



ال نقابة الوطنية للصحفيين التونسيين
Syndicat National des Journalistes Tunisiens



The Tahrir Institute
for Middle East Policy

**Committee to Protect Journalists
National Syndicate for Tunisian Journalists
The Tahrir Institute for Middle East Policy**

**Joint Stakeholder Submission to the UN Human Rights Council
Universal Periodic Review – Republic of Tunisia**

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State of Freedom of Expression and Press Freedom in Tunisia

Committee to Protect Journalists (CPJ) is an independent nonprofit organization that promotes press freedom worldwide. CPJ defends the right of journalists to report the news safely and without fear of reprisal.

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I. Introduction

1. This joint submission documents a deterioration in the state of press freedom and safety of journalists in the Republic of Tunisia [hereinafter *Tunisia*] within the context of its national legal framework and international human rights law obligations. It contains:
 - Previous relevant UPR recommendations
 - Legal framework
 - Press freedom violations
 - Recommendations
2. The information presented in this submission is based on evidence collected by the Committee to Protect Journalists (CPJ), the National Syndicate for Tunisian Journalists (SNJT), and the Tahrir Institute for Middle East Policy (TIMEP) in collaboration with local human rights defenders, journalists, and lawyers.

II. Prior Relevant UPR Recommendations

3. Tunisia underwent its first UPR cycle in April 2008, its second UPR cycle in May 2012, and its third UPR cycle in May 2017.
4. In its third and most recent UPR cycle, Tunisia supported seven recommendations related to press freedom and/or freedom of expression, including to:
 - a. Accelerate the implementation of laws on freedom of expression to ensure alignment with international standards (125.92; A/HRC/36/5)¹; align the legal framework governing freedom of the press, publication, and audiovisual communication with international standards (125.90; A/HRC/36/5)²; strengthen its legislation on freedom of expression (125.88; A/HRC/36/5)³; strengthen implementation of legislation on freedom of expression and access to information (125.86; A/HRC/36/5)⁴; and replace decrees No. 115 and No. 116 from 2011 on press and audiovisual communication with legislation in line with the Constitution (125.87; A/HRC/36/5)⁵;
 - b. Continue enhancing freedom of information and the rights of journalists (125.89; A/HRC/36/5)⁶; and
 - c. Ensure respect for human rights while combating terrorism by ensuring the right to freedom of expression (125.58; A/HRC/36/5)⁷.
5. Tunisia supported 15 recommendations related to press freedom and/or freedom of expression in its second UPR cycle and noted one; while supporting one relevant recommendation in its first UPR cycle. These recommendations called on Tunisia, among other things, to adopt legislation and measures to guarantee freedom of expression, freedom of information, and press freedom; and to pursue policy measures toward media plurality and independence. (114.2⁸, 114.55⁹, 114.56¹⁰, 114.57¹¹, 114.58¹², 114.59¹³, 114.60¹⁴, 114.61¹⁵, 114.62¹⁶, 114.63¹⁷, 114.64¹⁸, 114.73¹⁹, 115.14²⁰, 115.4²¹, 117.3 *noted*²²; A/HRC/21/5) (83.7; A/HRC/8/21).²³

III. Legal Framework

6. Tunisia's international legal obligations, including under the International Covenant on Civil and Political Rights (ICCPR), and its **2014 Constitution**²⁴ commit it to protecting the right to freedom of expression, which includes freedom of the press. Article 31 of Tunisia's Constitution states: "Freedom of opinion, thought, expression, information, and publication shall be guaranteed. These freedoms shall not be subject to prior censorship." Article 32 adds: "The state guarantees the right to information and the right of access to information and communication networks." Article 127 stipulates the creation of an Audio-Visual Communication Commission that "is responsible for the regulation and development of the audio-visual communication sector" and that is dedicated to ensuring "freedom of expression and information, and the establishment of a pluralistic media sector that functions with integrity." It states that the Commission must be consulted on draft laws in its areas of competence.
7. The primary laws governing the press in Tunisia are **Decree Law No. 115 of 2011 on Press, Printing, and Publishing**²⁵ and **Decree Law No. 116 of 2011 on the Freedom of Audiovisual Communication and the Creation of an Independent High Authority for Audiovisual Communication**, both of which went into effect in November 2011 in the months following the ousting of the Ben Ali regime in January 2011.²⁶ Decree Law No. 115 establishes the legal framework regulating the media space, abolishes prison sentences for defamation, guards the industry from state intervention, and protects journalists from physical and moral attacks.²⁷ Decree Law No. 116 creates the Independent High Authority for Audiovisual Communication (HAICA), which grants licenses, sets professional and ethical standards, and monitors media content, regulating the sector more generally.²⁸
8. Though Decree Law No. 115 and Decree Law No. 116 were meant to be temporary measures that would eventually be replaced by organic laws to complement the 2014 Constitution, they remain on the books today. Additionally, and though HAICA was meant to be a temporary body, its replacement—stipulated for in the constitution—has not yet been created.
9. Tunisia's **Organic Law No. 22 of 2016 on Access to Information** requires all government bodies, public agencies, and organizations and agencies that receive government funding to publish certain types of information on a public-facing website that is kept up-to-date at least once every three months and to make various types of information available to the public upon request; the law sets forth some exceptions for which information need not be disclosed, including "damage to security or national defense." Many of those who make information requests are journalists and members of the press. The law establishes an entity to oversee implementation, called the Access to Information Authority (INAI). Though the law is widely-celebrated as "one of the most progressive access to information laws in the world," some executive bodies have refused to comply with information requests, creating gaps in implementation that have not been sufficiently addressed.²⁹ Further, civil society organizations have noted that additional steps are necessary to establish a culture around the right to information among state entities.³⁰
10. Despite the protections laid forth in Decree Law No. 115, authorities have leveraged a number of Ben Ali-era laws to restrict press freedom and freedom of expression since the last UPR cycle. This includes articles of the **Telecommunications Code**³¹ and the **Penal Code**³², anti-

terrorism laws, and the Code of Military Justice.³³ Under the Penal Code, a number of expression-related offenses continue to be criminalized, including insulting public officials, offenses against public morals, and defamation. Article 86 of the Telecommunications Code sets forth a punishment for any person who harms or disturbs the tranquility of other persons through telecommunication networks.

11. **Organic Law No. 26 of 2015 on Combating Terrorism and Money Laundering**³⁴ sets forth vague definitions for various offenses that can be instrumentalized with wide discretion against non-violent forms of dissent, including against journalists, bloggers, and social media users.³⁵ The law additionally grants authorities extensive surveillance powers and creates a specialized unit of judges to hear terrorism cases under limited due process protections. The law does provide journalists with immunity from prosecution for refusing to reveal sources when reporting on terrorism.³⁶ Though **Organic Law No. 9 of 2019**³⁷ amended the law and clarified some of the vague legal language in the original text, many problematic provisions remain.
12. Since the last UPR cycle, Tunisian authorities have introduced draft legislation that although not successfully passed, would constitute alarming escalations against press freedom and the right to freedom of expression, including a **police protection bill**³⁸ that would have set forth criminal penalties for speech denigrating the police, **an amendment to Decree Law No. 116**³⁹ that would have significantly undermined the independence of the HAICA, and an **amendment to the Penal Code**⁴⁰ that would have furthered restrictions on freedom of expression under the pretense of addressing false news.
13. In the months since President Saïed's July 25, 2021 announcement declaring that he would freeze the parliament, dismiss the prime minister, suspend much of the constitution, and rule by temporary decree, legal measures have been taken and/or suggested that may further implicate press freedom and freedom of expression at large. These include the dismissal of the **Supreme Judicial Council**, which raises concerns about the independence of the judiciary, and potential amendments to **Decree Law No. 88 of 2011 on the Regulation of Associations**⁴¹, which may affect the work of those in the knowledge production, media, and expression spaces more generally.⁴² The roadmap created by Saïed's decisions, including **Decree No. 117 of 2021**, puts the country on the path toward, among other things, the drafting of a new constitution—raising additional concerns about the future of the gains that had been made in and entrenched into Tunisia's 2014 Constitution.⁴³

IV. Press Freedom Violations

14. Since Tunisia's last UPR in May 2017, the situation of press freedom and the safety of journalists in the country has deteriorated significantly, especially following the July 25, 2021 events.
15. Between May 1, 2017 and January 31, 2022, the SNJT recorded **at least 867 attacks on journalists**.⁴⁴ Of the total count of attacks recorded by the SNJT, **state security forces have consistently led as the top aggressors** against journalists with 208 attacks—24 percent of the total attacks that threatened the safety of journalists and disrupted their work.

16. The following breaks down this broad-view data thematically with respect to rights violated and corresponding threats faced by journalists in Tunisia with demonstrative cases in each subsection. The subsections cover violations or impediments to the realization of the rights to:

- A. Freedom of expression
 - i. Physical and verbal threats, harassment, and attacks
 - ii. Incitement to violence and hatred
 - iii. Censorship
 - iv. Raiding media outlets
- B. Access to information
- C. Liberty and freedom from arbitrary detention

A. Freedom of expression

17. The fundamental right to freedom of expression is vital to hold the powerful to account and journalists and media workers hold the lifeline to this right. Freedom of expression also plays a central, underpinning part in protecting and upholding the other rights outlined in this submission. *Persons exercising their right to freedom of expression through journalism must be allowed to practice their work without undue interference or restriction.* In contrary, the following section presents data and raises specific instances over the course of this reporting period when journalists and media workers have been targeted in connection to their work in Tunisia.

i. Physical and verbal threats, harassment, and attacks

18. The **violation of the physical and psychological integrity of journalists** results in crimes that require legal prosecution. During the past five years, the physical and psychological safety of journalists has been targeted on up to 229 occasions according to SNJT data, most notably by security forces and parliamentarians.

19. During this period, the physical safety of journalists was targeted in at least 103 cases during the past five years, 40 incidents of which were committed by security forces. Security forces ranked first in violent attacks against journalists, followed by several civilian parties such as protestors and other citizens.

20. A particularly brazen attack occurred on September 18, 2017, when Tunisian police beat Hamdi al-Souissi, a reporter for the local radio station Diwan FM; seized Souissi's recording equipment; detained him; and questioned him for two hours at a precinct in Sfax. He was covering a sit-in organized by parents to protest against a teacher who they accused of being an "atheist" and a "bad influence" on their children.⁴⁵

21. Authorities have also prevented journalists from doing their jobs on multiple occasions, including following protests over the government's handling of the COVID-19 pandemic in July 2021 and the July 25, 2021, events that followed. During this period, attacks and excessive use of force by Tunisian security forces and protestors on journalists covering protests rose sharply.

22. On July 25, 26, and 28, 2021, protestors and security forces in Tunis, assaulted and harassed at least nine journalists covering demonstrations and other events.⁴⁶
23. On July 25, unidentified protestors threw rocks at Yassine Gaidi, a photojournalist at the Turkish-owned Anadolu Agency, hitting him in the head and legs, and leaving him needing stitches on his legs at a local hospital. Protesters also threw rocks and water bottles at Yosra Chikhaoui, a reporter for the independent news website Hakaek Online; Zied Hosni, a reporter for privately owned radio station Shems FM; and freelance photojournalist Mohamed Tata, resulting in multiple bruises on their bodies.
24. On the same day, security forces grabbed Hamza Kriistou, a photojournalist for the state-run news agency Tunis Afrique Presse, by his back and arms to stop him from covering the protests in Bardo.
25. On July 26, protestors shoved Walid Abdallah, a correspondent for Saudi news channel Al-Arabiya, while reporting live⁴⁷, and called him a spy while he attempted to cover the protests.
26. On July 28, plainclothes police officers briefly detained a New York Times reporting team consisting of Cairo Bureau Chief Vivian Yee, Tunis correspondent Massinissa Benlakehal, and a third journalist who did not want their name disclosed. The team was covering protests in Tunis' al-Tamadon neighbourhood when officers detained them and brought them to a local police station to check their documentation. Police held the team for about two hours, questioned Benlakehal, and then released the journalists without charge.⁴⁸
27. Including and outside of these particularly turbulent periods in Tunisia during this span of reporting when protests took place, the SNJT documented 47 physical attacks by security forces. These attacks were targeted at journalists despite the ability of the security forces to distinguish them from the protestors and despite the journalists' respect for safety rules in the field, i.e., journalists and media workers indicating their profession by wearing press vests.
28. With regard to verbal threats, the SNJT recorded up to 120 verbal attacks on journalists. Official authorities were responsible for the attacks on many occasions. People's representatives verbally attacked journalists on ten occasions, and security forces on 12 occasions. The rest of the parties were divided between average citizens and other actors such as politicians and social media users.
29. From a gendered perspective, in 2021 alone, the SNJT documented **numerous attacks against female journalists**, including six cases of sexual harassment, three of which were brought to the judiciary, but none of which have been investigated; and two cases where the social media accounts of two female journalists were hacked. Both cases were brought to the judiciary, and neither were investigated.
30. Furthermore, women journalists Sofian Chourabi and Nadhir El Ktari remain missing since September 8, 2014, following their disappearance while reporting in Libya. The State's effort to resolve these cases has been insufficient.⁴⁹

ii. Incitement to violence and hatred

31. Direct incitement to violence against journalists threatens journalists and puts their physical and psychological safety at risk. In monitoring this, the SNJT assigns two basic classifications: incitement, where the perpetrator incites audiences against media outlets or journalists, and threats, where the perpetrator directly threatens the journalist. The SNJT recorded 130 attacks against journalists during this review period. Journalists were the victims of 78 cases of incitement by a range of parties, including people's representatives, politicians, social media users, and supporters of political parties.
32. Incitement to violence and hatred have manifested particularly against female journalists. Several campaigns against women journalists were launched on social networks based on their gender for their journalistic work. These campaigns compromised their private lives and generated a hostile climate for the practice of journalistic work, pushing the voices of women outside of the public sphere.
33. Journalist Wasal Al-Kasrawi notably had a campaign of incitement and defamation launched against her by a group of security forces over Tunisia's celebration of National Women's Day on August 13, 2020.⁵⁰ Triggered by her criticism of their performance, the group of security forces made repeated profane and degrading sex-based comments over their social media pages and directly threatened to retaliate against her.
34. During the height of several crises, journalists were put at risk when threats to inflict danger were made. The SNJT recorded 52 cases of threats against journalists by politicians, parties on social media networks, and citizens, and amongst others. The State has only intervened in a limited number of these cases to support the safety of journalists.

iii. Censorship

35. Since the last UPR, the judiciary has increasingly prevented the broadcasting of media content, citing the secrecy of investigations into public opinion cases. This type of censorship is constitutionally prohibited, and thus bypasses the role of the amendment structure authorized by law, the HAICA, which can intervene to verify the extent to which the confidentiality of investigations is respected. The judiciary intervened by preventing the broadcast of media content on more than five occasions, while issuing statements attacking the media on three occasions, while the Public Prosecution raised cases against journalists on more than ten occasions.
36. Between May 2017, and January 2022, the SNJT found that the judicial authority exercised prior control over media content through the Public Prosecution and the investigative judges issuing decisions to ban publication, in violation of Decree 116.
37. The judiciary imposed prior censorship on eight occasions, while the security forces sought to censor content by attempting to take and destroy journalist equipment on four occasions. On the other hand, the media practiced clamouring on six occasions through the arbitrary interference of the administration of media institutions in editing.

iv. Raiding media outlets

38. In recent years, **media outlets and newsrooms have come under physical attack** by or been subject to violence by security forces.
39. Security forces were involved in attacks commissioned by the Tunisian Ministry of the Interior on two occasions after July 25, 2021. On that day, they raided and closed the office of Al-Jazeera in Tunisia⁵¹, and in January 2022, they stormed into the direct broadcast rooms of Tunisian public television.
40. Administrative obstacles and internal circulars⁵² regulating journalists constituted illegal obstacles to the work of journalists. Journalists were victims of blocking, bans, and restrictions—the most dangerous of which were the governments’ efforts to issue circulars such as Circular Nos. 4⁵³, 19⁵⁴ and 20⁵⁵ for public administrations and state employees.

B. Right to access information

41. Gauging a State’s respect for the right to access information requires assessment of its adherence to what has become known as the “three-part test” set out in Article 19(3) of the International Covenant on Civil and Political Rights. For restrictions to be justified in line with the “three-part test” they must be: i) provided for in law; ii) pursue a legitimate aim; and iii) necessary for a legitimate purpose.⁵⁶
42. Between May 1, 2017, to January 31, 2022, SNJT documentation shows that Tunisian journalists and media workers experienced **severe impediments to obtain sources and access information** that cannot be justified under “three-part test.” Of the 867 attacks recorded by the SNJT during that period, **394 were related to the right to obtain and access information**—approximately 45 percent of the total number of attacks.
43. The SNJT registered 206 official requests by journalists requesting access to information, all of which were rejected due to obstacles imposed by security forces, public officials, and other entities. Journalists and media workers were impeded by restrictions and prevention measures in the course of their work and upon refusal of authorization to work in public institutions.
44. Some state institutions, such as the institutions of the Presidency of the Republic and the Presidency of the Government, imposed restrictions that impede the right to freedom of information or that prevent equal opportunities between various media institutions in obtaining information and, in turn, a citizen’s right to a free, pluralistic, and transparent media. Official bodies were notably responsible for this type of attack, namely security forces, members of parliament, the presidency, the presidency of the government, and the governors.
45. During the visit of Algerian President Abdelmadjid Tebboune to Tunisia in December 2021, authorities only allowed state media institutions to attend the conference, banning all from addressing questions to the president.⁵⁷

C. Right to liberty and freedom from arbitrary detention

46. In accordance with the United Nations Working Group on Arbitrary Detention, the deprivation of liberty is arbitrary when it results from the exercise of core human rights, including the rights to opinion, access to information, and expression.⁵⁸

47. Since May 2017, and especially following the events of July 25, 2021, CPJ and SNJT research shows that the number of **arbitrary detentions, judicial harassment and prosecutions of journalists and media figures by Tunisian authorities**, on vague charges unrelated to media laws nor in line with basic tenets of international human rights law, has risen significantly.
48. Since May 2017, the SNJT recorded up to 24 cases of arbitrary detention, 20 of which were carried out by security forces.
49. SNJT began to monitor detention by security forces in October 2017 and after setting up a crisis cell at the Ministry of the Interior to intervene in coordination with a unit specialized in monitoring attacks on journalists. This cell has continued to intervene in all cases of arbitrary detention of journalists.
50. The SNJT has documented at least 62 cases of journalists being prosecuted outside the framework of the laws regulating their work. There were three cases where the State inappropriately relied on general texts to prosecute journalists to impose freedom-restricting penalties. There were five cases where the Public Prosecution relied on laws that contradict the right to freedom of expression, including the Anti-Terrorism Law, the Penal Code, and the Telecommunications Code, amongst others.
51. Over the past five years, the Tunisian judiciary has handed down three prison sentences for journalistic work against journalists. Notably, journalist and writer Tawfik Ben Brik was charged with insult and defamation of public officials and later sentenced in July 2020 for one year with immediate effect.⁵⁹
52. Judicial harassment is exemplified in the case of Sami Ben Gharbia, the cofounder of the independent news website Nawaat, who was interrogated for six hours on May 3, 2017, by officers from the Tunisian National Guard's Central Investigation Brigade. The officials demanded that he reveal the sources of an April 24 article about a draft economic and financial reconciliation law. On May 9, Ben Gharbia answered a summons to appear before the Tunis First Court as a witness in a case against an employee from the presidential palace suspected of involvement in the leak. During the hearing, Ben Gharbia discovered that authorities had logged all incoming and outgoing calls from his personal phone.⁶⁰
53. More recently, CPJ documented the Tunisian police's arrest of Amer Ayad, a talk show host for privately-owned channel Zaytouna TV, at his home in Tunis, on October 3, 2021, on orders from the military judiciary, which accused him of conspiring against state security. On October 5, the investigative judge at the Permanent Military Court ordered the continued detention of Ayad, pending an investigation.⁶¹
54. Furthermore, on December 21, 2021, a Sfax court sentenced blogger Myriam Bribri to four months in prison and a fine of 500 TND after convicting her of "offending and harming the honor of two security officers."⁶²

D. Recommendations

55. In light of the aforementioned findings, CPJ, SNJT, and TIMEP call on States participating in the UPR process to make the following recommendations for Tunisia to:

1. Take appropriate legislative steps to ensure that Tunisia's media regulations, laws, and state practices are brought in line with international human rights standards and Article 19 of the International Covenant on Civil and Political Rights.
2. Establish and implement an effective and independent national action plan for improving the safety of journalists, which would include *inter alia* all security sector and judicial reforms necessary to ensure that journalists and media workers can practice their profession in a free and safe environment.
3. Issue official statements to call on law enforcement authorities and civilians to immediately stop using violence against journalists covering protests and to unequivocally condemn such acts of violence.
4. Give priority to ensuring effective safety measures are put in place to protect the physical safety and psychological integrity of journalists covering protests and public events.
5. Conduct impartial investigations into all cases of attacks, harassment, and intimidation of local and international journalists, media outlets, and press freedom groups, and hold those responsible to account, as well as immediately address impunity for all past crimes committed against journalists.
6. Stop government interference in media content and halt the prosecution of bloggers and journalists over their social media posts.
7. Conduct impartial, transparent, and timely investigations into all incidents of sexual harassment, threats, and attacks against women journalists to protect their safety.
8. Release all detained and convicted journalists and bloggers under abovementioned laws, such as the Penal Code and the Military Justice Code.
9. Resist any attempts to amend Decree 115 in any way that undermines the guaranteed legal protections for journalists and opinion holders.
10. Translate Decree Law No. 115 into an organic law that enshrines and ensures the protections guaranteed under the decree to protect journalists and freedom of expression.
11. Protect the independence of Tunisia's media regulatory body (HAICA) and ensure the passing of the organic law on audiovisual regulation that guarantees a permanent legal framework for the audiovisual sector by creating the Audiovisual Communication Commission (ICA) in a manner that guarantees independence of its structure and operations.

12. Stop raiding local and international media outlets, and confiscating their equipment, in general and especially during periods of political turmoil.
13. Ease the conditions of obtaining press accreditations and licenses by media outlets and foreign journalists.

¹ Accelerate the implementation of the laws on the freedom of expression, assembly and association and to ensure alignment with international standards, including under possible emergency measures (Finland).

² Align the legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards (Romania).

³ Strengthen legislation on freedom of expression and conscience (Lebanon).

⁴ Strengthen the implementation of legislation in the areas of freedom of expression, access to information and non-discrimination and ensure that all relevant laws are fully in line with the Constitution (Czech Republic).

⁵ Replace decrees No. 115 and No. 116 from 2011 on press and audiovisual communication with legislation that is in line with article 65 of the Constitution relating to information, the press and publishing, and article 127 of the Constitution (Denmark).

⁶ Continue enhancing freedom of information and the rights of journalists (Lebanon).

⁷ Ensure respect for human rights while combating terrorism by ensuring the right to a fair trial and due process and freedom of expression (Peru).

⁸ Introduce a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, protect media pluralism and guarantee freedom of speech and access to information and education (Thailand).

⁹ Adopt measures to guarantee adequate protection and respect for the right to information, and freedoms of expression, and the press (Spain); Take further steps in order to guarantee freedom of expression, including freedom of expression on the internet (Greece); Adopt appropriate legislation to ensure better protection for the freedom of expression, the freedom of the press, and the freedom of information (Congo); Guarantee in law and in fact the freedom of expression, freedom of the press and freedom of assembly and association, in conformity with ICCPR (France).

¹⁰ Include freedom of expression, press freedom and access to information in the Constitution (Netherlands).

¹¹ Continue pursuing policy measures towards media plurality and independence (Slovakia).

¹² Take appropriate measures to ensure that freedoms of assembly and expression are not threatened, and to combat impunity of those identified as responsible for human rights violations (Sweden).

¹³ Revise remnants of Ben Ali-era legal code that stifle the freedoms of expression, assembly, and religion so as to fully protect those rights in accordance with international human rights law (United States).

¹⁴ Take all measures to protect journalists in the fulfilment of their mission by implementing the provisions of the new Press Code which criminalize aggressions against them (Austria).

¹⁵ Implement as soon as possible Decree laws 115 and 116 and establish promptly a high independent authority for media and communication (Switzerland).

¹⁶ Take measures to ensure that its national legislation is fully aligned with the international human rights obligations undertaken, including laws affecting the realisation of the freedom of expression and assembly (Finland).

¹⁷ Continue the process of political reforms, especially to ensure freedom of expression, freedom of thought and the right to demonstrate (Chile).

¹⁸ Make further efforts to ensure the freedom of the media, the freedom of expression and the freedoms of thought and belief, continue to lay solid foundations for a democratic system, and strive to achieve economic and social development (Lebanon).

¹⁹ Integrate into the new Constitution important human rights guarantees, including the right to non-discrimination, freedom of expression, association and assembly, the independence of the judiciary, protection from torture and other forms of ill-treatment, the protection of the rights of the minorities, the right to life, and the protection of economic, social and cultural rights (Germany).

²⁰ Ensure that the fundamental rights to freedom of expression, association and assembly will be guaranteed in the future Constitution, in line with Tunisia's international obligations (Belgium).

²¹ Ensure that police officers and security personnel receive adequate human rights training and clear instructions with regard to their duty to respect human rights at all times, including the right to freedom of expression, association and peaceful assembly (Canada).

²² Eliminate provisions criminalizing defamation (Czech Republic).

²³ Encourages the reinforcement of freedom of expression and assembly in particular through the revision of article 51 of the Press Code. (Belgium, Sweden and United States of America).

²⁴ Constitution, 2014, <https://bit.ly/3iHYGkh>.

²⁵ Decree Law No. 115 of 2011 on Press, Printing, and Publishing, <https://bit.ly/3DIB4Lz>.

²⁶ The Conversation, "Ben Ali: The Tunisian autocrat who laid the foundations for his demise," October 7, 2019, <https://bit.ly/3uzR1Ko>.

²⁷ Internet Legislation Atlas, "Regulation of online content," <https://bit.ly/3qKS1u5>.

²⁸ Joan Barata Mir, "The New Tunisian Legislative Framework: A Focus on Press and Audiovisual Media," Internews, February 2012, <https://bit.ly/3qMXa17>.

²⁹ iWatch, "Access To Information: A story of resistance from Tunisia," January 6, 2020, <https://bit.ly/3wMEsOJ>.

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- ³⁰ TIMEP, “Access to Information in Tunisia,” June 25, 2021, <https://bit.ly/3LsCmaK>.
- ³¹ Telecommunications Code, <https://bit.ly/3NphHWC>.
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- ³³ Amnesty International, “Tunisia: Freedom of expression at risk as prosecutions rise,” November 9, 2020, <https://bit.ly/372ceoc>.
- ³⁴ Organic Law No. 26 of 2015 on Combating Terrorism and Money Laundering, <https://bit.ly/3tPcfVj>.
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- ³⁶ Freedom House, “Tunisia: Freedom on the Net 2016,” <https://bit.ly/3uBK18T>.
- ³⁷ Organic Law No. 9 of 2019, <https://bit.ly/3JQGTDr>.
- ³⁸ Rima Sghaier, “Rights groups in Tunisia mobilize against police protection bill,” Global Voices, October 9, 2020, <https://bit.ly/3uHio5j>.
- ³⁹ Article 19, “Tunisia: Human rights organisations call on Tunisian Parliament not to pass amendment to Law on Freedom of Audiovisual Communication,” October 19, 2020, <https://bit.ly/3NI27FZ>.
- ⁴⁰ Access Now, “Tunisia: human rights groups call for withdrawal of draft law that threatens free expression during COVID-19,” March 31, 2020, <https://bit.ly/3JXRuws>.
- ⁴¹ Sheridan Cole, Amy Hawthorne, and Zachary White, “Kaïs Saïed’s Next Target in Tunisia: Civil Society,” POMED, February 24, 2022, <https://bit.ly/3tOOJYp>.
- ⁴² Article 19, “Tunisia: Where poems lead to prison,” February 5, 2022, <https://bit.ly/3DjQY9s>.
- ⁴³ Zaid al-Ali, “Tunisia’s president just gave himself unprecedented powers. He says he’ll rule by decree.,” Washington Post, September 24, 2021, <https://wapo.st/38bE14O>.
- ⁴⁴ Data provided from the SNJT has been tabulated from the sum of the monitoring outlined in their annually published reports. These reports have been attached as annexes to this submission.
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ال نقابة الوطنية للصحفيين التونسيين
Syndicat National des Journalistes Tunisiens



The Tahrir Institute
for Middle East Policy

**Committee to Protect Journalists
National Syndicate for Tunisian Journalists
The Tahrir Institute for Middle East Policy**

**Joint Stakeholder Submission to the UN Human Rights Council
Universal Periodic Review – Republic of Tunisia**

41st Session (November 2022)

State of Freedom of Expression and Press Freedom in Tunisia

Committee to Protect Journalists (CPJ) is an independent nonprofit organization that promotes press freedom worldwide. CPJ defends the right of journalists to report the news safely and without fear of reprisal.

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I. Introduction

1. This joint submission documents a deterioration in the state of press freedom and safety of journalists in the Republic of Tunisia [hereinafter *Tunisia*] within the context of its national legal framework and international human rights law obligations. It contains:
 - Previous relevant UPR recommendations
 - Legal framework
 - Press freedom violations
 - Recommendations
2. The information presented in this submission is based on evidence collected by the Committee to Protect Journalists (CPJ), the National Syndicate for Tunisian Journalists (SNJT), and the Tahrir Institute for Middle East Policy (TIMEP) in collaboration with local human rights defenders, journalists, and lawyers.

II. Prior Relevant UPR Recommendations

3. Tunisia underwent its first UPR cycle in April 2008, its second UPR cycle in May 2012, and its third UPR cycle in May 2017.
4. In its third and most recent UPR cycle, Tunisia supported seven recommendations related to press freedom and/or freedom of expression, including to:
 - a. Accelerate the implementation of laws on freedom of expression to ensure alignment with international standards (125.92; A/HRC/36/5)¹; align the legal framework governing freedom of the press, publication, and audiovisual communication with international standards (125.90; A/HRC/36/5)²; strengthen its legislation on freedom of expression (125.88; A/HRC/36/5)³; strengthen implementation of legislation on freedom of expression and access to information (125.86; A/HRC/36/5)⁴; and replace decrees No. 115 and No. 116 from 2011 on press and audiovisual communication with legislation in line with the Constitution (125.87; A/HRC/36/5)⁵;
 - b. Continue enhancing freedom of information and the rights of journalists (125.89; A/HRC/36/5)⁶; and
 - c. Ensure respect for human rights while combating terrorism by ensuring the right to freedom of expression (125.58; A/HRC/36/5)⁷.
5. Tunisia supported 15 recommendations related to press freedom and/or freedom of expression in its second UPR cycle and noted one; while supporting one relevant recommendation in its first UPR cycle. These recommendations called on Tunisia, among other things, to adopt legislation and measures to guarantee freedom of expression, freedom of information, and press freedom; and to pursue policy measures toward media plurality and independence. (114.2⁸, 114.55⁹, 114.56¹⁰, 114.57¹¹, 114.58¹², 114.59¹³, 114.60¹⁴, 114.61¹⁵, 114.62¹⁶, 114.63¹⁷, 114.64¹⁸, 114.73¹⁹, 115.14²⁰, 115.4²¹, 117.3 *noted*²²; A/HRC/21/5) (83.7; A/HRC/8/21).²³

III. Legal Framework

6. Tunisia's international legal obligations, including under the International Covenant on Civil and Political Rights (ICCPR), and its **2014 Constitution**²⁴ commit it to protecting the right to freedom of expression, which includes freedom of the press. Article 31 of Tunisia's Constitution states: "Freedom of opinion, thought, expression, information, and publication shall be guaranteed. These freedoms shall not be subject to prior censorship." Article 32 adds: "The state guarantees the right to information and the right of access to information and communication networks." Article 127 stipulates the creation of an Audio-Visual Communication Commission that "is responsible for the regulation and development of the audio-visual communication sector" and that is dedicated to ensuring "freedom of expression and information, and the establishment of a pluralistic media sector that functions with integrity." It states that the Commission must be consulted on draft laws in its areas of competence.
7. The primary laws governing the press in Tunisia are **Decree Law No. 115 of 2011 on Press, Printing, and Publishing**²⁵ and **Decree Law No. 116 of 2011 on the Freedom of Audiovisual Communication and the Creation of an Independent High Authority for Audiovisual Communication**, both of which went into effect in November 2011 in the months following the ousting of the Ben Ali regime in January 2011.²⁶ Decree Law No. 115 establishes the legal framework regulating the media space, abolishes prison sentences for defamation, guards the industry from state intervention, and protects journalists from physical and moral attacks.²⁷ Decree Law No. 116 creates the Independent High Authority for Audiovisual Communication (HAICA), which grants licenses, sets professional and ethical standards, and monitors media content, regulating the sector more generally.²⁸
8. Though Decree Law No. 115 and Decree Law No. 116 were meant to be temporary measures that would eventually be replaced by organic laws to complement the 2014 Constitution, they remain on the books today. Additionally, and though HAICA was meant to be a temporary body, its replacement—stipulated for in the constitution—has not yet been created.
9. Tunisia's **Organic Law No. 22 of 2016 on Access to Information** requires all government bodies, public agencies, and organizations and agencies that receive government funding to publish certain types of information on a public-facing website that is kept up-to-date at least once every three months and to make various types of information available to the public upon request; the law sets forth some exceptions for which information need not be disclosed, including "damage to security or national defense." Many of those who make information requests are journalists and members of the press. The law establishes an entity to oversee implementation, called the Access to Information Authority (INAI). Though the law is widely-celebrated as "one of the most progressive access to information laws in the world," some executive bodies have refused to comply with information requests, creating gaps in implementation that have not been sufficiently addressed.²⁹ Further, civil society organizations have noted that additional steps are necessary to establish a culture around the right to information among state entities.³⁰
10. Despite the protections laid forth in Decree Law No. 115, authorities have leveraged a number of Ben Ali-era laws to restrict press freedom and freedom of expression since the last UPR cycle. This includes articles of the **Telecommunications Code**³¹ and the **Penal Code**³², anti-

terrorism laws, and the Code of Military Justice.³³ Under the Penal Code, a number of expression-related offenses continue to be criminalized, including insulting public officials, offenses against public morals, and defamation. Article 86 of the Telecommunications Code sets forth a punishment for any person who harms or disturbs the tranquility of other persons through telecommunication networks.

11. **Organic Law No. 26 of 2015 on Combating Terrorism and Money Laundering**³⁴ sets forth vague definitions for various offenses that can be instrumentalized with wide discretion against non-violent forms of dissent, including against journalists, bloggers, and social media users.³⁵ The law additionally grants authorities extensive surveillance powers and creates a specialized unit of judges to hear terrorism cases under limited due process protections. The law does provide journalists with immunity from prosecution for refusing to reveal sources when reporting on terrorism.³⁶ Though **Organic Law No. 9 of 2019**³⁷ amended the law and clarified some of the vague legal language in the original text, many problematic provisions remain.
12. Since the last UPR cycle, Tunisian authorities have introduced draft legislation that although not successfully passed, would constitute alarming escalations against press freedom and the right to freedom of expression, including a **police protection bill**³⁸ that would have set forth criminal penalties for speech denigrating the police, **an amendment to Decree Law No. 116**³⁹ that would have significantly undermined the independence of the HAICA, and an **amendment to the Penal Code**⁴⁰ that would have furthered restrictions on freedom of expression under the pretense of addressing false news.
13. In the months since President Saïed's July 25, 2021 announcement declaring that he would freeze the parliament, dismiss the prime minister, suspend much of the constitution, and rule by temporary decree, legal measures have been taken and/or suggested that may further implicate press freedom and freedom of expression at large. These include the dismissal of the **Supreme Judicial Council**, which raises concerns about the independence of the judiciary, and potential amendments to **Decree Law No. 88 of 2011 on the Regulation of Associations**⁴¹, which may affect the work of those in the knowledge production, media, and expression spaces more generally.⁴² The roadmap created by Saïed's decisions, including **Decree No. 117 of 2021**, puts the country on the path toward, among other things, the drafting of a new constitution—raising additional concerns about the future of the gains that had been made in and entrenched into Tunisia's 2014 Constitution.⁴³

IV. Press Freedom Violations

14. Since Tunisia's last UPR in May 2017, the situation of press freedom and the safety of journalists in the country has deteriorated significantly, especially following the July 25, 2021 events.
15. Between May 1, 2017 and January 31, 2022, the SNJT recorded **at least 867 attacks on journalists**.⁴⁴ Of the total count of attacks recorded by the SNJT, **state security forces have consistently led as the top aggressors** against journalists with 208 attacks—24 percent of the total attacks that threatened the safety of journalists and disrupted their work.

16. The following breaks down this broad-view data thematically with respect to rights violated and corresponding threats faced by journalists in Tunisia with demonstrative cases in each subsection. The subsections cover violations or impediments to the realization of the rights to:

- A. Freedom of expression
 - i. Physical and verbal threats, harassment, and attacks
 - ii. Incitement to violence and hatred
 - iii. Censorship
 - iv. Raiding media outlets
- B. Access to information
- C. Liberty and freedom from arbitrary detention

A. Freedom of expression

17. The fundamental right to freedom of expression is vital to hold the powerful to account and journalists and media workers hold the lifeline to this right. Freedom of expression also plays a central, underpinning part in protecting and upholding the other rights outlined in this submission. *Persons exercising their right to freedom of expression through journalism must be allowed to practice their work without undue interference or restriction.* In contrary, the following section presents data and raises specific instances over the course of this reporting period when journalists and media workers have been targeted in connection to their work in Tunisia.

i. Physical and verbal threats, harassment, and attacks

18. The **violation of the physical and psychological integrity of journalists** results in crimes that require legal prosecution. During the past five years, the physical and psychological safety of journalists has been targeted on up to 229 occasions according to SNJT data, most notably by security forces and parliamentarians.

19. During this period, the physical safety of journalists was targeted in at least 103 cases during the past five years, 40 incidents of which were committed by security forces. Security forces ranked first in violent attacks against journalists, followed by several civilian parties such as protestors and other citizens.

20. A particularly brazen attack occurred on September 18, 2017, when Tunisian police beat Hamdi al-Souissi, a reporter for the local radio station Diwan FM; seized Souissi's recording equipment; detained him; and questioned him for two hours at a precinct in Sfax. He was covering a sit-in organized by parents to protest against a teacher who they accused of being an "atheist" and a "bad influence" on their children.⁴⁵

21. Authorities have also prevented journalists from doing their jobs on multiple occasions, including following protests over the government's handling of the COVID-19 pandemic in July 2021 and the July 25, 2021, events that followed. During this period, attacks and excessive use of force by Tunisian security forces and protestors on journalists covering protests rose sharply.

22. On July 25, 26, and 28, 2021, protestors and security forces in Tunis, assaulted and harassed at least nine journalists covering demonstrations and other events.⁴⁶
23. On July 25, unidentified protestors threw rocks at Yassine Gaidi, a photojournalist at the Turkish-owned Anadolu Agency, hitting him in the head and legs, and leaving him needing stitches on his legs at a local hospital. Protesters also threw rocks and water bottles at Yosra Chikhaoui, a reporter for the independent news website Hakaek Online; Zied Hosni, a reporter for privately owned radio station Shems FM; and freelance photojournalist Mohamed Tata, resulting in multiple bruises on their bodies.
24. On the same day, security forces grabbed Hamza Kriistou, a photojournalist for the state-run news agency Tunis Afrique Presse, by his back and arms to stop him from covering the protests in Bardo.
25. On July 26, protestors shoved Walid Abdallah, a correspondent for Saudi news channel Al-Arabiya, while reporting live⁴⁷, and called him a spy while he attempted to cover the protests.
26. On July 28, plainclothes police officers briefly detained a New York Times reporting team consisting of Cairo Bureau Chief Vivian Yee, Tunis correspondent Massinissa Benlakehal, and a third journalist who did not want their name disclosed. The team was covering protests in Tunis' al-Tamadon neighbourhood when officers detained them and brought them to a local police station to check their documentation. Police held the team for about two hours, questioned Benlakehal, and then released the journalists without charge.⁴⁸
27. Including and outside of these particularly turbulent periods in Tunisia during this span of reporting when protests took place, the SNJT documented 47 physical attacks by security forces. These attacks were targeted at journalists despite the ability of the security forces to distinguish them from the protestors and despite the journalists' respect for safety rules in the field, i.e., journalists and media workers indicating their profession by wearing press vests.
28. With regard to verbal threats, the SNJT recorded up to 120 verbal attacks on journalists. Official authorities were responsible for the attacks on many occasions. People's representatives verbally attacked journalists on ten occasions, and security forces on 12 occasions. The rest of the parties were divided between average citizens and other actors such as politicians and social media users.
29. From a gendered perspective, in 2021 alone, the SNJT documented **numerous attacks against female journalists**, including six cases of sexual harassment, three of which were brought to the judiciary, but none of which have been investigated; and two cases where the social media accounts of two female journalists were hacked. Both cases were brought to the judiciary, and neither were investigated.
30. Furthermore, women journalists Sofian Chourabi and Nadhir El Ktari remain missing since September 8, 2014, following their disappearance while reporting in Libya. The State's effort to resolve these cases has been insufficient.⁴⁹

ii. Incitement to violence and hatred

31. Direct incitement to violence against journalists threatens journalists and puts their physical and psychological safety at risk. In monitoring this, the SNJT assigns two basic classifications: incitement, where the perpetrator incites audiences against media outlets or journalists, and threats, where the perpetrator directly threatens the journalist. The SNJT recorded 130 attacks against journalists during this review period. Journalists were the victims of 78 cases of incitement by a range of parties, including people's representatives, politicians, social media users, and supporters of political parties.
32. Incitement to violence and hatred have manifested particularly against female journalists. Several campaigns against women journalists were launched on social networks based on their gender for their journalistic work. These campaigns compromised their private lives and generated a hostile climate for the practice of journalistic work, pushing the voices of women outside of the public sphere.
33. Journalist Wasal Al-Kasrawi notably had a campaign of incitement and defamation launched against her by a group of security forces over Tunisia's celebration of National Women's Day on August 13, 2020.⁵⁰ Triggered by her criticism of their performance, the group of security forces made repeated profane and degrading sex-based comments over their social media pages and directly threatened to retaliate against her.
34. During the height of several crises, journalists were put at risk when threats to inflict danger were made. The SNJT recorded 52 cases of threats against journalists by politicians, parties on social media networks, and citizens, and amongst others. The State has only intervened in a limited number of these cases to support the safety of journalists.

iii. Censorship

35. Since the last UPR, the judiciary has increasingly prevented the broadcasting of media content, citing the secrecy of investigations into public opinion cases. This type of censorship is constitutionally prohibited, and thus bypasses the role of the amendment structure authorized by law, the HAICA, which can intervene to verify the extent to which the confidentiality of investigations is respected. The judiciary intervened by preventing the broadcast of media content on more than five occasions, while issuing statements attacking the media on three occasions, while the Public Prosecution raised cases against journalists on more than ten occasions.
36. Between May 2017, and January 2022, the SNJT found that the judicial authority exercised prior control over media content through the Public Prosecution and the investigative judges issuing decisions to ban publication, in violation of Decree 116.
37. The judiciary imposed prior censorship on eight occasions, while the security forces sought to censor content by attempting to take and destroy journalist equipment on four occasions. On the other hand, the media practiced clamouring on six occasions through the arbitrary interference of the administration of media institutions in editing.

iv. Raiding media outlets

38. In recent years, **media outlets and newsrooms have come under physical attack** by or been subject to violence by security forces.
39. Security forces were involved in attacks commissioned by the Tunisian Ministry of the Interior on two occasions after July 25, 2021. On that day, they raided and closed the office of Al-Jazeera in Tunisia⁵¹, and in January 2022, they stormed into the direct broadcast rooms of Tunisian public television.
40. Administrative obstacles and internal circulars⁵² regulating journalists constituted illegal obstacles to the work of journalists. Journalists were victims of blocking, bans, and restrictions—the most dangerous of which were the governments’ efforts to issue circulars such as Circular Nos. 4⁵³, 19⁵⁴ and 20⁵⁵ for public administrations and state employees.

B. Right to access information

41. Gauging a State’s respect for the right to access information requires assessment of its adherence to what has become known as the “three-part test” set out in Article 19(3) of the International Covenant on Civil and Political Rights. For restrictions to be justified in line with the “three-part test” they must be: i) provided for in law; ii) pursue a legitimate aim; and iii) necessary for a legitimate purpose.⁵⁶
42. Between May 1, 2017, to January 31, 2022, SNJT documentation shows that Tunisian journalists and media workers experienced **severe impediments to obtain sources and access information** that cannot be justified under “three-part test.” Of the 867 attacks recorded by the SNJT during that period, **394 were related to the right to obtain and access information**—approximately 45 percent of the total number of attacks.
43. The SNJT registered 206 official requests by journalists requesting access to information, all of which were rejected due to obstacles imposed by security forces, public officials, and other entities. Journalists and media workers were impeded by restrictions and prevention measures in the course of their work and upon refusal of authorization to work in public institutions.
44. Some state institutions, such as the institutions of the Presidency of the Republic and the Presidency of the Government, imposed restrictions that impede the right to freedom of information or that prevent equal opportunities between various media institutions in obtaining information and, in turn, a citizen’s right to a free, pluralistic, and transparent media. Official bodies were notably responsible for this type of attack, namely security forces, members of parliament, the presidency, the presidency of the government, and the governors.
45. During the visit of Algerian President Abdelmadjid Tebboune to Tunisia in December 2021, authorities only allowed state media institutions to attend the conference, banning all from addressing questions to the president.⁵⁷

C. Right to liberty and freedom from arbitrary detention

46. In accordance with the United Nations Working Group on Arbitrary Detention, the deprivation of liberty is arbitrary when it results from the exercise of core human rights, including the rights to opinion, access to information, and expression.⁵⁸

47. Since May 2017, and especially following the events of July 25, 2021, CPJ and SNJT research shows that the number of **arbitrary detentions, judicial harassment and prosecutions of journalists and media figures by Tunisian authorities**, on vague charges unrelated to media laws nor in line with basic tenets of international human rights law, has risen significantly.
48. Since May 2017, the SNJT recorded up to 24 cases of arbitrary detention, 20 of which were carried out by security forces.
49. SNJT began to monitor detention by security forces in October 2017 and after setting up a crisis cell at the Ministry of the Interior to intervene in coordination with a unit specialized in monitoring attacks on journalists. This cell has continued to intervene in all cases of arbitrary detention of journalists.
50. The SNJT has documented at least 62 cases of journalists being prosecuted outside the framework of the laws regulating their work. There were three cases where the State inappropriately relied on general texts to prosecute journalists to impose freedom-restricting penalties. There were five cases where the Public Prosecution relied on laws that contradict the right to freedom of expression, including the Anti-Terrorism Law, the Penal Code, and the Telecommunications Code, amongst others.
51. Over the past five years, the Tunisian judiciary has handed down three prison sentences for journalistic work against journalists. Notably, journalist and writer Tawfik Ben Brik was charged with insult and defamation of public officials and later sentenced in July 2020 for one year with immediate effect.⁵⁹
52. Judicial harassment is exemplified in the case of Sami Ben Gharbia, the cofounder of the independent news website Nawaat, who was interrogated for six hours on May 3, 2017, by officers from the Tunisian National Guard's Central Investigation Brigade. The officials demanded that he reveal the sources of an April 24 article about a draft economic and financial reconciliation law. On May 9, Ben Gharbia answered a summons to appear before the Tunis First Court as a witness in a case against an employee from the presidential palace suspected of involvement in the leak. During the hearing, Ben Gharbia discovered that authorities had logged all incoming and outgoing calls from his personal phone.⁶⁰
53. More recently, CPJ documented the Tunisian police's arrest of Amer Ayad, a talk show host for privately-owned channel Zaytouna TV, at his home in Tunis, on October 3, 2021, on orders from the military judiciary, which accused him of conspiring against state security. On October 5, the investigative judge at the Permanent Military Court ordered the continued detention of Ayad, pending an investigation.⁶¹
54. Furthermore, on December 21, 2021, a Sfax court sentenced blogger Myriam Bribri to four months in prison and a fine of 500 TND after convicting her of "offending and harming the honor of two security officers."⁶²

D. Recommendations

55. In light of the aforementioned findings, CPJ, SNJT, and TIMEP call on States participating in the UPR process to make the following recommendations for Tunisia to:

1. Take appropriate legislative steps to ensure that Tunisia's media regulations, laws, and state practices are brought in line with international human rights standards and Article 19 of the International Covenant on Civil and Political Rights.
2. Establish and implement an effective and independent national action plan for improving the safety of journalists, which would include *inter alia* all security sector and judicial reforms necessary to ensure that journalists and media workers can practice their profession in a free and safe environment.
3. Issue official statements to call on law enforcement authorities and civilians to immediately stop using violence against journalists covering protests and to unequivocally condemn such acts of violence.
4. Give priority to ensuring effective safety measures are put in place to protect the physical safety and psychological integrity of journalists covering protests and public events.
5. Conduct impartial investigations into all cases of attacks, harassment, and intimidation of local and international journalists, media outlets, and press freedom groups, and hold those responsible to account, as well as immediately address impunity for all past crimes committed against journalists.
6. Stop government interference in media content and halt the prosecution of bloggers and journalists over their social media posts.
7. Conduct impartial, transparent, and timely investigations into all incidents of sexual harassment, threats, and attacks against women journalists to protect their safety.
8. Release all detained and convicted journalists and bloggers under abovementioned laws, such as the Penal Code and the Military Justice Code.
9. Resist any attempts to amend Decree 115 in any way that undermines the guaranteed legal protections for journalists and opinion holders.
10. Translate Decree Law No. 115 into an organic law that enshrines and ensures the protections guaranteed under the decree to protect journalists and freedom of expression.
11. Protect the independence of Tunisia's media regulatory body (HAICA) and ensure the passing of the organic law on audiovisual regulation that guarantees a permanent legal framework for the audiovisual sector by creating the Audiovisual Communication Commission (ICA) in a manner that guarantees independence of its structure and operations.

12. Stop raiding local and international media outlets, and confiscating their equipment, in general and especially during periods of political turmoil.
13. Ease the conditions of obtaining press accreditations and licenses by media outlets and foreign journalists.

¹ Accelerate the implementation of the laws on the freedom of expression, assembly and association and to ensure alignment with international standards, including under possible emergency measures (Finland).

² Align the legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards (Romania).

³ Strengthen legislation on freedom of expression and conscience (Lebanon).

⁴ Strengthen the implementation of legislation in the areas of freedom of expression, access to information and non-discrimination and ensure that all relevant laws are fully in line with the Constitution (Czech Republic).

⁵ Replace decrees No. 115 and No. 116 from 2011 on press and audiovisual communication with legislation that is in line with article 65 of the Constitution relating to information, the press and publishing, and article 127 of the Constitution (Denmark).

⁶ Continue enhancing freedom of information and the rights of journalists (Lebanon).

⁷ Ensure respect for human rights while combating terrorism by ensuring the right to a fair trial and due process and freedom of expression (Peru).

⁸ Introduce a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, protect media pluralism and guarantee freedom of speech and access to information and education (Thailand).

⁹ Adopt measures to guarantee adequate protection and respect for the right to information, and freedoms of expression, and the press (Spain); Take further steps in order to guarantee freedom of expression, including freedom of expression on the internet (Greece); Adopt appropriate legislation to ensure better protection for the freedom of expression, the freedom of the press, and the freedom of information (Congo); Guarantee in law and in fact the freedom of expression, freedom of the press and freedom of assembly and association, in conformity with ICCPR (France).

¹⁰ Include freedom of expression, press freedom and access to information in the Constitution (Netherlands).

¹¹ Continue pursuing policy measures towards media plurality and independence (Slovakia).

¹² Take appropriate measures to ensure that freedoms of assembly and expression are not threatened, and to combat impunity of those identified as responsible for human rights violations (Sweden).

¹³ Revise remnants of Ben Ali-era legal code that stifle the freedoms of expression, assembly, and religion so as to fully protect those rights in accordance with international human rights law (United States).

¹⁴ Take all measures to protect journalists in the fulfilment of their mission by implementing the provisions of the new Press Code which criminalize aggressions against them (Austria).

¹⁵ Implement as soon as possible Decree laws 115 and 116 and establish promptly a high independent authority for media and communication (Switzerland).

¹⁶ Take measures to ensure that its national legislation is fully aligned with the international human rights obligations undertaken, including laws affecting the realisation of the freedom of expression and assembly (Finland).

¹⁷ Continue the process of political reforms, especially to ensure freedom of expression, freedom of thought and the right to demonstrate (Chile).

¹⁸ Make further efforts to ensure the freedom of the media, the freedom of expression and the freedoms of thought and belief, continue to lay solid foundations for a democratic system, and strive to achieve economic and social development (Lebanon).

¹⁹ Integrate into the new Constitution important human rights guarantees, including the right to non-discrimination, freedom of expression, association and assembly, the independence of the judiciary, protection from torture and other forms of ill-treatment, the protection of the rights of the minorities, the right to life, and the protection of economic, social and cultural rights (Germany).

²⁰ Ensure that the fundamental rights to freedom of expression, association and assembly will be guaranteed in the future Constitution, in line with Tunisia's international obligations (Belgium).

²¹ Ensure that police officers and security personnel receive adequate human rights training and clear instructions with regard to their duty to respect human rights at all times, including the right to freedom of expression, association and peaceful assembly (Canada).

²² Eliminate provisions criminalizing defamation (Czech Republic).

²³ Encourages the reinforcement of freedom of expression and assembly in particular through the revision of article 51 of the Press Code. (Belgium, Sweden and United States of America).

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