

**Call for inputs from the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association for his report to be presented at the 50th session of the Human Rights Council**

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule, conducted an official visit to Tunisia from 17 to 28 September 2018 to assess the enjoyment of the rights to freedom of peaceful assembly and of association in the country, pursuant to Human Rights Council resolutions 15/21 and 32/32.

He delivered his report ([A/HRC/41/41/Add.3 \(25 June 2019\)](#)) to the 41<sup>st</sup> session of the Human Rights Council, which took place from 24 June to 12 July 2019.

In follow-up to that report, the Special Rapporteur wishes to solicit response to the following questions:

I. Freedom of Assembly

1. Has **Law No. 69-4, regulating public meetings, processions, parades, demonstrations and gatherings**, been amended in order to comply with the Constitution and international instruments? To the extent not amended, what are the primary obstacles to the exercise of the right to freedom of peaceful assembly experienced in practice? (Rec 105)
2. Have law enforcement officers been trained in good management practices relative to assemblies, in compliance with international obligations? Provide any relevant details of such trainings. (Rec 102)
3. Have all allegations of excessive use of force against demonstrators by security forces been promptly and fully investigated by independent authorities, perpetrators prosecuted and punished, and victims appropriately compensated? Provide accounts of any incidents of which you are aware in which these standards have not been complied with. (Rec 104)

II. Freedom of Association:

1. Has **Decree-Law No. 2011-88** remained the minimum threshold for the regulation of freedom of association? Explain if not. (Rec 107)
2. Have legislative measures been taken to remove associations from the scope of **Decree-Law No. 2018-52 on the national register of enterprises**? Provide any relevant details. (Rec 108)
3. Have the articles sanctioning associations in the revisions of **Organic Law No. 2015-26 on the fight against terrorism and the suppression of money laundering** been amended, in order to ensure full respect for the rights to freedom of peaceful assembly and of association? Provide any relevant details. (Rec 109)

4. Have additional resources been provided to the Center for Information, Training, Studies and Documentation on Associations, allowing it to continue to offer associations training on the provisions of **Decree-Law No. 2011-88**? Provide any relevant details available. (Rec 110)

### III. Freedom of Association and Assembly at Work

1. Has the diversity of central trade unions been encouraged, with a view to ensuring better protection of the rights of Tunisian workers? Provide details of any steps taken. (Rec 115)

### IV. Freedom of Association and Assembly in Elections

1. Were the rights to freedom of peaceful assembly and of association fully enjoyed during the 2019 elections? Provide details of any deviations from those standards. (Rec 114)
2. Is **Decree-Law No. 2011-87**, on the organization of political parties, as it currently stands, in full compliance with the right to freedom of association? Provide any relevant details. (Rec 113)

### V. General Recommendations

1. Have NGOs working in all fields been free from discrimination? Provide any relevant details. (Rec 116)
2. What legislative and administrative measures have been taken to protect human rights defenders, in particular those working on sensitive issues such as the rights of religious minorities, sexual orientation and gender identity, management of natural resources and corruption? (Rec 117)
3. What steps have been taken to establish a frank and permanent dialogue between the Government and representatives of civil society and social movements, including in order to meet the challenges linked to the enjoyment of economic, social and cultural rights and to contribute to the achievement of the 2030 Agenda for Sustainable Development in particular? (Recs 106, 113)
4. Have **Decree-Law No. 2011-115**, relating to the freedom of the press, printing and publishing, and **Decree-Law No. 2011-116**, relating to the freedom of audiovisual communication and establishing an independent High Authority for audiovisual communication, been amended in line with the recommendations in the Special Rapporteur's report, and in particular so as to ensure NGOs are able to: (a) monitoring government action; b) fight corruption, impunity, discrimination and social inequalities; and c) support transparency in public management, without restriction? (Rec 113)

### VI. Specific recommendations

1. Have the institutions provided for in the 2014 Constitution, in particular the Constitutional Court, been put in place? (Rec 99)
2. Have **Decree No. 78-50 of 26 January 1978**, regulating the state of emergency, and the draft law regulating the state of emergency, been amended in order to comply with the relevant provisions of the Constitution and international human rights instruments? (Recs 100, 113)

3. Have the recommendations of the report of the Committee on Individual Freedoms and Equality been implemented? In particular, has a participatory, inclusive and open to the public parliamentary discussion process been established and applied, including in the context of **Bills 2018-90 supplementing the Personal Status Code** and **2018-71 on the Code of Individual Rights and Freedoms** in particular? (Rec 101)
4. Has the decentralization of power enshrined in Chapter VII of the Constitution been effectively implemented? In particular, have offices of the General Directorate of Associations and Parties been opened in the regions, in order to support associations not based in Tunis? (Rec 111)