



CONGRÈS DE TUNIS
POUR L'ÉGALITÉ
ET LES LIBERTÉS INDIVIDUELLES

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LA CITÉ DE LA CULTURE
SALLE OMAR KHLIFI

The Tunisian Pact for Equality and Individual Freedoms



Because we believe in a Tunisia where we can all live regardless of our differences, our colors, our patterns, our diversity and our beliefs; Because we support this freedom that we have been able to reach; Because all of us, individuals and society, must protect ourselves from discrimination, humiliation and exclusion; and because we want to pave the way for the future generations hoping for a Tunisia that is more beautiful and that they deserve; We consider that today we are living a decisive moment with the release of the report of the Committee on Individual Freedoms and Equality and its dissemination to the public at large. We are fully aware of our responsibility to seize this historic date to expunge Tunisian legislation from the grip of discrimination and other forms of restriction and repression of freedoms in order to fulfill the requirements of the Constitution of the Republic of Tunisia of 27 January 2014 and to harmonize our legislation with international human rights standards and current trends in the field of human rights and public and individual freedoms.

As representatives of associations, organizations, unions, parties and national figures, we affirm our support for the results of the Committee on equality and individual freedoms' work and for its important conclusions and serious proposals for the draft laws that we consider as representing a common and solid ground for interacting and developing these laws. These required changes are driven by the following motives:

- First, in response to the legal requirement arising from the need for a legislation that is consistent with the Tunisian Constitution. This constitution, which was welcomed by all Tunisian men and women and praised by the entire world upon its adoption, has enshrined a significant number of freedoms, whether public or individual without reservation or discrimination, which was decisive in the debates on the vision of society and hence put an end to skepticism about the right of Tunisian men and women to humanity, dignity and security. The constitution raised the hope that the people would be "the craftsman of their own history, convinced that science, work and creativity are superior human values, aiming for excellence and aspiring to offer their contribution to civilization, on the basis of the independence of the national decision, peace in the world and human solidarity" (Preamble of the Constitution) Today, the report proposes the concretization of these values and constitutional provisions so that they do not remain a dead letter.
- Second, in response to the struggles of Tunisian intellectual, legal, political, civil and civic forces in their claim for successive generations for the recognition and respect of equality and individual freedoms as an integral part of universal human rights, demands that it is high time to satisfy.
- Third, to support our country's democracy by removing the various forms of violations and restrictions affecting individual freedoms and undermining equality, which has rooted for corruption and the forces of tyranny. Individual freedoms have long been a tool for liquidation, prosecution and repression of political opponents and human rights activists to

isolate them from society. Discrimination has always been an open door to the exclusion of the most vulnerable and deprived groups, including women and youth, by depriving them to participate in public life, which are the characteristics of the authoritarian regimes from which it is its time to break free.

- Fourth, as a consecration of the rule of law based on citizenship, the will of the people and the supremacy of the law. The Tunisian people have fought for centuries long and bitter struggles to be the master of its destiny and decision, which cannot be achieved without the rehabilitation of the individual in order to build confidence within the national community, based on legal texts and democratic institutions that guarantee a common and decent life for all without exclusion or exception.
- Fifth, to consolidate the progress of our country since the 2011 revolution, filling the cultural, social and legislative gaps in order to keep abreast of the developments in our society and for the advancement of Tunisian human being. This can only be achieved by promoting the values of freedom and equality without which there can be neither dignity for the individual nor peace for society.
- Sixth, to win the battle of dignity, which cannot be achieved without ensuring decent living conditions such as employment, health, education and housing, but also beforehand, and with the same degree of importance educating future generations to freedom in the full sense of the term and to the principle that the individual is master of himself, and developing their ability to criticize and resist the dominance of the community and consensus. Building social solidarity between different segments of society and between generations requires above all that individuals to be free in their minds, eager to acquire and value freedom in all its dimensions and aspects.

Because it is essential that all the forces unite around this common ground and to remove all the inaccuracies that have been communicated about the contents of the report, we turn today to all the living forces of the country: politicians, parties, trade unions, youth, members of the People's Assembly, national organizations, NGOs and national figures who advocate in all fields; culture, arts, society and sports, to ask them to support and sign the Tunisian Pact for Equality and Individual Freedoms.

The Tunisian Pact for Equality and Individual Freedoms is in support of the commission's report based on the Basics of individual freedoms and the pillars of equality it contains, to protect them against any distortion, instrumentalization or violation. It aims to mobilize the forces of our country to strengthen them with the legislative reforms needed today to build our second republic. This will be based on the freedom and full and effective equality of individuals, without distinction based on sex, race, color, appearance, age, health condition, disability, sexual orientation, state of pregnancy, language, religion, political opinion, trade union activity, national or social origin, place of residence, wealth, descent, marital status or other reasons ... in order to establish a democratic civil state that lays down the true foundations of the Second Republic.

Based on these values and therefore our determination to achieve these goals, we commit ourselves to the following principles:

1. The right to life is inherent to every human being and no other person, authority or State can give it nor deprive anybody of it, hence the orientation towards the abolition of death penalty;
2. Equality is a guarantee of the dignity of human beings. Discrimination cannot be accepted for any reason whatever its justifications and in whatever form. The state must oppose any form of discrimination in the laws it adopts so as not to reproduce it in society. Today, the rule of law cannot apply to one part of the population to the exclusion of the other under any pretext. Sex cannot be decisive and cannot be used to justify discrimination, marginalization or exclusion in terms of rights and freedoms. Based on this principle, all forms of legal discrimination between women and men and between children must be banned, whether for marriage, nationality, family status, guardianship or custody of children, resources, inheritance, family name or other ... All forms of discrimination prevailing in practice shall be fought and the State is responsible for combating all manifestations of hatred, segregation and violence based on discrimination between people including homophobia;
3. Freedom and bodily integrity. Every individual is free and responsible for his body because the preservation of physical integrity guarantees the safeguarding of human dignity; No other person, authority or state has the right to control the bodies of others through the law or in practice. Therefore, the body must be protected against torture, harm or pain, which requires the development of a more precise definition of torture in national law. The protection of the human body also includes its preservation against any commercial, scientific or medical use that is not subject to the prior consent of the person and to his/her free and enlightened will. Therefore, it is necessary to put an end to practices that violate the freedom and sanctity of the body, whether committed in law or in accordance with current practice for legal, social, cultural, political or other considerations;
4. The safety of the person in his/her body, dignity and property is a right that guarantees respect for his/her humanity. The presumption of innocence is a fundamental principle. No one shall be deprived of liberty arbitrarily. The deprivation of liberty must only be inflicted by virtue of previously conceived legal texts which are clearly and precisely formulated in accordance with the provisions of the Constitution, but without compromising the essence of the law and with due respect for the requirements of a civilian democratic State. It must therefore be implemented only to protect the rights of others, public security, national defense, public health or public morality, while respecting the proportionality between these provisions and the obligations deriving therefrom. No detention can be carried out without the need for the necessary guarantees for a fair trial. Prisoners or detainees enjoy human rights that ensure respect for their dignity. Consequently, the revision of the Code of Criminal Procedure and the revision of all criminal legislation aim to limit their repressive measures and to expunge them from all the provisions used to restrict and repress freedoms. It is also necessary to abolish provisions that violate the safety and security of the person, including those governing the state of emergency;
5. Private life reflects freedom, and there is no authority in that except the conviction and free will of the person; The State shall protect the privacy of individuals, the confidentiality of their personal data, the sanctity of their homes, their property, their reputation and their honor from any interference or violation. The rehabilitation of private life also requires the revision of a number of laws, including the law on terrorism and the texts governing the state of emergency;

6. Freedom of thought, conscience and religion is an absolute right that cannot be restricted. It includes the freedom of thought in all areas and the freedom of personal beliefs including whether or not to adopt a religion or a belief, and whether or not to practice religious rites. No interference or coercion can be imposed by anyone on these freedoms, hence the need to repeal all legal texts that suggest a preference for a given religious belief to the detriment of others, as well as those that make a distinction between citizens on the basis of their religion and those who directly or indirectly deprive religious minorities of their civil, political, economic, social or cultural rights. It is also necessary to prohibit and penalize all discriminatory practices based on thought, conscience or religion, and the State is responsible for combating calls for violence, discrimination or hatred;
7. Art, creation, scientific research and knowledge are liberties of which restriction, cancellation or limitation in any form and for any reason whether ideological, political, religious or moral must be prohibited and penalized;
8. Thought and opinion and their expression under whatever form are liberties which must not be hindered, canceled or restricted;
9. Sexual rights and freedoms are an integral component of human rights that cannot be ignored, and any act that affects or violates them must be prohibited and penalized;
10. Identity, belonging, sexual and gender trends and expressions are rights that must be recognized, enshrined and protected by the corresponding legal effects designed for this purpose. Any discrimination in violation of these rights must be prohibited and penalized. There is a need to revise the laws governing these rights, and to strengthen the laws that protect individual identities;
11. These freedoms and rights shall be exercised in all spheres, whether public or private, and the State shall protect access to these rights and freedoms and ensure their enjoyment;
12. These rights and freedoms shall apply to everyone on the Tunisian soil. The judiciary authority shall be the guardian of equality, individual rights and freedoms directly inspired from the Tunisian Constitution, the Universal Declaration of Human Rights and the international conventions ratified by the Tunisian State as an expression of its sovereignty and belonging to the universal human heritage and of its participation in the movement of history towards the promotion of all rights for the entire human family.

List of signatories on July 25th 2018

1. Coalition tunisienne contre la peine de mort
2. Association tunisienne des femmes démocrates
3. Association Tunisienne de Défense des Libertés Individuelles
4. Association tunisienne de défense des valeurs universitaires
5. Association tunisienne de défense des droits de l'enfant
6. Association Tunisienne de Lutte contre les Maladies Sexuellement Transmissibles et le Sida, Tunis
7. Ligue tunisienne de défense des droits de l'Homme
8. Forum tunisien des droits économiques et sociaux
9. Syndicat national des journalistes tunisiens
10. Association Al Bawsala
11. Association L'Art Rue
12. Association des femmes tunisiennes pour la recherche sur le développement
13. Association Beity
14. Association Tahadi
15. Association Shams
16. Association Ensemble
17. Association Dissonances
18. Association « Vigilance » pour la démocratie et l'Etat Civil
19. Damj – Association tunisienne pour la justice et l'égalité
20. Ligue des électrices tunisiennes
21. Initiative Mawjoudin pour l'égalité
22. Centre de soutien à la transition démocratique et aux droits de l'Homme
23. Forum des femmes africaines
24. Réseau EUROMED droits
25. Fédération Internationale des droits de l'Homme
26. Soyons actifs / actives
27. Fondation Heinrich Böll
28. OXFAM
29. Avocats sans frontières
30. Human Rights Watch
31. Legal Agenda
32. Association femme et citoyenneté – El Kef
33. Association Tunisie Terre des Hommes
34. Fédération Tunisienne pour une citoyenneté des deux rives
35. Association de développement et de l'encadrement des jeunes et de l'enfance - Jendouba
36. Collectif Civil Soumoud
37. Association Sounbola
38. Association Egalité Parité
39. Association Trait d'Union
40. Association tunisienne de soutien des minorités
41. Association Joussour Citoyenneté – Le Kef
42. Association de la créativité scolaire
43. Association Citoyenneté et Libertés
44. Association Mouwatinet
45. Association pour la promotion du Droit à la Différence

46. Association Citoyens & Solidaires
47. Observatoire pour la défense du droit à la différence
48. Groupe Tawhida Ben Cheikh pour la Recherche & Action en santé des femmes
49. Association Tunisie Culture et Solidarité – Paris
50. Organisation mondiale contre la Torture
51. Association by الحوم
52. Centre de Tunis pour la liberté de la presse
53. Association Tunisienne pour l'Intégrité et la Démocratie des Elections
54. Coalition des femmes de Tunisie
55. Enda Inter-arabe
56. Association tunisienne de prévention positive
57. Association Tunisienne de la Santé reproductive
58. Association free sight
59. Association le manifeste de la culture
60. Association Chouf
61. Initiative Al-Sajine 52
62. Amnesty International – Section Tunisie
63. Association Al Kahina pour la Culture et le Développement
64. Association CALAM
65. Psychologues du Monde
66. Association Le chemin de la Dignité
67. Association Citoyenneté Paritaire – Tigar
68. Association de la femme rurale – Jendouba
69. Organisation Horra
70. Association Waai
71. Association Unies-vers-elles
72. Association Magida Boulila pour la Modernité – Sfax
73. Association Aswat Nissaa
74. Association Fanni Raghman Anni
75. Conseil International des Femmes Entrepreneures
76. Conseil Tunisien de Sécularisme
77. Association Jamaity
78. Association Lam Echaml
79. Association Manifeste pour le Développement et la Citoyenneté – Beja
80. Association M'nemty
81. Organisation Tunisienne pour la justice sociale et la Solidarité
82. Réseau Doustourna
83. Réseau national des éducateurs pairs Y-PEER Tunisie
84. Association Femmes et Leadership
85. Association Frida
86. Organisation de l'Education et de la Famille
87. Association de Développement pour l'éducation et la famille
88. Association Nimaa' pour le développement et la démocratie
89. Association Voix du Peuple
90. Association Al-Na'oura
91. Espace Zmorda
92. Association des amis des lettres, des arts et des sciences
93. Association Zanoubia