

OMRANE CARTOONS

FROM DETENTION TO PRISON: THE JOURNEY OF WOMEN POLITICAL PRISONERS IN TUNISIA

A REPORT ON VIOLATIONS AGAINST
WOMEN PRISONERS OF CONSCIENCE
IN DETENTION FACILITIES

FROM DETENTION TO PRISON: THE JOURNEY OF WOMEN POLITICAL PRISONERS IN TUNISIA

A REPORT ON VIOLATIONS AGAINST
WOMEN PRISONERS OF CONSCIENCE IN
DETENTION FACILITIES

Edited by
Intersection Association for Rights and Freedoms
And Euromed Rights - Tunis

info@intersection.uno

www.intersection.uno

information@euromedrights.net

www.euromedrights.org



November 2024

Table of contents

Introduction:06

Methodology:08

Background:09

Conditions inside prisons13

Violations perpetrated against female prisoners
involved in the public affairs of the country inside
prisons and detention centers16

Legal framework :29

Patterns of violations inside detention facilities32

The psychological and social impacts of violations
inside detention facilities36

Conclusion :39

Recommendations:41



Introduction:

In recent years, Tunisia's human rights landscape has seen a troubling escalation in violations, particularly concerning the right to freedom of opinion and expression. These violations have impacted various segments of society, both men and women. Among those most affected are women, particularly those imprisoned due to their activism and involvement in public affairs.

Amid the growing implementation of policies aimed at suppressing freedoms, since the current authorities deviated from the fundamental principles of democracy, following the announcement of exceptional measures culminating in the President's monopolization of all powers, the suppression of freedoms has intensified. Security and judicial prosecutions have increasingly

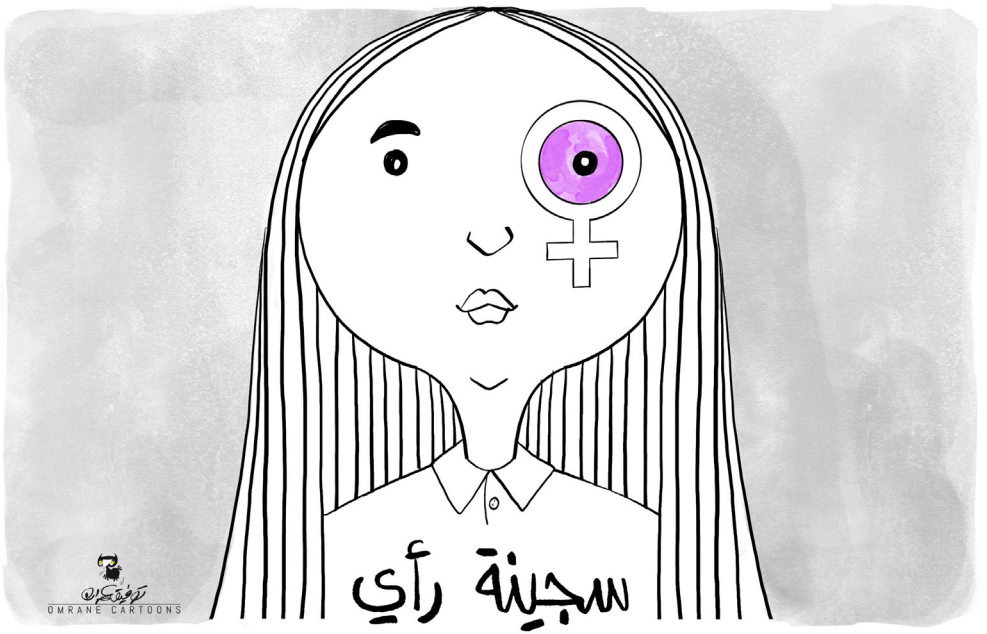
targeted opponents and critical voices whose views diverge from state policies. This has led to the systematic silencing of political opponents, independent civil society activists, and journalists. Authorities resort to fabricating malicious charges to imprison them without respecting the minimum conditions for a fair trial, or to subject them to harassment and targeting during court proceedings based on their activities. Violations persist during detention and imprisonment, forming part of a series of systematic attacks on both male and female detainees and prisoners. These abuses, coupled with the worsening conditions of detention and prison infrastructure, have had severe physical and psychological effects on female prisoners, further aggravating their plight in Tunisian prisons.

This report focuses on the human rights violations faced by women prisoners of conscience, political opponents, and human rights defenders within detention facilities, with particular attention to the conditions inside prisons. It highlights issues such as dire living conditions, crumbling infrastructure, poor treatment, inadequate nutrition, threats, and violence. The report also examines phenomena specific to women's prisons, including violations of physical privacy and the prevalence of impunity. Additionally, it sheds light on the treatment of women prisoners involved in public affairs from the moment of their arrest until their imprisonment.

Methodology:

To prepare this report, the Association for Intersection for Rights and Freedoms utilized diverse and multiple sources of information. This included conducting eight interviews with victims of human rights violations, their families, their lawyers, and a psychologist, alongside reviewing a collection of published articles and blogs and verifying their accuracy and credibility. The report also draws on reports, data, and studies from international and local civil society organizations to cross-verify the information and ensure the greatest possible accuracy and comprehensiveness.

Special attention was given to the sensitive nature of the subject and the privacy of the individuals involved, adopting an approach that emphasizes the protection of groups most vulnerable to threats, violations, and rights deprivation. This includes individuals targeted for political, economic, or cultural reasons, such as activists in political and civil arenas. It is important to note that the violations presented in this report do not represent an exhaustive list of human rights abuses against female prisoners of conscience in Tunisia.



Background:

In 2024, society faced a cascade of severe repercussions across all rights and freedoms due to the overlapping health, political, and economic crises the country endured in recent years. These repercussions were marked by the continued violation of fundamental rights and the assault on both public and individual freedoms. This escalation began with the inauguration of a new phase of political transformations that, since July 2021²⁵, explicitly threatened the entire democratic process through the unilateral declaration of exceptional measures. The severe human rights violations and blatant attacks on freedoms witnessed this year are not disconnected from the preceding economic and political crises. Rather, they are a logical outcome of the political trajectory initiated by those

exceptional measures and uncontestable¹ presidential decrees, which dismantled the democratic framework established in 2011.

In an effort to tighten control over media and communication platforms, freedom of expression and the press were targeted through decrees primarily designed to criminalize criticism of official figures or public policies, resulting in unfair rulings² against dissenting opinions. These measures extended to intermediary civil institutions, including associations, trade unions,

1 Presidential decree no. 2021-117 date September 22, 2021 relating to exceptional measures <https://legislation-securite.tn/ar/latest-laws/%D8%A3%D9%85%D8%B1-%D8%B1%D8%A6%D8%A7%D8%B3%D9%8A-%D8%B9%D8%AF%D8%AF-117-%D9%84%D8%B3%D9%86%D8%A9-2021-%D9%85%D8%A4%D8%B1%D8%AE-%D9%81%D9%8A-22-%D8%B3%D8%A8%D8%AA%D9%85%D8%A8%D8%B1-2021/#:~:text=%D8%A7%D9%84%D9%85%D8%A4%D9%82%D8%AA%20%D9%84%D9%84%D8%B3%D9%84%D8%B7%20%D8%A7%D9%84%D8%B9%D9%85%D9%88%D9%85%D9%8A%D8%A9-,%D8%A3%D9%85%D8%B1%20%D8%B1%D8%A6%D8%A7%D8%B3%D9%8A%20%D8%B9%D8%AF%D8%AF%20117%20%D9%84%D8%B3%D9%86%D8%A9%202021%20%D9%85%D8%A4%D8%B1%D8%AE,%D8%B3%D8%A8%D8%AA%D9%85%D8%A8%D8%B1%202021%20%D9%8A%D8%AA%D8%B9%D9%84%D9%82%20%D8%A8%D8%AA%D8%AF%D8%A7%D8%A8%D9%8A%D8%B1%20%D8%A7%D8%B3%D8%AA%D8%AB%D9%86%D8%A7%D8%A6%D9%8A%D8%A9&text=%D9%88%D8%AD%D9%8A%D8%AB%20%D8%A3%D9%86%20%D8%A7%D9%84%D9%85%D8%A8%D8%AF%D8%A3%20%D9%87%D9%88%20%D8%A3%D9%86,%D8%AA%D8%BA%D9%84%D9%8A%D8%A8%20%D8%A7%D9%84%D9%85%D8%A8%D8%AF%D8%A3%20%D8%B9%D9%84%D9%89%20%D8%A7%D9%84%D8%A3%D8%B4%D9%83%D8%A7%D9%84%20%D9%88%D8%A7%D9%84%D8%A5%D8%AC%D8%B1%D8%A7%D8%A1%D8%A7%D8%AA.&text=%D8%A7%D9%84%D9%81%D8%B5%D9%84%20%D8%A7%D9%84%D8%A3%D9%88%D9%84%20%E2%80%93%20%D9%8A%D8%AA%D9%88%D8%A7%D8%B5%D9%84%20%D8%AA%D8%B9%D9%84%D9%8A%D9%82%20%D8%AC%D9%85%D9%8A%D8%B9%20%D8%A7%D8%AE%D8%AA%D8%B5%D8%A7%D8%B5%D8%A7%D8%AA%20-%D9%85%D8%AC%D9%84%D8%B3%20%D9%86%D9%88%D8%A7%D8%A8%20%D8%A7%D9%84%D8%B4%D8%B9%D8%A8>

2 Decree no. 2022-54 date September 13, 2022 relating to fighting against crimes related to information et telecommunication systems <https://legislation-securite.tn/ar/law/105348>

national bodies, and media organizations, which were subjected to accusations of treason and constant threats. The aim was to monopolize public space, shape public opinion unilaterally, and suppress any actual or perceived opposition. This was further exacerbated by implicit and explicit encouragement of cyber violence against opponents and activists, coupled with violations of human dignity and the defamation of private lives of dissenters. These actions were met with either silence from the Public Prosecution or neglect of cases filed against such abuses of power. This repressive policy extended into detention centers and prisons, targeting defendants in opinion and political cases. The impact has been particularly devastating for female defendants, who are often victims of abuse, revenge, and assaults on rights guaranteed by both international and local laws.

Women and girls constitute a minority among prisoners, ranging from 2 to 9 percent³ globally depending on societies and context, yet they are subjected to inherited criminal justice systems designed for men, systems that fail to account for women's specific needs. Female prisoners of conscience and those subjected to political sanctions often endure horrific forms of torture in many authoritarian regimes, including sexual, physical, and psychological violence rooted in discriminatory motives and misogynistic tendencies. Such practices are fueled by psychological complexes of perpetrators who exercise violence and torture, particularly in political and opinion cases.

3 CEDAW Committee, 2013, Discrimination against women in criminal justice systems, last accessed September 20, 2024. https://cdn.penalreform.org/wp-content/uploads/2013/05/IPU-Briefing_Discrimination-against-Women_Arabic-758KB_0.pdf

Tunisia is no exception to these patterns, which remain prevalent, especially in the Global South, where patriarchal systems rely on deeply entrenched forms of discrimination. This discrimination is evident in judicial rulings and criminal punishment against women, which often intensify in political cases. The history of prison policies in Tunisia reflects this trend, dating back to the pre-independence era. Women political prisoners from opposition movements were subjected to harsh treatment and systematic torture in detention and interrogation centers, as well as in prisons, during both the colonial period and the dictatorial regimes before 2011. This included women involved in the national movement, leftist movements, and the Islamic movement, as well as various protest movements such as the student and trade union movements. Until the late 1960s, women were imprisoned in a special wing of the civil prison in Tunis. A dedicated women's prison was later established in the city of Manouba, built around an old abandoned section of the Beys' palaces in the late 1970s. Female students and leftist activists were transferred there, and in the 1990s, they were joined by human rights activists and members of leftist and Islamic movements. In addition to Manouba prison, other prisons with women's wings include Messaadine Prison in Sousse, Kasserine prison, Sfax prison, and others, along with several Juvenile correctional facilities.

Conditions inside prisons

Tunisia's prison system includes only one facility exclusively dedicated for women, namely the civil prison in Manouba. Besides, there are seven other prison institutions with dedicated buildings to admit women inmates. These include Sousse Prison in Messaadine, Kef Prison, Jendouba Prison, Kasserine Prison, Sfax Prison, Gafsa Prison, and Harboub Prison in Medenine.

Until the late 1960s, women were detained in a special wing within the civil prison in Tunis. This changed with the establishment of the women's prison in Manouba, located in the western suburbs of Tunis. The facility, housed in an old building once part of Dar El Bey's palaces, became known in the 1970s as a detention center for female students and political activists. In the 1990s, it also housed female human rights activists. To this day, the Manouba women's prison remains a hotbed for human rights violations, especially with the renewed targeting of female activists, politicians, and journalists in cases involving freedom of opinion.

In the current climate, marked by escalating violations and state indifference toward vulnerable groups and individuals deprived of their liberty, the repression of female prisoners of conscience continues unabated. Poor prison conditions, characterized by catastrophic infrastructure, mistreatment, inadequate food, threats, and violence, compound the suffering of female inmates. Other troubling phenomena within women's prisons include the violation of physical privacy without accountability or oversight. Reports also highlight violence among female prisoners, exacerbated by the

presence of an alleged «female night squad» tasked with intimidating and forcibly subjugating inmates⁴. The ordeal of female prisoners in Tunisia begins from the moment of arrest and apprehension. They are often crammed into vehicles that fail to meet humanitarian standards, deprived of adequate ventilation to the point where breathing becomes difficult, and transported in iron vehicles with tiny windows that barely allow for oxygen exchange. This suffering continues with cruel and inhumane treatment in detention centers, accompanied by practices that flagrantly violate human rights and dignity, contravening national and international conventions on the treatment of defendants and detainees.

Upon receiving an arrest warrant, female prisoners are transported from detention centers to prison facilities. Prison guards stand by as their hands are bound. Upon arrival at the prison, handcuffs are removed, and inmates are taken to an administrative office where their identities are verified. However, the suffering does not end there. The process begins with a degrading inspection in which female prisoners are stripped of their clothing in a room and searched in a manner that violates human dignity. Afterward, sentenced prisoners are taken to their cells to serve their sentences, while others await the outcomes of their cases⁵.

On a broader scale, the Euro-Mediterranean Human Rights Monitor, in a report issued in 2023⁶, noted that

4 IFM Radio, 2020, Lawyer Ayoub Ghadamsi, the condition of incarcerated mothers is catastrophic, last accessed September 4, 2024 <https://www.youtube.com/watch?v=qlqcMJVxyJQ>

5 Interview with a former prisoner, October 30, 2024

6 Euro-Mediterranean Human Rights Monitor, 2016, "Tunisian Prisons: Bitter

Tunisia's prisons house more than 25,000 inmates across 27 facilities. This includes 19 pretrial detention centers and 8 execution prisons. However, the total number of prisoners far exceeds the official capacity of 16,000 beds under normal circumstances. The report highlights dilapidated infrastructure, poor hygiene, narrow and overcrowded cells, and a lack of ventilation and lighting. Toilets inside the rooms are rarely maintained, leading to unsanitary conditions and the proliferation of dirt and insects. These issues equally affect female prisoners. The overcrowding rate in Tunisian prisons has reached alarming levels, averaging %150 and sometimes as high as %200. This means there are often two prisoners for every bed, forcing many to sleep on the floor. This situation has led to disputes among inmates and contributed to the spread of infectious and skin diseases. Overcrowding also fosters violence, theft, and drug circulation among prisoners. It is worth mentioning that, %53 of the prison population, both men and women, is incarcerated for drug-related offenses, whether for possession or trafficking. These conditions reflect clear violations of international standards and underscore the absence of humanitarian treatment in Tunisian prisons. The dire state of these facilities constitutes a blatant breach of global human rights standards.

Violations perpetrated against female prisoners involved in the public affairs of the country inside prisons and detention centers



The health issues and harassment faced by journalist Chadha Hadj Mbarek:

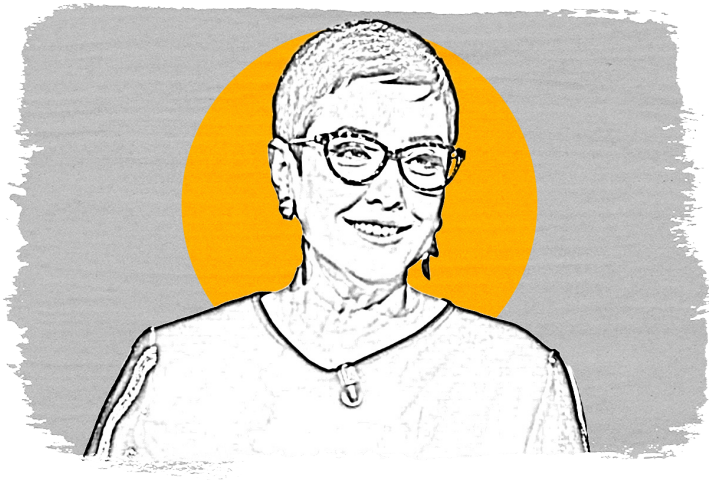
In multiple testimonies and press releases, the National Union of Tunisian Journalists confirmed that journalist Chadha Hadj Mbarek is facing serious charges due to her journalistic activities. On July 2023, 22, she was placed in the women's Messaadine Prison following a decision by the indictment chamber of the Sousse Court of Appeal in connection with the «Instalingo» case, which involves the production of online media content. The case took a significant turn after widespread controversy arose

over the deterioration of the journalist's health while in jail. Chadha Hadj Mbarek faces grave accusations, including attempting to alter state authority, disrupting public security, and committing a heinous act against the President of the Republic. Journalist Khaoula Boukrim⁷ testified to the Intersection Association for Rights and Freedoms that Chadha suffers from numerous health problems, including kidney disease and hearing loss. These conditions have been exacerbated by neglect, harsh prison conditions, prolonged legal proceedings, abuse, and her living environment. She could have been released pending trial, as she poses no threat to society. Moreover, this would guarantee a fair trial and uphold the principle of the presumption of innocence. Inside the women's prison in the Messaadine delegation, the journalist's health has been severely impacted by neglect, including delays in medical examinations, postponements in consultations with specialists, and failure to provide necessary medications. This has significantly affected her physical and psychological well-being.

Violations against Chadha and her family have persisted since her arrest in October 2021. The harm was not confined to her alone but extended to her family members. Her father and subsequently her two brothers were arrested, placing immense pressure on the family. Although they were later released, the persecution intensified, forcing the family to take extreme measures to protect themselves. The harassment escalated to the extent that the family had to relocate to another city to

⁷ The Intersection Association for Rights and Freedoms conducted a phone interview with journalist Khaoula Boukrim in November 2023, in addition to reviewing some blog posts and newspaper articles. The association also made a phone call on July 3, 2024 with the victim's lawyer, Samir Dilou.

ensure their safety, amid ongoing threats and increasing legal, political, and social pressures, according to the testimony of Samir Dilou, one of journalist Chadha Hadj Mbarek's lawyers, provided to the Intersection Association for Rights and Freedoms.



Sonia Dahmani: Human rights violations inside and outside prison:

Sonia Dahmani, a Tunisian lawyer and media figure, has been imprisoned since May of this year due to charges brought under Article 24 of decree No. 54⁸. Additional charges were filed against her under the same article on June 2024¹¹, in two separate cases. Both cases are linked to comments she made on two

8 Decree No. 54 of 2022 dated September 13, 2022 relating to combating crimes related to information and communication systems

<https://legislation-securite.tn/ar/latest-laws/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B9%D8%AF%D8%AF-54-%D9%84%D8%B3%D9%86%D8%A9-2022-%D9%85%D8%A4%D8%B1%D8%AE-%D9%81%D9%8A-13-%D8%B3%D8%A8%D8%AA%D9%85%D8%A8%D8%B1-2022-%D9%8A%D8%AA%D8%B9%D9%84%D9%82/>

different media platforms: one during a radio show and the other on a television program. In her statements, Sonia Dahmani addressed issues surrounding migrants from sub-Saharan African countries raising the issue of racism. She highlighted some persistent racist practices in Tunisia, citing examples such as Tunisian families changing surnames containing discriminatory phrases. These charges were later linked to her appearance on a television program discussing irregular migration in Tunisia. During the show, she expressed her views and, in response to a guest, remarked : “As if it was an amazing country”. Following this, a warrant was issued for her arrest, executed on May 11, when police raided the « Maison de l'Avocat » and detained her. She was subsequently remanded in custody without prior interrogation and brought before the First Investigating Judge at the Tribunal of First Instance of Tunis on May 2024 ,20, where she was interrogated about her media statements, amidst significant procedural violations.

Ramla Dahmani⁹, Sonia's sister, testified about the severe violations Sonia has endured while detained in Manouba Women's Prison. On August 2024 ,20, Sonia was subjected to extreme psychological and physical abuse during her transfer to a courtroom for an appeal session. She experienced various forms of harassment, ill-treatment, and violations of her rights as a Tunisian citizen.

She was subjected to a degrading search that undermined her dignity and was denied permission to wear her shoes. Furthermore, she was required to wear

9 The Intersection Association for Rights and Freedoms made a phone call to the sister of the victim of the violation, Ramla Dahmani, on September 3, 2024.

the «safsari» as a condition for entering the courtroom, an old practice often imposed in cases where authorities seek to curtail individual freedoms under the guise of public morality. Although she initially refused, Sonia eventually complied, only to be informed by the prison director that she could not attend the session because she had allegedly exceeded the permitted time.

Her lawyers reported that the session commenced at 12:30 p.m., during which the prosecution requested her trial to proceed in her absence. Meanwhile, the prison administration pressured her to sign documents affirming her inability to attend the session, a request she refused as it violated her rights.

Despite enduring such abusive treatment, a preliminary ruling sentenced Sonia to two years in prison under Article 24 of Decree No. 54, based on her media statements about racism in Tunisia.

With this sentence, the total penalties against her now amount to two years and eight months for the first and second cases. This includes a prior sentence of one year in prison for her television statements about migrants from sub-Saharan countries, which was later reduced to eight months on appeal. In addition to these rulings, Sonia faces three other cases, all related to her statements on radio and television, for which verdicts have not yet been issued.



The Health Struggles of Lawyer and Politician Abir Moussi:

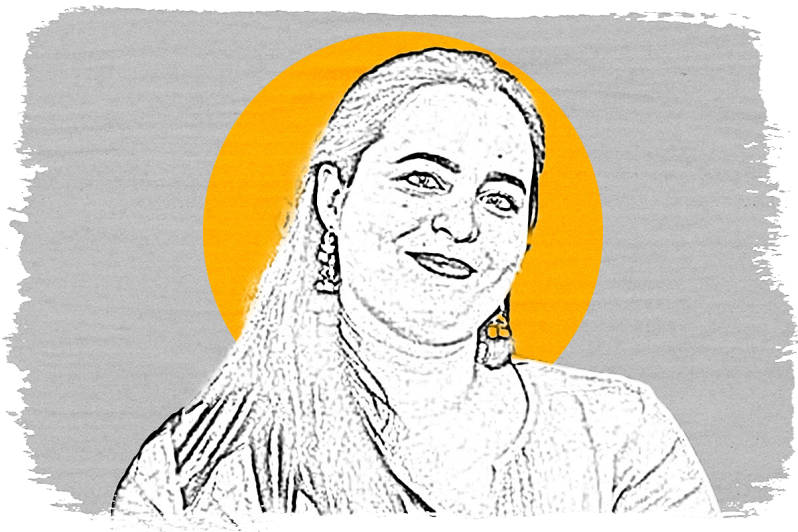
Lawyer and politician Abir Moussi, who opposed the July 2021 ,25 process, has been in prison since October 2023 ,5, on several charges, including attempting to alter the state structure, inciting residents to attack each other with weapons, encouraging chaos, killing, looting, obstructing the freedom to work, and processing personal data without the owner's consent. The Independent High Authority for Elections has also filed multiple charges against her under Decree No. 54 for expressing her views on some of the Authority's positions and the way it manages electoral affairs, considering them matters of public concern for all citizens. In an interview, defense lawyer Mr. Nafie Laribi¹⁰ stated that Abir Moussi is currently facing multiple violations inside prison, including neglect of her health condition and

¹⁰ The Intersection Association for Rights and Freedoms interviewed lawyer Nafie Laribi on September 1, 2024.

disregard for the doctor's orders, which prohibit her from lifting heavy weights. Despite these instructions, she is forced to carry heavy weights in prison. Additionally, the lawyers for the victim report that they sometimes have to wait for hours to meet with their client, and at times, their visit is entirely denied, which is a blatant violation of prisoners' rights and a failure to respect visitation hours. The defense lawyers also reported that visits from her daughter, a student, have been disrupted multiple times under flimsy pretexts intended to punish, seek revenge, and subject her children to violations, ignoring the emotional bond of parenthood.

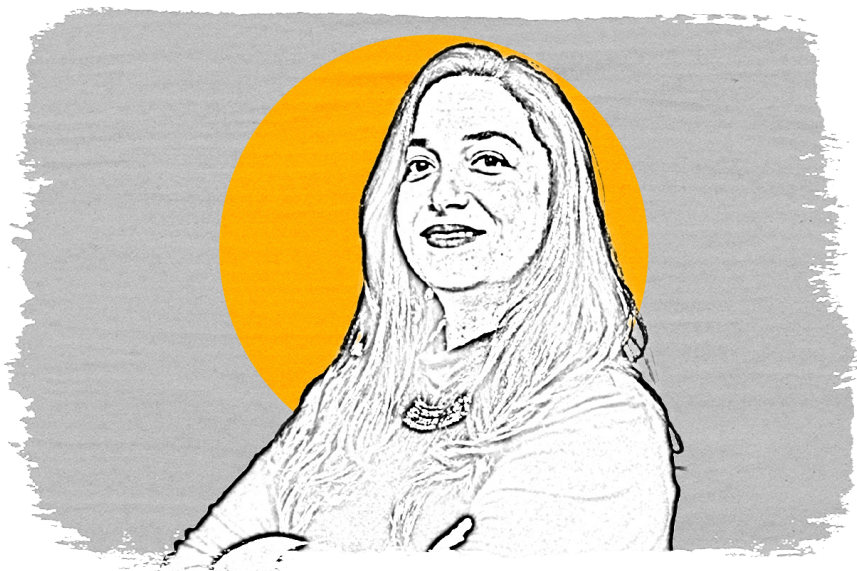
After approximately a year in prison, Abir Moussi sent a letter detailing the violations she has suffered, including negligence, mistreatment, and neglect. She wrote, "I am sending you a cry of distress about the policy pursued by the authorities to abuse me and violate my fundamental right to health and to live without pain and suffering." In the letter, she listed the shortcomings she has faced in prison, including the lack of necessary medications and the failure to follow the detention center doctor's prescribed treatments. She confirmed that the prison administration had failed to provide any requested medical equipment or support, continuing instead to abuse her and obstruct the required health protocols. She likened her treatment to a physical liquidation, paralleling the legal violations faced by her and her defense team¹¹.

11 Abir Moussi's message on her personal Facebook page
https://www.facebook.com/AbirMoussiOfficielle/posts/1092489262234349?ref=embed_post



Maryam Sassi: Eight Months in the Women's Prison in Manouba

Since March 2024, political activist Maryam Sassi has been incarcerated, deprived of her freedom. She was sentenced to eight months under Article 20 of Decree No. 54, a sentence her defense team deems unjust. They have also confirmed that her experience in prison is similar to that of other political prisoners, enduring mistreatment and violations of varying degrees. The repeated thorough searches she is subjected to are viewed as a form of abuse and punishment for her political activism, infringing on her physical integrity and causing psychological harm¹². Maryam Sassi completed her -8month sentence and was released from prison on October 2024 ,30.

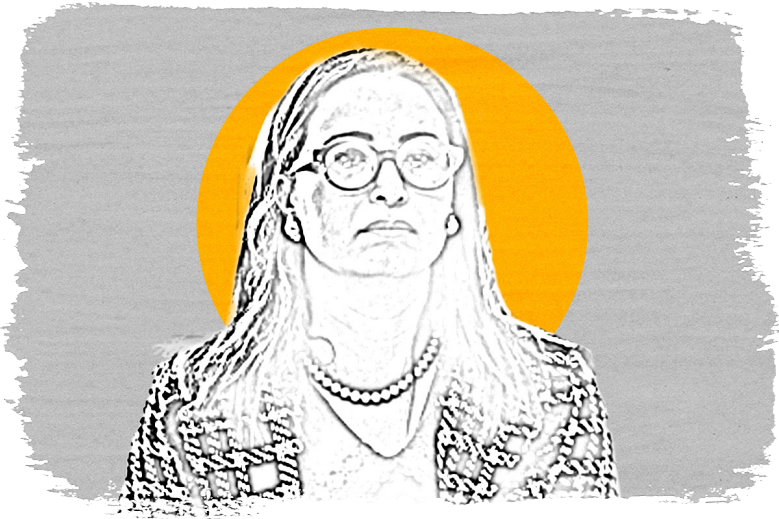


Sherifa Riahi : Enduring the Cost of Her Human Rights activism

Following a campaign against civil society organizations, particularly those working on migrants' rights, several activists and human rights defenders were arrested for investigation, including Sherifa Riahi, who has been in prison since May 2024. Arrested while on maternity leave, she faces serious charges, including money laundering and facilitating the settlement of foreign migrants. She remains in prison pending investigation into further charges that are still unclear to us and to the public. Sherifa is a mother of two children, one of whom was only two months old at the time of her arrest. Despite her condition, she was kept in custody, with no consideration given to her health, the best interests of her infant in such cases as provided for in the Code of Child Protection¹³, without considering the feelings and

13 Code of Child Protection, December 23, 2004 <https://wrcati.cawtar.org/assets/documents/pdf/codeenfantOK.pdf>

rights of motherhood, the essential needs of a two-month-old infant, and the psychological effects that may follow her throughout her life. According to her sister, Leila Riahi¹⁴, Sherifa is also enduring various forms of harassment in prison, including stigmatization, abuse, and denial of her health rights.



Chaima Issa: Imprisoned for months due to her political activism

Chaima Issa, a political activist and leader in the Salvation Front, was arrested on February 2023, 22. She was tried and banned from traveling due to media statements she made criticizing the Tunisian army and the deliberate policies of the President of the Republic in managing the country's affairs. She was accused of inciting the military to disobey orders, committing an obscene act against the President of the Republic, and spreading

14 The Intersection Association for Rights and Freedoms interviewed a relative of Sherifa Riahi on September 14, 2024. Shaimaa Issa: Imprisoned for Months Due to Her Political Activism 14, 2024.

false rumors via information and communication networks with the intent of harming public security and national defense. Chaima Issa spent nearly five months in prison, during which she was subjected to numerous violations and harassment. In her testimony to the Intersection Association¹⁵, she highlighted the most significant violations, including the denial of basic rights such as access to healthy food, personal hygiene, and the severe overcrowding within the prison. She also described the repeated harassment, as well as the humiliating and thorough body searches that violated her dignity. Chaima further shared the psychological and moral impact of her prison experience, which affected her social life, work, and family.

15 The Intersection Association interviewed political activist Chaima Issa on October 1, 2024.

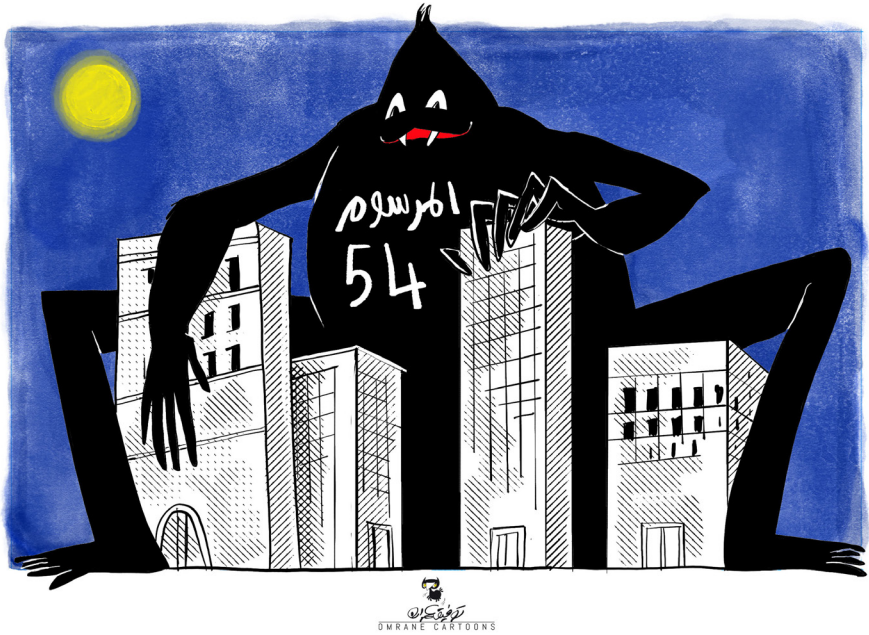


Saadia Mesbah:

Saadia Mesbah is a human rights activist and the head of the «Mnamti» association, which endeavors to raise awareness about the value of diversity, the importance of equality, combating racism, and ensuring legal protection for all. The association also focuses on elevating the status of Black individuals in the cultural sphere and promoting social and economic development. On May 2024 ,6, she was arrested, and both her association's headquarters and her home were searched. She was interrogated until the early morning hours, after which it was decided to keep her in custody pending further investigation. Saadia faces several charges, including forming a syndicate to help an individual enter to the Tunisian territory. Inside the prison, she is subjected to multiple violations, as described by Chadi, a friend of the association, in his testimony to the Intersection Association for Rights and Freedoms¹⁶. Among the

16 The Intersection Association interviewed Shadi (a pseudonym to protect the person who testified to the Association) on October 3, 2024.

violations are the denial of family visits, restrictions on direct meetings with her lawyer, and constant surveillance. Like other prisoners of conscience, Saadia undergoes periodic, thorough body searches that violate her physical integrity. Additionally, she faces poor health conditions that do not meet international health standards. According to Chadi's testimony, Saadia is also subjected to harassment and bullying by other prisoners, reflecting the level of instigation directed against her.



Legal framework :

Despite the articles in the 2022 Constitution that centralize executive power in the hands of the President of the Republic, establishing a single presidential system without oversight from the legislative and judicial powers, and despite the declines in freedoms compared to the 2014 Constitution, the 2022 Constitution still includes some guarantees related to public and individual freedoms, civil and political rights, media freedom, and the rights of the accused, detainees, and prisoners. For instance, Article 37¹⁷ states that “Freedom of opinion, thought, expression, media, and publication are guaranteed. Prior censorship of these freedoms shall not be exercised.” Article 38¹⁸ further asserts that “The State guarantees the

17 Constitution of the Tunisian Republic 2022, Tunisia <https://www.wipo.int/wipolex/ar/legislation/details/21853>

18 Constitution of the Tunisian Republic 2022, Tunisia <https://www.wipo.int/wipolex/ar/legislation/details/21853>

right to information and the right to access information. The State shall strive to guarantee the right to access communication networks.”

In the context of trials, Article 25¹⁹ affirms that “The State protects the dignity of the human person and the sanctity of the body, and prohibits moral and physical torture. The crime of torture does not expire by prescription.” Article 33 establishes that the accused is presumed innocent until proven guilty in a fair trial, in which they are guaranteed all necessary defense rights during prosecution and trial stages. Likewise, Article 35 stipulates that “No person may be arrested or detained except in cases of flagrante delicto or by judicial decision. They shall be immediately informed of their rights and the charge against them, and may appoint a lawyer. The period of detention shall be determined by law.” This approach is also reflected in Article 36, which states that “Every prisoner has the right to humane treatment that preserves their dignity. The State shall consider the interests of the family in executing custodial sentences, and shall work to rehabilitate the prisoner and reintegrate them into society.”

At the international level, prisoners' rights are protected by treaties ratified by the Tunisian state, as well as by laws such as Law No. 30²⁰ dated December 1968 ,29, concerning Tunisia's accession to the International Covenant on Civil and Political Rights, and Law No. 79-88,

19 Constitution of the Tunisian Republic 2022, Tunisia <https://www.wipo.int/wipolex/ar/legislation/details/21853>

20 Law No. 68-30 dated November 29, 1968, authorizing Tunisia's accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

concerning the ratification of the 1984²¹ United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Prisoners' rights are further regulated by Tunisian law, including Decree No. 1876 dated November 1988²², relating to the prison system, and more specifically by Law No. 2001-52²³, which ensures the physical and moral sanctity of prisoners, prepares them for life outside of prison, and supports their reintegration into society.

Assuch, prisoners are entitled to health and psychological care, education, and social support, while efforts are made to preserve their family connections. The most essential rights include access to adequate food, free medical treatment, bathing facilities, receiving provisions and letters from family, access to a defense lawyer, meetings with the prison director in case of issues, and the right to family visits in cases of serious illness or death.

21 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, 10 December, last accessed 17 September 2024. <https://www.ohchr.org/ar/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading#:~:text=1%2D%20%D8%AA%D8%B6%D9%85%D9%86%20%D9%83%D9%84%20%D8%AF%D9%88%D9%84%D8%A9%20%D8%B7%D8%B1%D9%81,%D8%AA%D8%A7%D8%AE%D8%B0%20%D9%81%D9%8A%20%D8%A7%D9%84%D8%A7%D8%B9%D8%AA%D8%A8%D8%A7%D8%B1%20%D8%B7%D8%A8%D9%8A%D8%B9%D8%AA%D9%87%D8%A7%20%D8%A7%D9%84%D8%AE%D8%B7%D9%8A%D8%B1%D8%A9>

22 Decree No. 1876 of 1988 dated November 4, 1988 regarding the special system for prisons %20%D8%A7%D9%84%D9%85%D9%87%D9%8A%D9%86%D8%A9

23 Prisoner rights and duties according to Law No. 2001-52 dated May 14, 2001 regarding the prison system https://www.ohchr.org/sites/default/files/Documents/Countries/TN/rapport_prison_inTunisia.pdf

Patterns of violations inside detention facilities

The patterns of violations within detention facilities in Tunisia are varied, highlighting a departure from both national and international human rights standards. These violations can be categorized based on their impact on the fundamental rights protected by international laws and agreements.

1. Ill-treatment

Violated right: Right to physical and psychological integrity (Article 25 of the Constitution, Convention against Torture).

Practices:

Use of physical and psychological torture during investigation.

Continuous humiliation and forcing female prisoners to undergo strip searches.

Forcing female prisoners to wear the "sefsari" as a means of humiliating them.

Example: Lawyer Sonia Dahmani was subjected to a humiliating strip search and forced to wear the sefsari before attending a court session, which constitutes a violation of her human dignity.

2. Medical and Health Negligence

Violated Right :Right to health care (Article 36 of the Constitution; United Nations Standard Minimum Rules for the Treatment of Prisoners).

Practices:

- Failure to provide necessary medications.
- Delays in medical examinations and denial of access to doctors.
- Disregard for the specific health conditions of prisoners.

Example:

Abir Moussi stated in a letter from prison that she was deprived of the health protocols required for her condition, endangering her life.

3. Overcrowding and Poor Living Conditions

Violated Right: The right to humane detention conditions (Article 36 of the Constitution; United Nations conventions).

Practices:

- Prison occupancy exceeding capacity by up to 200%.
- Lack of proper ventilation and the prevalence of insects and filth.
- Female prisoners being forced to sleep on the floor.

Example: The 2023 report by the Euro-Mediterranean Human Rights Monitor confirmed severe overcrowding in prisons, which has contributed to the spread of infectious diseases among female inmates.

4. Discrimination Against Women

Violated Right: The right to equality and non-discrimination (Article 21 of the Constitution; Convention on the Elimination of all Forms of Discrimination Against Women).

Practices:

Subjecting women to punitive systems designed for men, failing to account for their specific needs.

Example : Sherifa Riahi, a nursing mother, was mistreated without any regard for her particular needs or the welfare of her infant.

5. Denial of Legal Rights

Violated Right:

The right to a fair trial and the right to defense (Article 33 of the Constitution).

Practices:

Denying lawyers the ability to meet their clients in proper conditions.

Example:

Mariam Sassi was prevented from meeting her lawyer directly, hindering her ability to adequately prepare her defense.

6. Psychological and Social Harassment

Violated Right: The right to human dignity (Article 25 of the Constitution).

Practices:

Political incitement within prisons, leading to mutual violence among female prisoners.

Restricting families by delaying or preventing visits.

Example: Saadia Mesbah faces repeated bullying inside the prison, which affects her mental well-being.

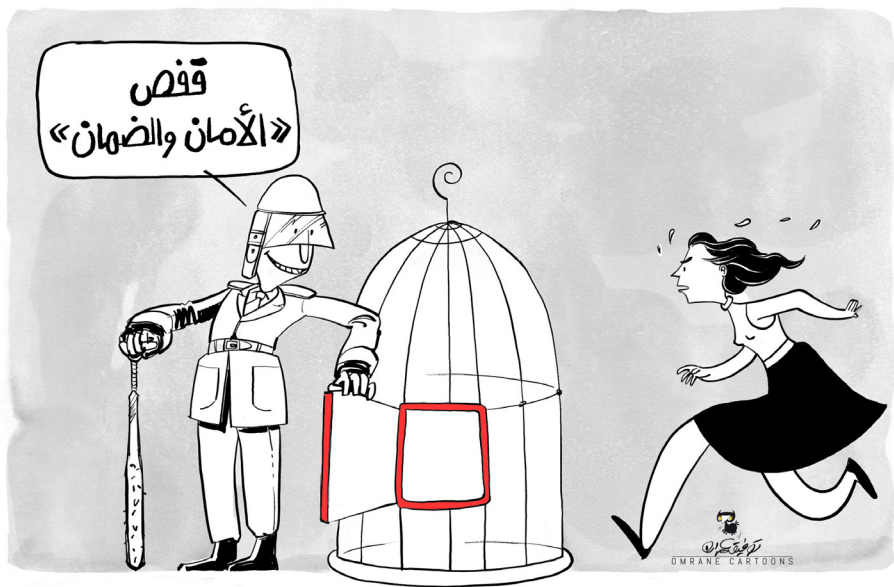
7. Violation of Privacy

Violated Right: The right to privacy and respect for personal life (Article 24 of the Constitution).

Practices:

Taking photographs of female prisoners during searches or transfers without their consent.
Interfering with the personal correspondence of female prisoners.

Example : Chadha Haj Mbarak was compelled to disclose her private correspondence during her detention.



Psychological and Social Impacts of Violations Inside Detention Facilities²⁴

The psychological and social impacts of violations inside detention facilities

The physical and emotional abuses inflicted to women in detention facilities result in profound and enduring psychological and social consequences, turning the prison experience into a prolonged ordeal that affects every aspect of their lives.

1. Psychological impact of detention and violations

Repressive practices in prisons, ranging from physical violence and degrading searches to the denial of basic rights, subject female prisoners to severe psychological trauma, including:

1/Depression and chronic anxiety: Daily stress and psychological abuse, whether from authorities or fellow inmates, leave women struggling with persistent mental health challenges.

2/Post-Traumatic Stress Disorder (PTSD): Women subjected to torture or physical and emotional abuse often develop PTSD, characterized by recurring nightmares, difficulty sleeping, and a lingering sense of insecurity, even post-release.

3/Social and psychological isolation: Imprisonment erodes trust in others, leaving female prisoners socially isolated and making reintegration into society particularly challenging.

2. Social impacts on prisoners and their families

The effects of imprisonment ripple outward, deeply affecting families and communities:

1/Family disintegration: The incarceration of women, especially mothers, disrupts family dynamics. Children are deprived of maternal care and often face social stigma due to the imprisonment of their mother.

2/Community stigma: Female prisoners, particularly political detainees, are frequently labeled as traitors or collaborators, creating immense barriers to reintegration after their release.

3/Impact on children: Children of incarcerated women suffer psychologically, experiencing anxiety over their mother's absence, discrimination from society, and difficulty adapting to school or social life.

3. Challenges for prisoners after release

The transition back to normal life is fraught with difficulties stemming from the abuses experienced in prison:

1/Challenges in employment and public life: Former prisoners face significant obstacles in securing employment due to the stigma associated with incarceration.

2/Withdrawal from civic engagement: Many political activists are hesitant to return to civic or political work, fearing renewed harassment or persecution.

3/Mental health decline: The psychological scars of imprisonment often persist long after release, potentially leading to chronic mental health disorders or suicidal ideation.



Conclusion :

If human rights represent a universal and comprehensive framework encompassing the rights of all generations through binding treaties and charters ratified by nations, they necessitate tangible measures that governments must incorporate into their public policies across political, economic, social, and cultural domains. This obligation extends beyond constitutional and legal legislation to the implementation of national, sectoral, and regional programs, alongside mechanisms that ensure respect for these rights by involving civil society actors. Numerous demeaning practices target women prisoners based on their opinions, stances, and civil or political activities. These include humiliating body searches, the forced wearing of the «sefsari,» and other forms of cruel or degrading treatment that contravene the provisions of the International Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment. Tunisia has ratified these binding provisions and committed to upholding their

recommendations before the UN Human Rights Council during the Universal Periodic Review in March 2023.

The impact of violations against women prisoners of conscience and those detained for political reasons extends beyond the victims themselves, manifesting in profound physical, psychological, and mental suffering. These violations also deeply affect their families, particularly their children, in an unprecedented manner in Tunisia's history of political repression. Even infants have not been spared, marking a blatant assault on fundamental human rights enshrined in all legislation. This abuse further weakens women's participation in public life by fostering an environment of intimidation that deters activists, public figures, and those aspiring to political engagement. Women's withdrawal from public affairs is exacerbated by a surge of online violence on social media platforms, where moral defamation and gratuitous insults are directed at these victims. Their suffering is compounded by the lack of response from the Public Prosecution, which fails to investigate or address cases filed against the perpetrators. This inaction reflects clear complicity from the judiciary, especially when the victims are individuals who merely oppose or criticize the state of public affairs in Tunisia.

Recommendations:

1/Release female prisoners of conscience, journalists, and civil society activists, or allow their trials to proceed while they remain at liberty.

2/Ensure the safety of female prisoners of conscience and political detainees from violence within prisons, exacerbated by political and media incitement.

3/Urge the prison administration to comply with the international conventions, refrain from violating the moral and physical integrity of prisoners, and eliminate humiliating practices aimed at punishing female detainees in an inhumane manner. The administration must also be held accountable for Sonia Dahmani's failure to attend her trial session.

4/Change the judicial system's reliance on pretrial detention, which often leads to the incarceration of individuals later proven innocent or to periods of detention exceeding the eventual sentence.

5/Address prison overcrowding by implementing alternative penalties to incarceration, particularly for female defendants awaiting trial.

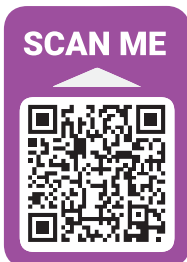
6/Enforce the separation of categories within prisons, as stipulated in articles 3 and 6 of the Penal Code. As outlined in Articles 3 and 6 of the Penal Code, there are detention prisons designated for individuals held in pretrial detention, and execution prisons intended for those serving sentences of deprivation of liberty.

7/Guarantee fair trials for all individuals and prevent the issuance of in absentia judgments for male or female defendants, ensuring that the prison administration fulfills its responsibility to summon detainees to court.

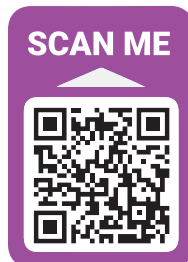
8/Hold the state politically and legally accountable for the deteriorating conditions of female prisoners and detainees in opinion-related cases, in line with the international human rights conventions it has ratified and the UN recommendations it has committed to implementing.



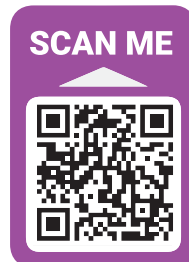
Publications of the Intersection Association



عربي 



 ENGLISH



 FRANCAIS

