/tunisia-protester-alleges-beating-sexual-assault>

## | *The right to access to justice for victims of torture and inhuman, degrading and humiliating treatments*

Accountability and compensation for the crime of torture is a process full of obstacles. Such barriers may include the absence of lawyers during the phase of custody and the passivity of the judges when they investigate in torture allegations and the laxity and the lack of diligence in the investigation of such cases. In addition, no prosecutions of any complaints for torture occurred to date.

## | *The detention conditions*

The detention conditions in prisons are not in total conformity with international standards. This is due to: prison overcrowding, the deterioration of health conditions, and the non- separation between detainees (first-time offenders/ repeat offenders; sentenced/ remand prisoners).

### **1.4. Violations of children's rights**

#### | *Minors in adult prisons*

13 February 2019: the President of the Tunisian League for the Defense of Human Rights considered that the decision of the family judge to return the children of the "Regueb Koranic School" is a "wise decision". He also added that hosting them in the children care center is arguable since the objective was to keep them away from the danger. However, remaining in that center would transform the measure into "detention".<sup>19</sup>

#### | *Children, first victims of human trafficking*

23 January 2019, an anti-human trafficking report was published by the National Commission for the Fight against Human Trafficking. The President of the commission noted that the case concerning children at the Koranic school of Regueb represents "the most dangerous case registered" in 2019 and that 200 similar situations, which endanger the future of children, have been discovered in Tunisia after the school of Regueb was closed.

About half of the trafficking cases concerned minors. Economic exploitation represented over 83.6% of all human trafficking cases, half of which concerned forced labor, followed by the economic exploitation of children, both in marginal economic activities and begging (32.4%), said the report.<sup>20</sup>

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<sup>19</sup> <https://www.mosaiquefm.net/ar/%D9%85%D9%8A%D8%AF%D9%8A-%D8%B4%D9%88-%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/496042/%D8%B1%D8%A7%D8%A8%D8%B7%D8%A9-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D8%AA%D8%B3%D9%84%D9%8A%D9%85-%D8%A3%D8%B7%D9%81%D8%A7%D9%84-%D8%A7%D9%84%D8%B1%D9%82%D8%A7%D8%A8-%D8%A5%D9%84%D9%89-%D8%A3%D9%88%D9%84%D9%8A%D8%A7%D8%A6%D9%87%D9%85-%D9%82%D8%B1%D8%A7%D8%B1-%D8%B3%D9%84%D9%8A%D9%85>

<sup>20</sup> [http://www.ansamed.info/ansamed/en/news/sections/generalnews/2020/01/24/tunisia-anti-human-trafficking-report-published\\_79ea4606-8afb-45a1-bf4d-a872aed65d5b.html](http://www.ansamed.info/ansamed/en/news/sections/generalnews/2020/01/24/tunisia-anti-human-trafficking-report-published_79ea4606-8afb-45a1-bf4d-a872aed65d5b.html)

## | *Sexual assault against children*

1 February 2019, A Koranic school in central Tunisia has been closed following allegations children were abused there. Located on the outskirts of the rural village of Regueb, Sidi Bouzid, the school was exposed for housing dozens of children and youth in inappropriate conditions and reportedly subjecting them to forced labor and sexual abuse.<sup>21</sup>

27 March 2019, the national guard of Mateur (Bizerta) received a complaint from a 31-year-old man with his 5-year-old son against a takfirist accusing him of having raped his son.

11 June 2019, the Regional Delegate for Children in Sousse announced the opening of an investigation against an Imam aged 60 years old and suspected to have raped a child.<sup>22</sup>

28 June 2019, a national survey conducted by the National Institute of Statistics in collaboration with UNICEF has revealed that 22% of children were victims of physical abuse. Besides, 88% of children between 1 and 14 years old were brutally punished and 84% were victims of verbal and psychological violence, whereas, 22% had experienced physical violence.<sup>23</sup>

2 August 2019, a religious man who was supposed to teach children how to recite the Koran, was arrested in Sidi Bou Ali (Sousse). According to Mosaïque FM, this man was molesting a 9-year-girl.<sup>24</sup>

## 1.5. Violations related to the freedom of conscience

### | *Violations of the freedom of conscience by public authorities*

2 May 2019, Academic researcher Saloua Charfi appeared before the crime squad on the basis of a post published on her facebook official page where she was criticizing the Jihad in Islam.<sup>25</sup>

A café owner in Kairouan, Tunisia was convicted of publicly offending morality on May 29, 2019 for keeping his café open during Ramadan fasting hours, Human Rights Watch has reported. Such prosecutions, using a vague provision that is applied sporadically and inconsistently, constitute an arbitrary use of the criminal law. He spent 10 days in jail before a court sentenced him to a suspended term of one month in prison and a fine of 300 dinars.<sup>26</sup>

The Public Prosecutor's Office of the First Instance Tribunal of Ben Arous ordered the appearance of 4 students (girls) aged 16 years old before the crime prevention brigade for having published videos "undermining Islam and the prophet Mohamed". According to Shems Fm, the 4 girls were released after having been heard by the Judicial Police Brigade.<sup>27</sup>

<sup>21</sup> <https://thearabweekly.com/public-outcry-after-allegations-abuse-radicalisation-tunisian-quranic-school>

<sup>22</sup> <http://www.arabesque.tn/fr/article/53459/sousse-un-imam-viole-un-enfant>

<sup>23</sup> <https://www.tuniscope.com/article/179295/actualites/societe/enfants-tunisiens-542317>

<sup>24</sup> <https://www.realites.com.tn/2019/08/sousse-un-religieux-abuse-sexuellement-dune-fille-de-9-ans/>

<sup>25</sup> [http://www.adlitn.org/sites/default/files/revue\\_de\\_presse\\_mensuelle\\_adli\\_avril\\_2019.pdf](http://www.adlitn.org/sites/default/files/revue_de_presse_mensuelle_adli_avril_2019.pdf)

<sup>26</sup> <https://www.hrw.org/news/2019/06/07/tunisia-cafe-owner-jailed-over-ramadan-hours>

<sup>27</sup> <https://www.realites.com.tn/2019/11/4-lyceennes-devant-la-justice-pour-atteinte-a-lislam/>



## *| Violations of the freedom of conscience by some religious leaders*

3 May 2019, the President of Zitouna party, Adel Alimi, criticized the declaration of the Minister of Tourism and Handicrafts concerning the opening of certain cafés and restaurants during Ramadan, noting that he disagrees and that tourists must respect rituals of Muslims during Ramadan. Adel Alimi also reminded that he would be raiding cafés and restaurants to “hunt” those who do not observe the fast.

## *| Violations of the freedom of conscience by individuals*

In a press release published on 20 February 2019, the National Union of Tunisian Journalists launched a call for the Public Prosecutor’s Office to take the appropriate judicial measures to protect the journalists who are subject to a campaign of Takfirism and defamation with regard to the Regueb Koranic school in Sidi Bouzid.<sup>28</sup>

16 May 2019, a teacher in an elementary school in Bouhajla (Kairouan) was the source of polemic in social media for having smoked a cigarette and drunk a coffee in the classroom during Ramadan.<sup>29</sup>

30 May 2019, an attack happened on a café in Radés, southeast of the capital Tunis, as it was reported by the Tunis Afrique Presse (TAP). The workers in the café were preparing to open for the Iftar of Ramadan, when some bullies verbally abused them, which developed quickly into a violent brawl. “The assailants beat the café workers and damaged some of the equipment,” accusing them of apostasy because they open during the period of the fast. But, the Tunisian Interior Ministry denied involvement of extremists.<sup>30</sup>

## **1.6. Violation of the freedom of association**

Since 2019, as in the previous years, the Civil Collective for Individual Liberties (CCLI) has reported the extra-legal complications during the registering of associations. In fact, the detailed procedure provided by the law is simple, but, the complexity resides in the deviation of the application of the law provisions. In this case, we are getting closer to a system of authorization for the formation of associations rather than to a system of declaration.

Furthermore, the Collective expresses its worries concerning the blockage of international funds transferred to associations in Tunisia often causing unjustified delays and administrative procedures which violate the freedom of association.

Moreover, the collective is concerned of the inclusion of associations in the “national register of enterprises”. This procedure put in danger the freedom of association, as confirmed by the UN Special Rapporteur for the freedom of association when he visited Tunisia in 2018. In fact, small associations must bear extensive obligations and deterrent sanctions.<sup>31</sup>

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<sup>28</sup> <https://www.realites.com.tn/2019/02/le-snjt-denonce-une-campagne-de-takfirisme-visant-des-journalistes/>

<sup>29</sup> <https://www.realites.com.tn/2019/05/bouhajla-un-prof-non-jeuneur-fait-polemique/>

<sup>30</sup> [http://www.xinhuanet.com/english/2019-05/27/c\\_138091867.htm](http://www.xinhuanet.com/english/2019-05/27/c_138091867.htm)

<sup>31</sup> Voir à ce niveau, ADLI, ATFD, FIDH, Groupe Tawhida, Centre Kawakibi, Observatoire pour la défense du droit à la différence, Terre d’Asile Tunisie, Contribution de la société civile à l’examen du sixième rapport de la Tunisie pour l’application du Pacte International relatif aux droits civils et politiques, Comité des droits de l’Homme, Session n°128, Genève 2-27 mars 2020, Tunis février 2020, p13. Disponible sur le lien suivant : [http://www.adlitn.org/sites/default/files/pdcp\\_contribution\\_de\\_la\\_societe\\_civile\\_compil\\_2\\_mars\\_2020\\_2.pdf](http://www.adlitn.org/sites/default/files/pdcp_contribution_de_la_societe_civile_compil_2_mars_2020_2.pdf)

## 2 | SUMMARY OF THE PROGRESS IN THE FIELD OF INDIVIDUAL LIBERTIES

### 2.1. Legislative and regulatory progress

During the mandate of 2014-2019 the Assembly of People's Representatives has adopted a number of laws that recognize certain rights and freedoms but that was in a selective manner.

Actually, a big attention was given to the economic liberalism to the detriment of individual freedom.

#### | *The recognition of rights that reinforce freedoms*

The right to access to information: this right was reaffirmed with the adoption of the law n°22-2016 of 24 March 2016 related to the right of access to information which obliges all the official institutions to consecrate this right. It also made the prohibition of access to information an exception subject to certain conditions.

The right to security: this right became effective by virtue of the law n°5 -2016 of 16 February 2016 related to the amendment of the Code of penal proceedings which has given to suspects many guarantees during custody, detention and hearing.

The reinforcement of women's rights: especially pursuant to the adoption of the law of 11 August 2017 related to the elimination of violence against women. This law applies to all types of violence: material, moral, sexual, economic, and political.

The improvement of the situation of persons with a disability: by the law n°41 of 16 May 2016 that amended the related to the promotion and protection of persons with disabilities.

Supporting the rights of the child: especially through the ratification of several international agreements in this field, namely, the ratification in 2018 of the Lanzarote Convention (Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) that was adopted by the Council of Europe in 2007.<sup>32</sup>

#### | *A weak recognition of individual freedoms*

Between 2014 and 2019, the Assembly focused only on the following freedoms:

- **Freedom of opinion, expression, media and publication** especially by the law n°37-2015 of 22 September 2015 related to registration and legal deposit which guarantees the freedom of copyright and has abrogated all the provisions not in conformity with the Decree-law n° 115 of 2 November 2011 related to the freedom of press.
- **Freedom of circulation** has also been reinforced by the law n° 2015-46 of 23 November 2015 that amended the law n° 40 of 1975 on passports and travel documents. In fact, this amendment has removed the injustice towards mothers since children can have the authorization of either parent for travelling.
- **The protection of privacy**, Tunisia has ratified the Convention n°108 for the Protection of Individuals with regard to Automatic Processing of Personal Data adopted by the Council of Europe on 28 January 1981 along with its Additional Protocol regarding supervisory authorities and transborder data flows adopted on 8 November 2001.

<sup>32</sup> 26 . وحيد الفرشيشي ومحمد أنور الزياتي. خمس سنوات من عمل مجلس نواب الشعب 2014-2019. الفكرة القانونية. فيفري 2020. العدد 17. ص. 26. [https://www.legal-agenda.com/uploads/Legal%20Agenda\\_Tunisia\\_17\\_print.pdf](https://www.legal-agenda.com/uploads/Legal%20Agenda_Tunisia_17_print.pdf)

## 2.2. An institutional progress

### | *The reconfiguration of the judicial system*

- **The adoption of the law related to the Constitutional Court:** the law n° 2015-50 of 3 December 2015 related to the Constitutional Court. The Assembly failed to elect the members of the Court. As a result, the Court has not yet been established.
- **The establishment of Higher Judicial Council:** the law n° 2016-34 of 28 April 2016 related to the Higher Judicial Council was adopted.
- **The organization of the Court of Auditors:** the law n° 2019-41 of 30 April 2019 related to the Court of Auditors was adopted in order to replace the former Court, by granting it greater powers and by providing a different composition.
- **The creation of the Economic and Financial Judicial Pole:** this pole was created by virtue of the law n°2016-77 of 6 December 2016 endowed with an important role in fighting against corruption and money laundering.
- **The creation of a Committee on Legislative Harmonization:** this was pursuant to the governmental decree n° 2019-1196 of 24 December 2019 related to the creation of a National Committee for the Harmonization of Laws related to Human Rights with the provisions of the Constitution and the international ratified conventions.

### | *The creation of constitutional independent bodies*

The constitutional independent bodies were created by the following laws in accordance with chapter VI of the Constitution:

- Law n°59-2017 of 24 August 2017 related to the Body of Good Governance and Fighting against Corruption.
- Law n°51-2018 of 29 October 2018 related to the Body of Human Rights.
- Law n°60-2019 of 9 July 2019 related to the Body of Sustainable Development and the Rights of Future Generations.

However, none of these bodies is functioning because their respective members were not elected by the Parliament.

## 2.3. Jurisdictional progress

The Administrative Tribunal has ruled in its judgment of 2 July 2018 that procedure S17 is unconstitutional because it violates the freedom of circulation which is guaranteed by the Constitution.<sup>33</sup>

On 20 February 2019, the Court of cassation reversed the decision of the Court of Appeal concerning a petition for divorce submitted by a husband for breach of the marriage contract against his spouse because he found out she was not virgin. The Court ruled that the loss of virginity is not considered as a prejudice.

On 17 May 2019, the Tunisian association for LGBT rights "Shams" has been legitimated by the Court of Appeal of Tunis. "Shams", which was registered in 2015, was accused by the government of irregularities in the registration process and for being against the "Islamic values of Tunisian society".<sup>34</sup>

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<sup>33</sup> <https://www.businessnews.com.tn/la-procedure-s17-est-illegale-selon-le-tribunal-administratif,520,83651,3>

<sup>34</sup> <https://www.euromesco.net/news/tunisian-appeals-court-legitimizes-lgbt-association-shams/>

The Court founded its arguments on the principle of human dignity by considering that the criminalization of homosexuality undermines this principle.<sup>35</sup> This judgment has been reaffirmed by the Court of cassation on 21 February 2020.

## 2.4. A great dynamic of civil society: the defended causes and achieved results

Life stories « *the day when they came to arrest me* » in which the victims of violations of rights and freedoms agreed to testify to the journalist *Hedi Yahmed*. This book was presented on 18 March 2019 to support the initiative of 14 deputies who submitted a bill related to a code for rights and individual freedoms.

20 March 2019, 9 national and local associations have signed the “*rule of law pact*”. It aims at implementing the constitutional obligations and to adopt laws guaranteeing rights and freedoms<sup>36</sup>.

### >> The Mawjoudin Queer Film Festival

is an annual film festival in Tunisia celebrating the LGBTQI++ community. The second edition of the festival took place on March 22–25, 2019, in downtown Tunis. The 2019 festival aimed to cover the full LGBTQI++ spectrum and have a strong focus on feminism. A total of 31 films were shown. In addition to films, there were performances, debates, and a theatre workshop entitled “Towards a Queer Theater”.<sup>37</sup>

### >> The presentation of the report of the civil collective on individual liberties

“state of individual liberties in Tunisia” on April 2019. During 2018, the collective has organized campaigns aiming at affirming that individual freedoms and the freedom of choice are fundamental principles structuring life in common. Such campaigns included the right to fast or not to fast during Ramadan, actions calling for the ban of forced anal tests and a campaign to support the adoption of the report of the Individual Freedoms and Equality Committee (COLIBE).

### >> The colors of April, April 2019

the event took place from 15 to 20 April 2019 around the theme of individual freedoms. This event has supported the LGBTQI++ associations and offered a space of dialogue, exchange, information and meeting. Many cultural events were organized in this event.<sup>38</sup>

### >> Politicians support Shams association

on April 2019, representatives of Shams associations were invited by the Secretary General of the party Macrouh3 Tounes and the deputy in the Assembly of people’s representatives Khaoula Ben Aisha in the headquarters of the party where they expressed their support to the LGBTQI++ cause and to the decriminalization of homosexuality.<sup>39</sup>

<sup>35</sup> وحيد الفرشيشي. « استئناف تونس تؤكد قانونية جمعية تطالب بإلغاء الفصل 230 من المجلة الجزائية. جرم المثلية بحط من الكرامة الإنسانية ». المفكرة القانونية. 3 جويلية 2019.

<sup>36</sup> <http://www.kapitalis.com/anbaa-tounes/2019/03/19/9%D8%AC%D9%85%D8%B9%D9%8A%D8%A7%D8%AA-%D9%88%D9%85%D9%86%D8%B8%D9%85%D8%A7%D8%AA-%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D8%AA%D9%85%D8%B6%D9%8A-%D8%B9%D9%84%D9%89-%D9%85%D9%8A%D8%AB%D8%A7%D9%82-%D8%B9/>

<sup>37</sup> <http://queerfilmfestival.mawjoudin.org/en/about-us/>

<sup>38</sup> <https://tunisie.co/article/11554/sortir/festivals/couleurs-d-avril-du-15-au-20-avril-132815>

<sup>39</sup> <https://www.realites.com.tn/2019/04/marzouk-recoit-les-representants-de-shams-et-exprime-son-soutien-inconditionnel-a-la-communaute-lgbt/>



**>> Project: “Reinforce the Advocacy for the Adoption of a Code on Individual Liberties in Tunisia”**

June 2019, national associations launched a project of advocacy aiming at promoting the adoption of a Code on individual liberties. These associations have published two studies with regard to this project: A legal study of the draft of the Code and a socio-logical study on the perception of political actors concerning the draft of this Code.<sup>40</sup>

**>> Activities on anti-discrimination points «Chouf Rana Mawjoudin»**

August 2019, Aswat Nissa as part of a project in collaboration with other national LGBTQI++ associations launched activities of anti-discrimination points on 16 August 2019. These points aim at documenting the cases of discrimination on basis of sexual orientation and gender expression.<sup>41</sup>

**>> Individual freedoms and equality in the electoral presidential and legislative campaigns of 2019**

October 2019, the civil collective for individual liberties and the observatory on the right to difference have presented a report on “individual freedoms during electoral presidential and legislative campaigns” in order to sort out the opinions of the candidates with regard to the issues of individual liberties.

**>> #EnaZeda, October 2019**

A campaign that has been launched on October 2019 in Tunisia to denounce sexual harassment and assaults against women.

**>> Falgatna: feminist flash mob against sexual assaults**

11 December 2019, dozens of young women gathered in Place de la Kasbah for a flash mob denouncing rape, sexual harassment and impunity.<sup>42</sup>

**>> The creation of a national observatory for the defense of the civility of the State**

13 December 2019, this initiative is born as a result of the attacks against the national forces attached to the civility of the State. Signatories have affirmed that they felt the urge to intervene because of the radical and extremist ideas and its impact on the education and the rise of political orientations based on radicalism and populism.<sup>43</sup>

**>> The launching of the Maghreb network against death penalty,**

December 2019, the Tunisian Coalition Against Death Penalty in partnership with Ensemble contre la peine de mort has organized between 19 and 20 December 2019 a national conference under the theme of “strategies towards the abolition of death penalty” in Tunis.

**>> The monthly publication of the press review: Individual Liberties in Tunisia:**

it is a collection of press articles recounting the state of individual liberties, every first Tuesday of the month.<sup>44</sup>

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<sup>40</sup> [Lien vers les deux études](https://www.fidh.org/fr/regions/maghreb-moyen-orient/tunisie/tunisie-la-societe-civile-se-mobilise-pour-l-adoption-d-un-code-des-libertes) : <https://www.fidh.org/fr/regions/maghreb-moyen-orient/tunisie/tunisie-la-societe-civile-se-mobilise-pour-l-adoption-d-un-code-des-libertes>  
[http://www.adlitn.org/sites/default/files/1\\_etude\\_approche\\_juridique\\_des\\_libertes\\_individ\\_integrale\\_web.pdf](http://www.adlitn.org/sites/default/files/1_etude_approche_juridique_des_libertes_individ_integrale_web.pdf)

<sup>41</sup> <https://tunivisions.net/28335/aswat-nissa-lance-les-activites-du-point-anti-discrimination-chouf-rana-mawjoudin/>

<sup>42</sup> <https://nawaat.org/portail/2019/12/15/falgatna-flashmob-feministe-contre-les-agressions-sexuelles-video/>

<sup>43</sup> <https://www.businessnews.com.tn/naissance-dun-observatoire-national-pour-defendre-la-civilite-de-letat,520,93777,3>

<sup>44</sup> Disponibles sur le site de l’ADLI, [www.adlitn.org Rubrique Revue de Presse](http://www.adlitn.org/Rubrique%20Revue%20de%20Presse): [http://www.adlitn.org/sites/default/files/revue\\_de\\_presse\\_mensuelle\\_adli\\_sep\\_2019-converti.pdf](http://www.adlitn.org/sites/default/files/revue_de_presse_mensuelle_adli_sep_2019-converti.pdf)

» **Award ceremony, free media,**

for the second year, the Association for the Defense of Individual Liberties (ADLI) has awarded the best media contributions in the field of individual freedoms, the ceremony took place on 21 March 2019.

» **Publication and presentation of the study: Individual Freedoms of Foreigners in Tunisia:**

"the metics of the Republic", on 28 May 2019, ADLI presented a study by Professor Souhayma Ben Achour on the individual freedoms of foreigners in Tunisia. The study highlighted the legal situation of foreigners and the legal inferiority of foreigners with regard to their rights.

» **Publication and presentation of the collective book: "Local Authorities and Individual Liberties", 17 December 2019.**

The interest accorded by ADLI to this issue is related to the new context of the implementation of decentralization and the local power in Tunisia.

» **Assistance to persons affected in their individual liberties:**

in 2019, the project Twensa Kifkom (gathering ADLI, avocats sans frontières, and Damj) brought assistance to 22 LGBTQI++ persons among whom 4 were accused on the basis of article 230 and others were imprisoned or waiting for a court hearing.

## 3 | CHALLENGES AND PRIORITIES FOR 2020

### 3.1. Institutional Challenges

- The establishment of the Constitutional Court in order to examine the constitutionality of the laws violating individual freedoms.
- The establishment of the constitutional bodies and the necessity of the adoption of the law related to the Higher Authority of Audio visual Communication which promotes for guaranteeing freedom of expression and media and guarantees the plurality in information.
- The establishment of the National Observatory on the Elimination of Violence against Women which was created by the governmental decree n°1195 of 24 December 2019.

### 3.2. Legislative and Regulatory Challenges

#### 1. The implementation of principles related to non-discrimination and equality between men and women

- The elimination of discrimination on the basis of the freedom of conscience.
- The review of the policy of religious affairs ministry concerning the other religions and clarifying the relation between free speech and the protection of the sacred by a clear law.
- The cancellation of all the circulars which interfere in the individuals' convictions and their privacy, among which the circular of 1981 related to the closing of cafés and restaurants in daytime during Ramadan.
- The abrogation of the circular n°85 of 12 December 1962 related to the registration of names.

#### 2. The elimination of all forms of violence against women

- Adopting policies of prevention from violence by eliminating all forms of discrimination against women in fact and in law.
- The respect of the law related to the elimination of all forms of violence against women and the establishment of the observatory responsible for ensuring compliance with this law and its implementation.
- Fighting against all forms of violence by insisting on impunity especially concerning online violence.
- The creation of special units to recognize the status of women victims of violence.
- Allocate the necessary budget for the creation of public and private bodies which provide assistance to the women victims of violence especially for police, national guard and accommodation centers for women victims of violence.
- Provide access for women to an effective and fast justice enabling to put an end to the impunity of perpetrators of violence and create a special fund to compensate the victims of violence.
- Provide free medical and psychological care for women victims of violence in public hospitals.
- Establish autonomous spaces to welcome women victims of violence in tribunals and police stations.

- Ensuring continuous and quality training for judges, judicial police and the persons empowered to assist women victims of violence.

### **3. Ensuring respect for privacy and freedom of choice**

- Stop immediately and without delay degrading and humiliating practices: anal tests and virginity tests.
- Activate the adoption of the draft of the new code of Penal Procedures Code which was submitted to the Council of ministers in January 2020.
- Adopt the draft law related to the Code of rights and individual liberties deposited with the Parliament since October 2018.
- Open the debate and guarantee the access to information concerning the two bills related to the biometric identity card and to the protection of personal data.
- Open the debate and guarantee the access to information concerning the work of the Commission responsible for preparing the draft of the penal Code.
- Publish and implement the report of the body of the truth and dignity presented on March 2019. This report comprises recommendations related to the protection of privacy in all its aspects and the abrogation of the provisions of penal Code infringing on individual liberties.
- Establish the national Commission to put in conformity the laws related to human rights with the Constitution and the ratified international conventions.

### **4. Reinforce the freedom of association and meeting**

- Reinforce the implementation of the law on associations by the authorities, especially in the field of registering and avoid any interference in the objectives of the newly created associations.
- Call for the authorities to consider all the types of associations (human rights and development) as service providers, partner in the society and to stop targeting them with laws and measures that may limit their full development.
- Remove the associations from the national register of enterprises and speed up the reviewing the law in order to create a special register for associations.
- Reinforce the public funding of associations through providing the most important resources and implementing clearer, easier and more transparent procedures.
- Reinforce The General Directorate for Associations through human and material resources. Decentralize this Directorate.

### **5. Ensure participation in public affairs**

- The implementation of the principle of equality between citizens and the equality of opportunities between men and women for the access to the different responsibilities in all the fields enshrined in the 2014 Constitution.
- Respecting the international obligations of Tunisia namely the effective implementation of article 7 of CEDAW and the paragraph 190 of the objective G of the action platform of Beijing.



- The extension of the principle of parity to the non-elected bodies such as in the government where representation is still weak and in political parties where it is almost absent. This can be realized through the amendment of electoral law to impose horizontal and vertical parity in all the elections and the amendment of the law related to political parties to impose the representation in the governing bodies.
- The adoption of effective measures to put an end to political violence that targets public women and women defenders whether in public space, or in the executive and parliamentary bodies and through social media.

## CONCLUSION

The year 2019 has clearly been a year for political populism. Its manifestations emerged during and after the electoral campaigns. Moreover, the dominant conservative ideology found the appropriate climate that contributes to the regression of individual freedoms. In fact, the responsible for the abuses on individual freedoms are not just the authorities but also individuals.

One of the most significant violations of individual freedoms are those based on the discrimination. Actually, the most affected categories are those who are in a state of vulnerability.

For example, the fierce fight against women on the basis of the so-called “indecentcy” or “indecent assault”. As a result, the rights of women are either violated or in regression in many fields.

Furthermore, LGBTQI++ persons are still facing discrimination since penal provisions are in force. Such provisions legitimize the arbitrary arrests, the illegal interference in privacy and the inhuman, degrading and humiliating treatments. LGBTQI++ persons suffer from discrimination in all fields by the State, individuals, media and politicians.

In addition, although Tunisia has implemented a legal framework in conformity with the international Conventions of human rights, many children are subject to different types of abuses. It is alarming to note that children are the main victims of human trafficking as reported by the National Authority on Fighting against Trafficking in Persons.

Besides, we collected cases of sexual abuses against children in different parts of the country.

Furthermore, despite the fact that the right to health is guaranteed in the Constitution, persons living with HIV are discriminated against in public hospitals especially women are stigmatized and discriminated since the law regulating the status of these persons is not in conformity with the rights and freedoms guaranteed by the 2014 Constitution.

Meanwhile, many actors continued to violate the constitutional rights such as the freedom of conscience which was not respected by authorities, religious leaders and individuals mainly during Ramadan where it has been impossible for some citizens to eat and drink freely in cafés and restaurants. Among the other violated rights, we mention the violation of the physical and psychological integrity. Thus, many abuses were practiced by the police against the citizens.

Nevertheless, the major dynamic of the civil society has contributed to monitoring violations of individual liberties and reinforcing them by putting pressure on authorities to guarantee and recognize these liberties and take the appropriate measures to punish those who plead guilty.

As a result, we can mention that many institutional and legislative achievements in the field of individual freedoms have been realized. However, one of the challenges in this field is the urgent establishment of the Constitutional Court which will control the constitutionality of the laws limiting and restricting individual liberties, so that the 2014 Constitution would not be a simple political program waiting for implementation in reality.

## ANNEX

### list of useful links

- Collectif civil pour les libertés individuelles, Rapport état des libertés individuelles en 2018 : Bas les masques, avril 2019, lien : [http://adlitn.org/sites/default/files/1.\\_rapport\\_etat\\_des\\_li\\_2019\\_version\\_integrale.pdf](http://adlitn.org/sites/default/files/1._rapport_etat_des_li_2019_version_integrale.pdf)
- Rapport du Collectif civil pour les libertés individuelles et Observatoire du droit à la différence, Les libertés individuelles lors des campagnes électorales de 2019 : [http://www.adlitn.org/sites/default/files/1.\\_rapport\\_lib\\_indiv\\_dans\\_les\\_campagnes\\_electorales\\_de\\_2019\\_version\\_integrale.pdf](http://www.adlitn.org/sites/default/files/1._rapport_lib_indiv_dans_les_campagnes_electorales_de_2019_version_integrale.pdf)
- Observatoire du droit à la différence, L'état des lieux du droit à la différence en Tunisie, entre acceptation et rejet de la diversité sociale, lien : <https://o3dt.org/wp-content/uploads/2019/01/O3DT-synthe%CC%80sejour%C3%A9-d%C3%A9tudes.pdf>
- Human Rights Watch, Le rapport mondial de l'année 2020 : <https://www.hrw.org/fr/world-report/2020/country-chapters/336802>
- Mohamed Anoir ZAYANI, L'appropriation de la proposition du code des libertés individuelles par les acteurs politiques, FIDH, LTDH, ADLI et ATFD par, Tunis, janvier 2020 : [http://www.adlitn.org/sites/default/files/2.\\_etude\\_appropriation\\_du\\_codil\\_fr\\_ar\\_web\\_0.pdf?fbclid=IwAR3TSKLe\\_EH441oTSHD-VfSRFzWVXaGd6twFD3Nlz6ax0lbmbwckyuW39o3g](http://www.adlitn.org/sites/default/files/2._etude_appropriation_du_codil_fr_ar_web_0.pdf?fbclid=IwAR3TSKLe_EH441oTSHD-VfSRFzWVXaGd6twFD3Nlz6ax0lbmbwckyuW39o3g)
- Groupe Tawhida Ben Cheikh, Enquête sur les connaissances, les attitudes et la pratique des jeunes en matière de sexualité et de santé sexuelle et reproductive. Disponible sur : <http://groupe-tawhida.com/DocumentsPublics/Enquetes/2019/GroupeTawhida-EnqueteGroupe-19090516.pdf>
- Humain Rights Watch, « Tunisie : Un manifestant affirme avoir été passé à tabac et agressé sexuellement » : <https://www.hrw.org/fr/news/2019/03/28/tunisie-un-manifestant-affirme-avoir-ete-passe-tabac-et-agresse-sexuellement>
- Enquête sur des agressions sexuelles dans une école coranique: Amnesty International appelle à remettre les enfants à leurs parents : <https://www.observatoire-securite.tn/fr/2019/02/04/enquete-sur-des-agressions-sexuelles-dans-une-ecole-coranique-amnesty-international-appelle-remettre-les-enfants-leurs-parents/>
- HRW, Tunisie : Un cafetier en prison à cause du Ramadan : <https://www.hrw.org/fr/news/2019/06/07/tunisie-un-cafetier-en-prison-cause-du-ramadan>
- ADLI, ATFD, FIDH, Groupe Tawhida, Centre Kawakibi, Observatoire pour la défense du droit à la différence, Terre d'Asile Tunisie, Contribution de la société civile à l'examen du sixième rapport de la Tunisie pour l'application du Pacte International relatif aux droits civils et politiques, Comité des droits de l'Homme, Session n°128, Genève 2-27 mars 2020, Tunis février 2020 : [http://www.adlitn.org/sites/default/files/pdcp\\_contribution\\_de\\_la\\_societe\\_civile\\_compil\\_2\\_mars\\_2020\\_2.pdf](http://www.adlitn.org/sites/default/files/pdcp_contribution_de_la_societe_civile_compil_2_mars_2020_2.pdf)

- Souhayma Ben Achour et Mohamed Amine Jelassi, FIDH, Lecture analytique pour l'adoption du code des droits et des libertés individuelles (CODLI), LTDH, ADLI et ATFD, janvier 2020 :  
[http://www.adlitn.org/sites/default/files/1.\\_etude\\_approche\\_juridique\\_des\\_libertes\\_individ\\_integrale\\_web.pdf](http://www.adlitn.org/sites/default/files/1._etude_approche_juridique_des_libertes_individ_integrale_web.pdf)
- ADLI, Revue de Presse mensuelle Libertés individuelles:  
[http://www.adlitn.org/sites/default/files/revue\\_de\\_presse\\_mensuelle\\_adli\\_sep\\_2019-converti.pdf](http://www.adlitn.org/sites/default/files/revue_de_presse_mensuelle_adli_sep_2019-converti.pdf)
- La LTDH appelle KaïsSaïed à affirmer son engagement en faveur de la liberté d'expression :  
<https://www.businessnews.com.tn/la-ltdh-appelle-kais-saied-a-affirmer-son-engagement-en-faveur-de-la-la-liberte-dexpres-sion,520,92056,3>
- ADLI, Libertés individuelles des étrangères et des étrangers en Tunisie : Les métèques de la République ! Réalisé par Souhayma Ben Achour : [http://www.adlitn.org/sites/default/files/0.\\_etude\\_les\\_meteques\\_de\\_la\\_republique\\_integrale\\_25\\_mai\\_2019.pdf](http://www.adlitn.org/sites/default/files/0._etude_les_meteques_de_la_republique_integrale_25_mai_2019.pdf)
- ADLI, Collectivités locales et libertés individuelles, livre collectif, sous-dir. Pr. Wahid Ferchichi, disponible sur le lien suivant :  
[http://www.adlitn.org/sites/default/files/1.\\_livre\\_adli\\_collectivites\\_locale\\_et\\_libertes\\_individuelles\\_version\\_integrale\\_web\\_17\\_dec\\_19.pdf](http://www.adlitn.org/sites/default/files/1._livre_adli_collectivites_locale_et_libertes_individuelles_version_integrale_web_17_dec_19.pdf)
- Le Collectif Civil des Libertés Individuelles et l'Observatoire pour la défense du droit à la différence, « Position des candidat.e.s en matière de libertés individuelles », 13 septembre 2019. Disponible sur : La page facebook officielle : Avocats Sans Frontières en Tunisie – ASF :  
[https://www.facebook.com/pg/ASF.Tunisie/photos/?tab=album&album\\_id=1465555840252960](https://www.facebook.com/pg/ASF.Tunisie/photos/?tab=album&album_id=1465555840252960)  
 (ce tableau est disponible dans le travail du collectif et odd)
- Communiqué : Encore un 17 mai dans l'homophobie et la transphobie légales et institutionnelles :  
[https://www.hrw.org/sites/default/files/supporting\\_resources/ccli\\_communique\\_17mai\\_vf\\_0.pdf](https://www.hrw.org/sites/default/files/supporting_resources/ccli_communique_17mai_vf_0.pdf)
- En Tunisie, une victime se retrouve derrière les barreaux Il faut mettre fin aux poursuites judiciaires pour « sodomie » et aux examens anaux forcés :  
<https://www.hrw.org/fr/news/2019/02/09/en-tunisie-une-victime-se-retrouve-derriere-les-barreaux>
- Être S : L'arbitraire des mesures de contrôle administratif en Tunisie :  
[http://omct-tunisie.org/wp-content/uploads/2019/12/Etre-S\\_Rapport\\_FR.pdf](http://omct-tunisie.org/wp-content/uploads/2019/12/Etre-S_Rapport_FR.pdf)
- Rapport alternatif pour l'examen du VIème Rapport périodique de la Tunisie par le comité des droits de l'Homme : <http://omct-tunisie.org/wp-content/uploads/2020/03/Rapport-Alternatif.pdf>
- Contribution de la société civile l'examen du VIème Rapport périodique de la Tunisie par le comité des droits de l'Homme, pour l'application du Pacte relatif aux droits civils et politiques, ADLI, ATFD, FIDH, Groupe Tawhida Bechikh, Kawakibi Center, Observatoire du droit à la différence, Terre d'Asile, février 2020. Disponible sur le lien : [http://adlitn.org/sites/default/files/pdcp\\_contribution\\_de\\_la\\_societe\\_civile\\_com-pil\\_2\\_mars\\_2020\\_2.pdf](http://adlitn.org/sites/default/files/pdcp_contribution_de_la_societe_civile_com-pil_2_mars_2020_2.pdf)



