

جمعية المساءلة الاجتماعية
Social Accountability Association
من حقّي نسائك



OBSERVATORY OF VIOLATIONS
OF THE FREEDOM OF OPINION
AND EXPRESSION



INTERSECTION
ASSOCIATION



Freedom of Expression in Tunisia: A Law Crisis or a Societal Crisis?

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Tunisia and Libya

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Freedom of Expression in Tunisia: A Law Crisis or a Societal Crisis?

Since July 25, Tunisia has undergone political and legislative transformations that have significantly impacted various legal and social aspects, including freedom of expression. These changes were accompanied by the issuance of Decree No. 54 of 2022 on combating crimes related to information and communication systems, a legal text that has sparked widespread controversy among various stakeholders due to its implications for online publishing practices and digital communication.

Given these developments, questions have arisen regarding the state of freedom of expression in Tunisia and the extent to which legal amendments affect media practices, digital activism, and public participation. This issue has garnered the attention of multiple actors , activists, journalists, academics, and civil society representatives who have sought to assess these changes and monitor the evolving landscape of freedoms.

In this context, the Observatory for Violations of Freedom of Opinion and Expression, managed by the Social Accountability Association and Intersection Association for Rights and Freedoms, initiated a series of meetings across several Tunisian regions. These meetings, organized as focus groups, targeted diverse groups, including youth, women, and representatives of non-governmental organizations. The sessions were held in the governorates of Béja, Siliana, Gafsa, Gabès, Sousse, Kairouan, Nabeul, as

well as the Faculty of Legal Sciences in Tunis.

This report aims to provide a comprehensive analysis of the various perspectives shared during these meetings by presenting participants' inputs and responses to guiding questions. Additionally, it seeks to highlight the challenges and stakes related to freedom of expression in Tunisia amid recent political and legislative developments, drawing on the opinions and field experiences discussed.



What's your personal perceptions of Freedom of Expression?

Civil society organization representatives in Siliana consider freedom of expression a fundamental right that cannot be compromised, provided that it does not involve defamation or harm to others' reputations. They emphasize that freedom of expression is possible through any communication channel and that it should never be restricted.

A.S., a civil activist in Siliana, believes that the situation in Tunisia is deteriorating, arguing that the government has no intention of allowing citizens to freely engage in public affairs. attributing this to the chaos that followed the revolution when everyone began discussing any topic

without relying on evidence or references.

Meanwhile, one of the participating women asserts that freedom of expression should not be restricted in any way. S.A. states that the public space should remain open for everyone to express their opinions in whatever way they see fit, as long as they do not engage in defamation, slander, or insults.

The youth in Siliana share a similar perspective, reaffirming that freedom of expression is a constitutional right that the government must guarantee for all its citizens.

In Béja, the situation is similar. Representatives of non-governmental organizations believe that there is a misunderstanding of freedom of expression—it is essential and non-negotiable. However, it should not be exercised excessively to the point of becoming vulgar or offensive. Therefore, it requires clear boundaries that can be reinforced through awareness of legal restrictive texts. despite acknowledging the significant number of violations in the years following the revolution. This underscores the need for greater efforts to raise citizens' awareness of the importance of freedom of expression and its limitations. Riham from Béja adds that, unfortunately, individuals today commit violations in the name of freedom of expression, sometimes to the extent of infringing on personal dignity—particularly on social media, where cyberbullying, defamation, and unjustified insults have become widespread.

Regarding the youth in Béja, Souheil, a 22-year-old, believes

that every citizen should have the right to freedom of expression, as it is their fundamental right to voice their opinions without restrictions. Despite potential abuses, he asserts that the authorities have no right to limit or threaten this freedom.

In Sousse, participants believe that freedom of expression is the ability to voice opinions in an environment that fosters openness and freedom. One of the female participants emphasizes that individuals should be able to express their views comfortably and without prejudice, while adhering to the principle that one's freedom ends where another's begins. And that expressing an opinion should not involve insulting others, spreading rumors, or misleading people with false information.

The youth in Sousse consider freedom of expression one of the most significant gains of the revolution and a right enshrined in international law. However, they believe that certain aspects should be regulated by law, with adherence to constitutional stipulation.

Civil society activists in Kairouan share a similar perspective on freedom of expression, viewing it as the right of all individuals to express their opinions and positions without imposing a single viewpoint or engaging in excessive theorizing. They emphasize the importance of respecting diverse opinions and perspectives.

One of the female participants in Kairouan highlights the clear distinction between freedom of expression and ideological preaching. Meanwhile, the youth consider that

freedom of expression should not be used as a pretext for spreading hate speech.

Civil society activists in Gafsa believe that freedom of expression is usually raised only when it pertains to political life and topics related to authority. Women in Gafsa, however, argue that freedom of expression should have certain limits, raising the question of who defines and enforces these boundaries to ensure that frameworks are protected. In contrast, the youth in Gafsa feel that the government has begun to view freedom of expression as an attack on it every time it is exercised.

At the Faculty of Legal Sciences in Tunis, the situation is not much different. Students and human rights activists view freedom of expression as the right to voice opinions through words or actions, but within a defined scope, emphasizing that freedom is limited by the freedom and rights of others. On the other hand, the female participants believe that freedom of expression is the ability to express any opinion or raise any question that comes to mind, in any form and within any framework, with the belief that everyone should be free to do so.

The situation in Gabes is not much different, as everyone agrees that freedom of expression is important, but it must be regulated by certain boundaries. However, the participating youth strongly criticize any attempts to restrict this freedom under any circumstance or for any reason. This view is nearly identical to that of civil society activists in Nabeul, who believe that freedom of expression

is simply the right of everyone to express their opinions and share their views on various issues without any restrictions or fear of prosecution.

The youth of Nabeul Governorate consider that despite all the pressures faced by activists, we should not abandon one of the revolution's most important gains—freedom of expression.

In Ben Arous, participants unanimously agree on the importance of freedom of expression as the only outlet for youth to voice their concerns and interests. The youth emphasize that social media is their primary platform for expression. However, some of the female participants, similar to their counterparts in other governorates, believe that when some individuals deviate from the true concept of freedom of expression and fall into the trap of insults, slander, and defamation, it may sometimes require the state to regulate matters to prevent freedom of expression from turning into a tool for settling scores and seeking revenge among members of society.

1/ Summary and Key Findings on Freedom of Expression in Tunisia

Points of Convergence:

- Freedom of expression is a fundamental right, and everyone agrees that freedom of expression is guaranteed and cannot be waived.
- The need to respect others: Participants believe that freedom of expression does not mean slander, defamation, or violating personal dignity.
- The importance of societal awareness: Many emphasize that regulating freedom of expression should be through awareness, not just through laws.
- The role of social media: It is considered the primary platform for expression, but it also witnesses significant violations.

Points of Divergence:

- Defining the limits of free expression: Some believe it should be absolute, while others see the need for ethical and legal boundaries.
- The role of the government: Some believe that state intervention in regulating freedom of expression is necessary, while others reject any restrictions, citing the need to preserve the gains of the revolution.
- Censorship vs. freedom: Some participants believe that punitive laws may be necessary to prevent chaos, while others consider any form of censorship to be an oppression of freedoms.

Shared Conclusions:

- The role of the state: It should ensure freedom of expression without using it as a pretext to restrict rights, while working to limit violations without compromising the essence of freedom.
- The role of civil society: It is essential in raising awareness about the responsible use of freedom of expression, promoting a culture of dialogue, and respecting differences.
- Balance is required: There is an urgent need to strike a balance between freedom of expression as a legitimate right and preventing its use as a means for incitement, defamation, or spreading hatred.

The extent of the disparity in the ongoing debate about freedom of expression in Tunisia is evident, where the main challenge remains finding a formula that ensures this right without its misuse.

2/ How do you assess the reality of freedom of expression in your region?

Civil society activists in Siliana believe that freedom of expression remains incomplete because the general public is not directly engaged in public affairs. After the revolution, the region witnessed a surge in public participation and discussions, but since 2015, everything has begun to decline. One of the women participants explains this by saying that freedom of expression is not considered one of the essentials or priorities for the general



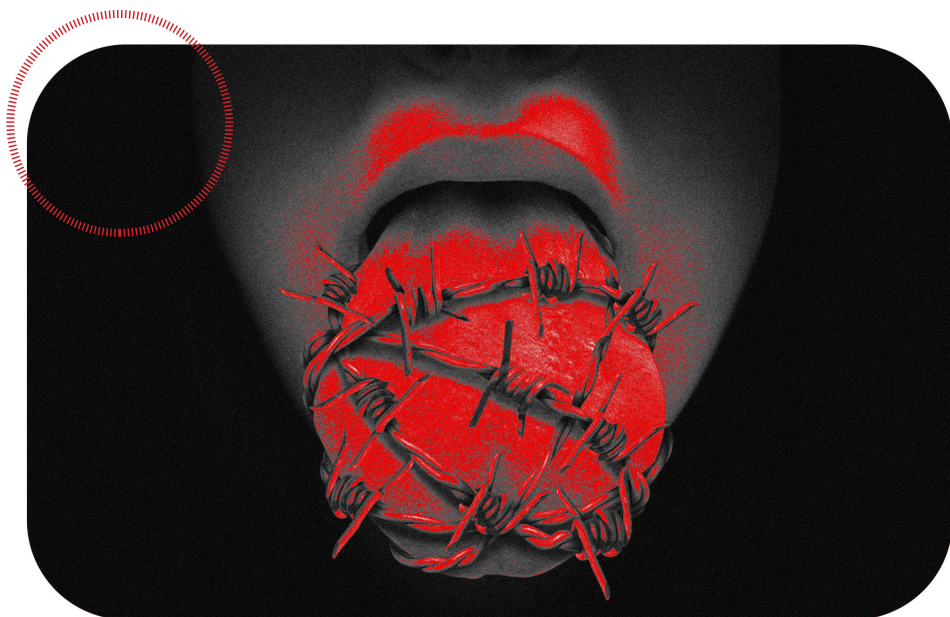
public in Siliana, compared to their immersion in daily life needs. This is confirmed by some youth, with Mohamed Ali stating that the agricultural nature of the region makes everyone preoccupied with their daily problems and thus matters of public and private freedoms are not of concern to them. His primary concern remains agriculture, land, and its requirements, which is a significant contradiction. The youth believe that the role of the government and civil society organizations is to work on raising awareness among citizens that expressing their problems is a way to find solutions.

The situation of freedom of expression in Béja is not much different. Mohamed, an activist in a local association, believes that freedom of expression in Béja is no different from that in the capital or other regions. Before the

revolution, citizens were active either in associations or through managing Facebook pages. However, this gradually started to fade, and the fear has returned, making it impossible to criticize the president or the security forces. One of the women participants adds that women in Béja face problems whenever they express their opinions. She provides an example, recalling that one woman posted a picture of a bridge on the verge of collapsing, and found herself pursued legally after the governorate of Béja and the Ministry of Equipment filed a complaint accusing her of spreading false information. She adds that this would not have happened in the past, and it was possible to interact and communicate with the authorities through Facebook.

In Sousse, NGOs consider that the situation in their city is no different from the general situation in Tunisia. Whether you express yourself or not, no one listens to you. In this political climate, there are now boundaries that cannot be crossed, with the return of detentions, arrests, and legal pursuits. This has led many activists and even citizens, who once contributed to their local communities, to return to silence, avoiding discussions about public policies. Only a few continued their activism and faced security forces harassment, which contributed to the creation of self-censorship, pushing everyone into silence and avoiding political matters.

In Kairouan, the situation is somewhat different. Civil society activists believe that the situation changes from time to time. They consider that there was a large space for freedom of expression in Kairouan, but it was accompanied by a state



of chaos where everyone spoke with varying degrees of knowledge and ignorance. One of the women participants adds that they are now scared after the issuance of Decree 54 and the legal pursuits of activists. «Emna» says, «We have become fearful and think a thousand times before posting anything.» Youth in Kairouan consider that they lived through three stages: the first being the revolution period, which they view as a period of chaos and confusion; the second being the period of stagnation, where people became more disciplined; and the third, the period after July 25, which they describe as a time of imposed silence out of fear.

Similarly, in Gabes, participants believe that whether they express themselves or not, nothing changes. This has made everyone indifferent, and they consider discussing public affairs pointless. However, some participants believe that freedom of expression was the most significant

achievement of the revolution. The lack of tangible changes in the economic and social situation for citizens, especially in their region, has led everyone to prefer silence over expression, opting to focus on their private lives rather than public matters. Youth describe this as surrendering to the status quo.

In Gafsa, the situation is somewhat different. Participants agree that there is no problem with expression, which has mostly been limited to daily life issues due to the region's political and civil activity decline. Youth involved in the cultural field add that theatrical works in the region were an outlet for freedom of expression, as they served as a platform for critiquing reality. However, these activities have declined due to the lack of financial support. One participant points out that he applied for support for a play discussing freedom issues, but the Ministry of Culture rejected it.

In Nabeul, youth say that freedom of expression has significantly declined after the recent actions taken by the government, leading many to hesitate in expressing their views for fear of legal repercussions. One of the women participants adds that Nabeul has not witnessed any form of protest or criticism of the situation in recent years, attributing this to citizens' lack of interest in public issues. They feel that nothing has changed in their lives since the revolution, regardless of whether they speak up or remain silent.

At the Faculty of Legal Sciences in Tunis, students believe

that the university is the only space where they can practice freedom of expression. Only within the walls of the university can they issue statements and express their opinions. One student adds that their faculty may be an exception, as in other university campuses, the situation is similar to what exists outside the university, with no signs of public or political discourse. One female student recalls that before the revolution, universities were under the supervision of campus security, and all activities were monitored. However, the situation changed completely after the revolution, thanks to the commitment of both professors and students to freedom, and they are not willing to go back.

Summary and Key findings on the Reality of Freedom of Expression in Tunisia

Points of Convergence:

- **Decline in Freedom of Expression After the Revolution:** Most governorates have witnessed a gradual decline in the level of freedom of expression compared to the period following 2011, especially after 2015 with the issuance of Decree 54.
- **Fear and Legal Pursuits:** There is an increasing sense of fear about expressing opinions, due to security forces prosecutions or juridical cases against activists and citizens.
- **Lack of Public Interest in Political Affairs:** Citizens in several regions (Siliana, Béja, Gabes, Nabeul) feel that expressing opinions is no longer a priority, as they have not seen tangible changes in their economic and social conditions despite the freedom of expression.
- **Decline of Free Spaces:** social media and associations were initially platforms for expression, but they have lost their impact due to fear of penalties. Cultural spaces (like theater in Gafsa) can no longer play this role due to a lack of support.

Points of Divergence:

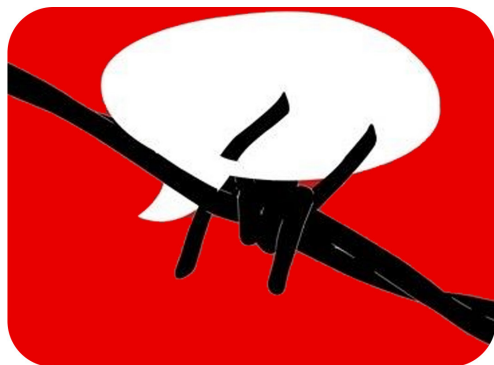
- **Expression Between Forced Silence and Actual Absence:** In some regions (like Gafsa), there are no strict restrictions on freedom of expression, but public discussion has shrunk to daily life issues. In other areas (like Nabeul and Sousse), there is cautious silence due to fear of legal repercussions.

•The Role of Universities as a Last Refuge: While spaces for expression have diminished in the public sphere, some universities, like the Faculty of Legal Sciences, remain exceptions where students and professors continue to uphold freedom of expression.

Shared Conclusions:

- The Role of the government: The government is viewed as no longer guaranteeing freedom of expression as it once did, but rather imposing increasing restrictions, leading to a form of «self-censorship» among citizens.
- The Role of Civil Society: Civil society faces the challenge of reviving awareness about the importance of freedom of expression, especially as many citizens no longer see the value in expressing their opinions.
- The Future Challenge: The key challenge lies in rebuilding trust between the government and citizens, where expressing opinions is seen as a means to improve conditions, not just a legal risk.

In general, it seems that freedom of expression in Tunisia is going through a phase of contraction, where fear of penalties and the perception that expression is ineffective have become obstacles to participation in public affairs.



3- What issues or topics do you feel are restricted or forbidden to discuss?

Civil society activists in Siliana believe that human rights topics cannot be discussed, attributing this to the lack of human rights organizations in the region defending rights and freedoms. One young man shared that he follows human rights issues on Facebook, especially from the capital, but he cannot share them on his account for fear of legal prosecution.

In Béja, activists see that all topics have become forbidden to discuss or critique, with many cases filed against bloggers. The youth feel that police forces have resumed their control and are summoning citizens to question them about their writings on all subjects.

The situation is different in Sousse, where participants believe there are no forbidden topics, as they can discuss anything, as long as it is done with respect, without mentioning names or making accusations. However, one woman shared that she cannot talk about sexual topics, as she becomes subject to insults whenever she touches

on such issues. She also mentioned that discussing these topics is considered taboo in her local community in Sousse, recalling that she was labeled an atheist when she expressed solidarity with a victim of homosexuality. Another journalist added that there are other topics that cannot be freely discussed. She recounted how she wrote about the opening of cafes during Ramadan from the perspective of individual freedoms and was surprised by a smear campaign and insults on Facebook, which led her to delete the post.

Fatma, a law student in Tunis, mentioned facing difficulties discussing certain topics in Sousse, but not in Tunis, especially topics like homosexuality, which leads her to practice self-censorship to avoid any harassment.

In Gafsa, some people believe there are no forbidden topics, but the context differs. One woman mentioned that certain topics are considered exclusive to men, and women in Gafsa cannot openly discuss them due to the conservative nature of society. She added that women are more likely to face criticism than men. In contrast, one young man felt that he could discuss any topic without restrictions, attributing this to the «protection» he gets in university life, which gives him the freedom to express himself freely.

In Gabes, participants feel that discussing politics, criticizing the president's performance, and the actions of July 25th have become taboo, or topics most people avoid talking about publicly, with only a few exceptions. One young woman shared that her father started warning her

not to discuss politics on social media due to Decree 54, which he never did before, expressing her dissatisfaction with this, despite the Constitution and international laws guaranteeing the right to freedom of expression.

In Kairouan, topics related to sexual freedoms are unanimously considered forbidden, as the city's Islamic nature makes discussing such issues risky. This is nearly the same in Nabeul and Ben Arous, where participants agree that they cannot discuss all topics freely, as the conservative nature of the community prevents them from doing so.

Students at the Faculty of Legal Sciences are divided; some believe they can discuss all topics freely without restrictions, while others feel that religious matters are beyond criticism and should be considered unquestionable. Some female students also feel that they can no longer freely discuss certain political issues outside the university, nor can they freely criticize the serious security forces violations occurring in the country, despite their efforts to create protective shields, with some resorting to using anonymous accounts to avoid prosecution.



Summary on Forbidden Topics and Restrictions on Freedom of Expression in Tunisia

Points of Convergence:

- **Fear of expressing human rights and political issues:**
 - o In several regions (Siliana, Béja, Gabès, Nabeul, Ben Arous), discussing freedoms and human rights has become a dangerous matter, particularly due to the absence of organizations defending rights.
 - o Criticizing the president and the July 25 measures

has become taboo, leading many citizens to practice self-censorship, especially after Decree 54.

- **Self-censorship due to fear of social and legal repercussions:**

- In areas like Sousse and Kairouan, topics related to sexuality and homosexuality remain taboo, and those who speak about them face cyber-attacks and social stigmatization.

- The use of pseudonyms on social media has become a means to avoid security and judicial prosecution.

- **Women are more affected by social restrictions:**

- In Gafsa, Gabès, and Sousse, women face harsher harassment when addressing sensitive political or social topics compared to men.

- Certain topics remain «exclusive to men,» while women face defamation campaigns when discussing them.

Points of Divergence:

- **Freedom of expression is relative according to the environment and location:**

- o In the capital Tunis, sensitive topics seem to be discussed more freely compared to interior regions such as Kairouan and Nabeul.

- o At the Faculty of Law, there is a wider space for discussion, but some students believe that religion remains a «red line,» while others consider the university to be the only space that allows unrestricted debate.

- **Possibility of expression according to the context and social framework:**

- In Gafsa, although expression on sensitive topics is limited, theatre and university life offer some outlet for freedom of expression on certain issues.
- In Sousse, any topic can be discussed as long as no names are mentioned or direct accusations are made; however, topics related to sexual freedoms remain socially prohibited.

Shared Conclusions:

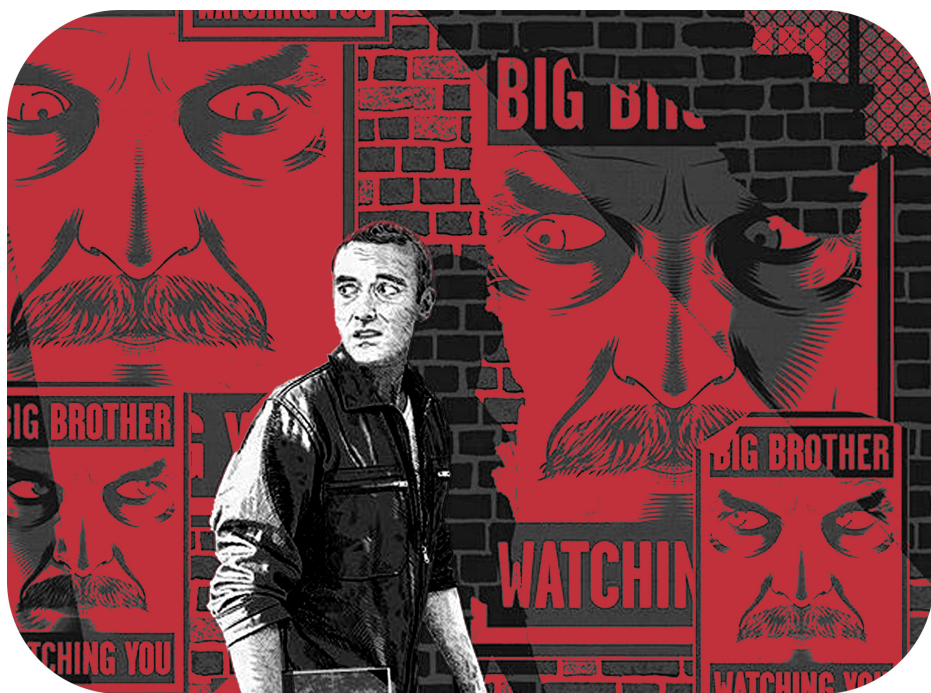
- **The government and society as determinants of freedom of expression:**

- The government imposes legal restrictions preventing citizens from speaking freely on political and human rights topics.
- Society imposes social and cultural constraints that prevent discussions on certain issues, such as individual and sexual freedoms, especially in conservative areas.

- **The future of freedom of expression in Tunisia:**

- The increasing legal and social restrictions are pushing citizens, particularly youth and women, to refrain from expressing themselves or resort to secretive means such as pseudonymous accounts.
- Although there is still some room for debate in universities, it is shrinking outside of academic walls, which may impact the future of intellectual and political movements in the country.

It is evident that freedom of expression in Tunisia is experiencing a significant decline, whether due to restrictive laws or societal norms that prohibit discussions on certain topics. This has created a reality of «enforced silence».



4/ Are You Aware of the Laws Protecting Freedom of Expression in Tunisia?

Civil society activists in Béja believe that freedom of expression is enshrined in the constitution, but the authorities apply it selectively whenever they see fit. One young participant stated that, despite the constitutional

guarantee of freedom of expression, the ruling authority after July 25 has sought to restrict it by issuing Decree 54 and selectively enforcing certain chapters of the Telecommunications Code against those who attempt to criticize it. This sentiment is shared by participants from Siliana, Kairouan, as well as Nabeul and Ben Arous.

A young man from Gabès mentioned that he had never heard of Decree 54 until he read on social media that a young man in Monastir had been arrested for a graffiti drawing of the President.

In Gafsa, participants stated that the laws remain vague and unclear. Regarding the constitution, they pointed out that the guarantee of freedom of expression is merely general and is not enforced and often contradicts other legislation. A female participant added that people are not interested in legal texts because they are difficult to understand.

Young people in Sousse take this argument further, asserting that while freedom of expression is theoretically protected by the constitution, it is not welcomed in practice. They emphasize that decrees should reinforce this freedom, not undermine it. They insist that laws should serve the public interest, not protect their authors and those in power from criticism and accountability.

This perspective is echoed by law students from the Faculty of Legal Sciences in Tunis, who highlight that Tunisia is committed to a range of international treaties that guarantee freedoms, including freedom of expression.

They call on the President to repeal Decree 54, describing it as a repressive measure against freedoms.

Summary of the Relationship Between the Constitution, Legislation, and Freedom of Expression in Tunisia

Points of Convergence :

- **Freedom of expression is constitutionally guaranteed but practically ineffective:**

- Participants from Béja, Siliana, Kairouan, Nabeul, Ben Arous, and Sousse believe that the government does not implement the constitution as written but instead uses laws to restrict freedoms.

- In Gafsa, participants find that the laws remain «vague and unclear,» further limiting freedom of expression in practice.

Decree 54 as a tool to restrict freedom of expression:

- Most participants believe that this decree is selectively used to punish critics, especially after July 25.

- In Gabès, some noted that they were unaware of the decree until arrests occurred in connection with it.

Contradiction between local laws and international commitments:

- Law students from the Faculty of Legal Sciences in Tunis point out that Tunisia is bound by international treaties guaranteeing freedom of expression, but Decree 54 contradicts these commitments.

Points of Divergence :

- **Public awareness of legal frameworks:**

- In Gabès, some young people were unaware of Decree

54 until arrests brought attention to it, highlighting a lack of legal awareness.

- In Gafsa, participants find laws too complex for the general public to understand, making them less of a priority in daily concerns.

- Youth perspectives on the constitution:**

- In Sousse, there is a deeper legal awareness, with youth arguing that laws should enhance, rather than restrict, freedom of expression. They emphasize that authorities use legislation to shield themselves rather than serve the public interest.

- Law students advocate for the complete withdrawal of Decree 54, considering it a repressive measure that contradicts both the constitution and international agreements.

Shared Conclusions:

- There is a gap between legal texts and the actual practice of freedom of expression in Tunisia.

Decree 54 has become a symbol of repression against free speech after July 25, being selectively enforced against opposition voices.

- Complex and unclear legal frameworks make it difficult for ordinary citizens to understand their rights, allowing restrictions on freedoms to go largely unchallenged.

- Civil society and law students are the most aware of the contradictions between national laws and international treaties, but their influence remains limited in the face of government policies.

The legal framework in Tunisia theoretically guarantees freedom of expression; however, in practice, it imposes significant restrictions, fostering a climate of fear and self-censorship in society.

5/ Have you ever faced a situation where you felt that the law prevented you from freely expressing your opinion?

Activists in Béja report that they recently had to cancel a protest movement out of fear of the authorities' reaction. One activist mentioned that he now practices self-censorship to avoid falling under the scope of Decree 54. In Siliana, Iman states that she has often considered criticizing the closure of coffees during Ramadan but refrains from posting about it each time, despite believing she has the right to express her opinion on the matter. In Gabès, one participant noted that despite the worsening issues related to the chemical complex, he avoids discussing the topic due to fear of legal consequences. Another participant mentioned that she still speaks about the issue but does so cautiously and respectfully, avoiding accusations or personal attacks.

A participant from Gabès recalled that in 2019, they were able to freely draft and circulate a student-signed petition demanding the renovation of school restrooms, which was well-received and led to action. However, today, they feel afraid of the school's administration, which has changed its stance on such initiatives. Another participant shared

that she now avoids discussing certain topics after facing numerous issues for addressing religious and gender freedoms. She recounted receiving messages of insults, accusations of atheism, and threats, which ultimately forced her to delete her post and cut ties with many of her Facebook connections.

In Gafsa, a female civil society activist stated that she called for a protest against the governor's performance but was surprised by the lack of turnout. She attributed this to activists who had reportedly contacted the governorate and worked to undermine the protest.

In Kairouan and Ben Arous, no one responded to the question.

In Sousse, a journalist shared an unsettling experience where the media institution she works for asked her to revise an investigative report, arguing that as a public institution, they could not publish such content. This incident deeply affected and shocked her. Another participant in Sousse recounted how he once addressed the issue of single mothers, only to face a fierce backlash. The pressure became so intense that he had to delete his post, especially after his family insisted that he do so, fearing that he would be summoned by the police.

A law student added that he often refrains from expressing his opinions on various topics due to immense family pressure, especially after witnessing the arrests of numerous lawyers and journalists.

Points of Convergence:

- The widespread prevalence of self-censorship due to fear of legal repercussions or violent reactions.
- The impact of Decree 54, as well as family and societal pressures, on freedom of expression.
- A decline in participation in protests and civic initiatives due to fear of sanctions or social isolation.
- The role of institutions (media, educational, and administrative) in restricting discussions on sensitive topics.

Points of Divergence:

- Responses to Fear: While some activists continue to express their opinions cautiously, others have completely refrained from engaging in sensitive topics.
- Nature of Silenced Issues: These vary between individual rights (religious and gender freedoms), social rights (closure of cafés, issues in educational institutions), and political matters (governors' performance, environmental conditions).
- Sources of Pressure: In some cases, pressure comes from the state (laws and prosecutions), while in others, it originates from society (family influence, hostile comments, social exclusion).

Shared Conclusions:

- There is a noticeable decline in the role of civil society due to fear, which negatively impacts social movements and rights advocacy.
- The government has become a key player in imposing an environment of censorship, whether through legislation or indirect pressure on institutions.

Self-censorship has become an effective control mechanism, preventing individuals from expressing themselves even without direct state intervention. •Society itself has become part of the repression mechanism, exerting pressure through family constraints and hostile campaigns against those who address sensitive issues.

There is a shift in the nature of the relationship between the state and civil society, where repression is no longer solely imposed by official institutions. Instead, society itself has taken on this role, further complicating the landscape of freedom of expression.

Solutions and Recommendations

In Béja Civil society activists consider the need to repeal Decree 54 and Article 226, which have been used to justify legal prosecutions under the pretext of public morality. They emphasize the importance of reopening public spaces for dialogue and restoring free expression, a role that civil society should actively play. One female participant highlights that the government must abandon its accusatory rhetoric and refrain from restricting public spaces and suppressing constitutionally guaranteed freedom of expression. Young people in Béja also believe that civil society should refocus on educating citizens about the principles of freedom.

In Kairouan Similarly, activists in Kairouan share these concerns. One participant expressed deep disappointment in the Tunisian public's commitment to freedoms, which she sees as essential for building a democratic and civil state.

In Sousse, activists advocate for strengthening the legal framework that protects and promotes freedom of expression as a cultural value within society. A female participant emphasized that the media must resume its role in raising awareness, while civil society organizations should launch counter-campaigns to educate citizens on the importance and value of freedom of expression.

In Gafsa Participants unanimously call for civil society to be involved in drafting laws that intersect with freedom of expression. They see that civil society represents a vital counterbalance to the authorities and plays a crucial role in legislative proposals. Additionally, they insist on the importance of education, training, and fostering a culture of citizenship.

In Gabès one participant acknowledges the need for maintaining public order and societal values but warns against using these justifications for political score-settling under the pretext of preserving morality. Another participant emphasizes the importance of explaining laws to citizens before enforcing them, suggesting that state-run media should take on this responsibility. Civil society is also urged to increase awareness campaigns, particularly in marginalized regions. Participants from Siliana and Ben Arous share these views, underscoring the government's responsibility in providing civil society with the necessary resources to carry out its awareness-raising mission.

Legal Studies Students

Law students at the Faculty of Legal Sciences insists on the need to reinforce Tunisia's legal framework for protecting freedom of expression. They highlight the urgency of establishing the Constitutional Court, which would have the authority to review the constitutionality of laws. They see that if such a court had been in place, it could have struck down Decree 54, thereby preventing the widespread violations of freedom of expression that have affected activists and citizens nationwide.

Points of Convergence:

- A collective demand for the repeal of laws restricting freedom of expression, such as Decree 54 and Article 226.
- The necessity of strengthening the legal framework to protect freedom of expression, including the establishment of an independent Constitutional Court.
- The role of civil society in educating citizens on freedom and civic engagement, with a focus on raising legal awareness and informing individuals about their rights.
- The importance of involving civil society in the legislative process to ensure a balance between authorities and society.
- The media's role in fostering public awareness, with an emphasis on restoring its independence to promote a culture of freedom.

Points of Divergence:

- Ethical Restrictions:** Some participants emphasize the need to uphold societal values without exploiting them for political vendettas, while others insist on the importance of separating morality from legal constraints.
- Faith in Civil Society's Impact:** While some believe civil society remains a powerful force for change, others express frustration over the declining awareness of freedoms within society.
- Role of the Government:** While some demand that the government cease restricting public spaces, others argue that it should provide support and resources to enable civil society to fulfill its awareness-raising mission.

Shared Conclusions:

- There is an urgent need to reform the legal framework governing freedom of expression, either by repealing repressive laws or by establishing a Constitutional Court to safeguard freedoms.
- Civil society must reclaim its educational and advocacy role in promoting freedoms, particularly in underserved regions where legal awareness is limited.
- The government bears a significant responsibility in fostering an open dialogue environment rather than resorting to accusatory rhetoric or legal restrictions.
- The media should serve as a key partner in promoting freedom of expression, rather than functioning as a tool for justifying restrictive laws.

There is a consensus that freedom of expression in Tunisia is at risk and that the solution lies in legal reforms, a more active role for civil society, and a broader space for public dialogue. However, there are varying levels of optimism regarding the feasibility of achieving these changes.

Conclusion

The perspectives shared by participants highlight the growing challenges facing freedom of expression in Tunisia, where legal repression intersects with self-censorship and societal pressures, leading to a decline in civic engagement and public debate. This regression cannot be separated from the political shifts that have taken place since July 25, 2021, when President Kaïs Saïed suspended and later dissolved Parliament. This move was followed by a series of presidential decrees that consolidated executive power while weakening constitutional safeguards for fundamental freedoms. Among these, Decree 54 has been widely used to prosecute journalists, activists, and even ordinary citizens under the pretext of combating “false information.” Similarly, Article 226 has been employed under the guise of protecting “public morality.”

In this context, civil society finds itself in a difficult position. Participants agree on the urgent need to repeal restrictive laws and establish an independent Constitutional Court to ensure that legislation aligns with constitutional

rights. However, activists continue to face significant legal and societal pressures that limit their ability to express themselves freely. While some call the government to end its restrictions on public space, others argue that it has a responsibility to support civil society in fulfilling its awareness-raising and educational role, particularly given the lack of legal literacy in many marginalized regions. Since July 25, 2021, Tunisia has been moving toward a more centralized system of power, where laws and decrees are used to curtail freedom of expression and weaken civil society. The future of this fundamental right now depends on the ability of civil and political actors to push for legal reforms and restore a balance between state authority and society. However, as crackdowns continue, the question remains: Can these changes be achieved in the near future?



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OBSERVATORY OF VIOLATIONS
OF THE FREEDOM OF OPINION
AND EXPRESSION



INTERSECTION
ASSOCIATION