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POLICY BRIEF SERIES

Freedom of Religion or Belief in Tunisia: Constitutional Architecture, Practice and Feasible Reforms

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1. Introduction

Tunisia can stop punishing peaceful religious dissent without rewriting its Constitution. Article 27 of the 2022 text guarantees freedom of belief and conscience. Article 55 omits "public morals" from the grounds on which rights may be limited, although the 2014 Constitution had named that ground. Yet moral offences still give prosecutors wide scope to police speech and conduct. This gap should be the starting point for reform.[1] Qatar, the subject of the author's earlier brief in this series, shows the reverse pattern: there, the constitution itself qualifies the right.[2]

The cost is concrete. In 2012, two men received seven-and-a-half-year sentences for online posts deemed offensive to Islám. In 2017, courts jailed men who ate or smoked in public during Ramadan. In 2020, a court sentenced Emna Chargui to six months for sharing satire about COVID-19 in the form of a Qur'ánic verse. The Bahá'í community has won in the Administrative Tribunal, yet still cannot register an association, much less as a religious community. Constitutional guarantees did not prevent these outcomes.[3]

Two sources of state power help explain the gap: broad criminal offences and state control of religious life. Both predate the 2014 Constitution. Since President Kais Saied took exceptional powers on 25 July 2021, weakened judicial checks have made them harder to contest. The constitutional text matters, too. Its protections sit alongside a state duty to pursue the purposes of Islám, which leaves room for rival readings of the same rights.[4]

2. Constitutional Architecture

2.1. The 2014 Settlement

The 2014 Constitution reflected a negotiated settlement. Ennahda agreed in March 2012 to leave out a clause making Sharí'ah a source of law. Article 1 retained the formula that Tunisia's religion is Islám; Article 2 defined it as a civil state based on citizenship.[5]

Article 6 combined freedom of conscience and belief with a duty to guard religion. It protected worship and the neutrality of mosques, while also requiring the state to protect the sacred and combat calls for *takfír*, the denunciation of a person as an unbeliever. The Venice Commission had warned that protecting the sacred could be used to justify criminal penalties for blasphemy. That tension remained in the adopted text.[6]

Article 49 allowed limits on rights, including on grounds of public morals, subject to necessity and proportionality. Article 20 placed approved and ratified treaties above ordinary law.

2.2. The 2022 Text and the Opening in Article 55

Saied's 2022 Constitution retained freedom of belief and conscience in Article 27. Article 28 protects religious rites, subject to public security. The earlier duties to protect the sacred and combat *takfír* disappeared, as did the express guarantee of mosque neutrality. The civil-state clause was also omitted.[7]

Article 5 assigns to the state alone the task of pursuing the purposes of Islám within a democratic order. Article 88 requires the President to be Muslim. These provisions qualify any claim that the new text treats all beliefs on equal terms.

Article 55 offers a precise ground for legal challenge. Restrictions must be set by law and meet the needs of a democratic order; they must protect the rights of others or serve public security, national defence or public health. They must be proportionate and preserve the substance of the right. The 'public morals' clause is now absent, meaning offense to religious feeling cannot simply be treated as a free-standing constitutional reason to punish speech. At this stage, no court has ruled on it. But the omission of the 'public morals' clause does not itself erase Penal Code offences. Authorities may still invoke public security or the rights of others, but would have to show how the conduct at issue threatens a protected interest and why punishment is necessary. Article 5 should be read together with the rights chapter, rather than treated as a license to override it.

2.3. Rights without Effective Review

The 2014 Constitution required the establishment of a Constitutional Court within a year of the legislative elections, but it was never formed. In 2021, Saied refused to sign amendments intended to ease the deadlock over appointments; Decree No. 2021-117 then abolished the interim body

[1] Tunisia, Constitution, 27 January 2014, Articles 6 and 49 ('Constitution 2014') (https://www.legal-tools.org/doc/1756e9/); Tunisia, Constitution, 25 July 2022, Articles 27, 28 and 55 ('Constitution 2022'), promulgated by Presidential Decree No. 2022-691, 17 August 2022 (https://www.legal-tools.org/doc/qnckx3xl/).

[2] Abdelrahman Ayyash, "Freedom of Religion or Belief in Qatar: Constitutional Architecture, Practice and Feasible Reforms", Policy Brief Series No. 189 (2025), Torkel Opsahl Academic EPublisher ('TOAEP'), Florence, 3 October 2025 (https://www.toaep.org/pbs-pdf/189-ayyash/).

[3] Human Rights Watch ('HRW'), "Tunisia: Seven Years in Jail for Mocking Islam", 6 April 2012 and updated 3 July 2012; Amnesty International, "Tunisia: Fifth Man Facing Jail Term for Breaking Fast during Ramadan", 13 June 2017; Clooney Foundation for Justice ('CFJ'), "Statement on the Conviction of Emna Chargui in Tunisia", 15 July 2020.

[4] International Commission of Jurists ('ICJ'), "Tunisia: End Attacks on Judges and Prosecutors and Break the Executive's Grip over the Judiciary", September 2026; Constitution 2022, Article 5, see *supra* note 1.

[5] Constitution 2014, Articles 1, 2 and 6, see *supra* note 1; Monica L. Marks, "Convince, Coerce, or Compromise? Ennahda's Approach to Tunisia's Constitution", Brookings Doha Center, 2014, pp. 19–21.

[6] European Commission for Democracy through Law ('Venice Commission'), "Opinion on the Final Draft Constitution of the Republic of Tunisia", CDL-AD(2013)032, 17 October 2013, paras. 31–37 (https://www.legal-tools.org/doc/9lrep40u/); Constitution 2014, Articles 6, 20 and 49, see *supra* note 1.

[7] Constitution 2022, Articles 5, 27, 28, 55 and 88, see *supra* note 1. Public morals appeared in Article 49 of the 2014 Constitution; it is absent from Article 55 of the 2022 text, which reads:

"لا توضع قيود على الحقوق والحريّات المضمونة بهذا الدّستور إلا بمقتضى قانون ولضرورة يقتضيها نظام ديمقراطيّ وبهدف حماية حقوق الغير أو لمقتضيات الأمن العامّ أو الدفاع الوطنيّ أو الصّحة العمومية".

that reviewed draft laws.[8]

In 2022, Saied dissolved the High Judicial Council and dismissed 57 judges and prosecutors. The Administrative Court later suspended 49 dismissals, but the executive did not reinstate those judges, according to Amnesty International.[9]

The 2022 text provides for a nine-member Constitutional Court drawn from senior judges, with appointments made by decree. In early November 2026, the bill to establish it was still before parliamentary committees. In the absence of a functioning Court, the route for referring pleas of unconstitutionality under Article 127 remains unavailable.[10]

3. The Legal Toolbox

3.1. Broad Offences and Uncertain Boundaries

Tunisia has no offence expressly titled blasphemy or apostasy. That offers little comfort when other offences can punish the same speech.

Article 226 of the Penal Code punishes public indecency with six months in prison and a fine of 48 dinars. Article 226 *bis* punishes public harm to good morals or public morality by gesture or word with six months in prison and a fine of 1,000 dinars. Their broad terms leave courts room to turn social disapproval into criminal liability. In 2018, the Commission on Individual Freedoms and Equality ('COLIBE') proposed repeal and a narrower offence addressing harmful public sexual conduct.[11]

Article 121 *ter*, impugned in the 2012 *Mejri* case (discussed below), provides six months to five years in prison for circulating certain material liable to harm public order or good morals. Its reach after the 2011 press reform is disputed. Reporters Without Borders argued in 2014 that it should be treated as repealed for press activities covered by the new law, while calling for express repeal to remove the uncertainty.[12]

Article 86 of the Telecommunications Code punishes intentional harm to others or disturbance of their peace through public networks with one to two years in prison. Decree-Law No. 2011-115 on the press adds religion-specific offences: Article 52 addresses direct calls to hatred through incitement and Article 53 fines attacks on authorized religious rites. The latter can shield beliefs from criticism. The former needs precise definitions and a high threshold of proof.[13]

Decree-Law No. 2022-54 extends the threat through offences concerning false information online. Decree-Law No. 2026-1 of 30 September 2026 replaced Article 24's prison term for a first offence with a fine of 10,000–20,000 dinars. A repeat offence carries six months in prison and a fine of 50,000 dinars, and penalties double where a public official is targeted. The change reduces prison exposure, while leaving a broad speech offence and heavy fines in place.[14]

3.2. State Control of Mosques

Law No. 88-34 of 3 May 1988 places mosques in the state's public domain and restricts activities within them to appointed or authorized persons. The Ministry of Religious Affairs ('MoRA') appoints and pays imáms; it also suggests themes for Friday sermons and may take steps to remove those appointed. Government Decree No. 2019-1228 governs mosque staff, and the President directly appoints the Grand Mufti.[15]

This model long predates Saied. Bourguiba used state authority to reshape religious practice; Ben Ali used it to secure his rule. As Rory McCarthy's study of post-independence Tunisia argues, state secularism involved managing religion. But state funding of mosques does not justify punishing an imám for peaceful criticism of an official.[16]

3.3. Unequal Access to Legal Status

Older communities have distinct legal arrangements. Jewish communities fall under a 1958 law. A 1964 agreement with the Holy See recognizes the Catholic Church, subject to restrictions on its activities. The Protestant Church received recognition in 1933. These arrangements, however, have not produced an equal route to legal status for all faith groups.[17]

In his 2019 report on a 2018 visit, Ahmed Shaheed, then United Nations ('UN') Special Rapporteur on freedom of religion or belief, recorded the government's view that associations with a religious affiliation could not register. He called for the recognition of legal personality for Bahá'ís. Decree-Law No. 2011-88 sets a declaratory regime for associations, but treating a group's faith as a bar to using that regime deprives its members of a means to hold property and organize worship.[18]

School rules also require scrutiny. The 2019 UN report described exemptions from Islámic education for Jewish and Christian children. The United States' ('US') State Department's 2023 report noted non-Muslim pupils could seek exemptions more generally. Neither account, however, establishes an equal, accessible route for every family, including families with no religious belief. The Ministry of Education ('MoE') should publish a rule that protects them without requiring a declaration of faith.[19]

4. Practice

4.1. Religious Minorities and People with No Belief

The Bahá'í dispute tests whether freedom of belief includes the right to organize.[20] Its community leaders notified the government of the 'Bahá'í Association of Tunisia' on 19 December 2012, but, in January 2013, the government's Secretary-General told them to change the name. According to Inkyfada, which obtained the case documents, the Administrative Tribunal ruled for the Association on 21 February 2019, holding that founders are free to choose their association's name. The government, formally notified a year later, filed an appeal in 2020, which, on 28 March 2022, was dismissed by the appeals chamber on procedural grounds. The government then approached the Court of Cassation. No report shows that the Association has been registered by the time of writ-

8 Constitution 2014, Article 148(5), see *supra* note 1; ConstitutionNet, "Tunisian President Rejects Constitutional Court Amendments", 5 April 2021; Venice Commission, CDL-PI(2022)026, 27 May 2022, para. 25 (https://www.legal-tools.org/doc/cslw7m4k/).

9 Amnesty International, "Tunisia: Reinstate Revoked Judges and Prosecutors", 16 September 2022; ICJ, 2026, see *supra* note 4.

10 Constitution 2022, Articles 125–132, see *supra* note 1; see also, Assembly of the Representatives of the People, Organic Law Proposal No. 2025/100, November 2026.

11 Tunisia, Code pénal, 6 September 2005, Articles 226 and 226 *bis* (https://www.legal-tools.org/doc/0cf257/); HRW, "Tunisia: Landmark Proposals on Gender Bias, Privacy", 26 July 2018. The account of the proposal of the Commission on Individual Freedoms and Equality ('COLIBE') follows HRW's summary.

12 Code pénal, Article 121 *ter*, see *supra* note 11; Ahlem Eddhif, "Le Code pénal à la lumière du Décret-loi 2011-115", *Business News*, June 2014.

13 Tunisia, Telecommunications Code, Law No. 2001-1, 15 January 2001, Article 86 (https://www.legal-tools.org/doc/l4tva24d/); Tunisia, Decree-Law No. 2011-115 on the Freedom of the Press, Printing and Publishing, 2 November 2011, Articles 52–53 (https://www.legal-tools.org/doc/odioct3x/); CFJ, "Tunisia vs. Emna Chargui", June 2021, pp. 21 ff.

14 Tunisia, Decree-Law No. 2026-1 amending Article 24 of Decree-Law No. 2022-54, 30 September 2026; Mohamed Fethi, "Décret 54: L'article 24 réécrit, la prison supprimée sauf en cas de récidive", *Webdo*, 30 September 2026.

15 Tunisia, Law No. 88-34 on Mosques, 3 May 1988, Articles 5 and 7; Tunisia, Government Decree No. 2019-1228, 24 December 2019; US State Department, "2023 Report on International Religious Freedom: Tunisia", June 2024, Section II ('IRF 2023') (https://www.legal-tools.org/doc/vy32kfvm/).

16 Rory McCarthy, "Re-thinking Secularism in Post-Independence Tunisia", in *Journal of North African Studies*, 2014, vol. 19, no. 5, pp. 733–750.

17 Commission on Human Rights, Implementation of the Apartheid Convention: Tunisia, UN Doc. E/CN.4/1993/52/Add.4, 19 November 1992, para. 9, on the Law of 11 July 1958; *Modus Vivendi* between the Holy See and the Republic of Tunisia, 27 June 1964, Articles 2–3 (https://www.legal-tools.org/doc/dse17v-lb/); Report of the Special Rapporteur on Freedom of Religion or Belief on His Visit to Tunisia, UN Doc. A/HRC/40/58/Add.1, 3 October 2019, paras. 47–51 ('Special Rapporteur, 2019') (https://www.legal-tools.org/doc/w5kiycr5/). On the Protestant Church, the report cites Article 1 of the Beylical Decree of 20 July 1933.

18 Special Rapporteur, 2019, paras. 50–51, 87 and 89(e), see *supra* note 17; Tunisia, Decree-Law No. 2011-88 on Associations, 24 September 2011 (https://www.legal-tools.org/doc/1i8u9iaz/); IRF 2023, Section II, see *supra* note 15.

19 Special Rapporteur, 2019, para. 88, see *supra* note 17; IRF 2023, Section II, see *supra* note 15.

20 The legal status of Bahá'í communities is discussed in other issues of this Series, see Salim A. Nakhjavani, "Constitutional Coherence and the Legal Status of the Bahá'í Community of Iran", PBS No. 70 (2016), TOAEP, Brussels, 16 November 2016 (https://www.toaep.org/pbs-pdf/70-nakhjavani/); and, on Egypt, Sherif Azer, "Imprisoning Faith: Restrictions and Challenges Facing Religious Minorities in Egypt", PBS No. 183 (2025), TOAEP, Brussels, 10 September 2025 (https://www.toaep.org/pbs-pdf/183-azer/).

ing. The government's appeal memorandum of July 2020 cited a 1988 ruling of the International Islamic Fiqh Academy declaring Bahá'ís unbelievers and opinions sought in 2016 from the Minister of Religious Affairs and the Mufti of the Republic, who urged that the Association be barred. A 2020 request for a cemetery also remained unanswered. In March 2021, Bahá'ís filed a complaint over official material they said accused them of unbelief and put members at risk. The public prosecutor rejected it, according to a community representative, leaving them to pursue it as private claimants.[21]

The government's stated position remained restrictive in a November 2025 UN review. Its delegation said that Tunisia welcomed all religions, but did not permit associations to be named after religions.[22]

Christian community leaders, on the other hand, estimated about 5,000 Christian citizens in 2023. But non-Catholic citizens reported that they could not establish a legal entity for a church. In February that year, police detained two evangelical federation leaders after a television report presented house churches as places where Christian migrants from sub-Saharan Africa gathered to worship. They were released without charge on 10 March 2023. A local NGO told the State Department that state help to churches assisting sub-Saharan congregants largely stopped after the President's speech that month on irregular migration.[23]

The Jewish community is approximately 1,500 citizens strong and face similar targeting. On 9 May 2023, a National Guard officer killed five people near the Ghriba synagogue on Djerba. On 16 February 2026, the terrorism chamber of the Tunis Court of First Instance sentenced five people over the attack to terms of one to 15 years. On 20 October 2026, the Court of Appeal raised several of the sentences. The attack showed the need for effective protection of minority worshippers as well as legal equality.[24]

People with no religion must also receive full protection and realization of their constitutional rights, including the freedom of (non-)belief. In its 2021–2022 survey, Arab Barometer found that 27 per cent of Tunisian respondents described themselves as not religious. Their rights should not depend on forming a recognized community or explaining their convictions to police.[25]

4.2. Speech and Religious Observance

On 28 March 2012, the Mahdia Court of First Instance sentenced Jabeur Mejri and Ghazi Beji to seven and a half years in prison and a fine of 1,200 dinars for online writings and caricatures mocking the Prophet. Prosecutors relied on Article 121 *ter* and Article 226 *bis* of the Penal Code and Article 86 of the Telecommunications Code. Beji, who had fled to Europe, was convicted *in absentia*; the Monastir Court of Appeal upheld the verdict on 25 June 2012. However, Mejri received a presidential pardon on 19 February 2014 and left prison on 4 March.[26]

The 2014 guarantees did not put an end to such cases. In July 2020, Emna Chargui received six months in prison and a 2,000-dinar fine under Articles 52 and 53 of the press law. She had shared another person's satire about COVID-19 that echoed a Qur'ánic verse. TrialWatch, which monitored the trial, found no evidence that she intended to incite hostility or violence, or that either was likely to follow. Chargui herself received death and rape threats.[27]

Further, in June 2017, Amnesty International reported that five men had received one-month terms in Bizerte for eating or smoking in public during Ramadan, though no law requires citizens to fast.[28]

4.3. Control of Imáms

Security concerns helped justify tighter control of mosques after 2011. Six days after the July 2014 attack near Mount Chaambi, which killed 15 soldiers, the government said it had issued suspension notices to 157 associations, many of them Islámic. Human Rights Watch examined 12 of the notices, issued by five governors, and found that they bypassed the court orders required under the associations law.[29]

Later cases have also raised the question of whether the law is being instrumentalized for political loyalty. In August 2021, the MoRA summoned an imám who had reportedly called Saied a putschist. In August 2022, an imám in Nabeul governorate was suspended for 10 days after reciting verses with a word that shares a root with the Arabic for coup.[30]

4.4. Civil Society under Pressure

Human Rights Watch and Amnesty International reported in May 2024 that more than 70 people had faced arbitrary prosecution since the end of 2022, in a crackdown that included speech cases. In 2025, courts suspended at least 14 organizations for 30 days under Decree-Law No. 2011-88, among which was the Tunisian Association of Democratic Women, one of the groups that had publicly backed the Bahá'í complaint in March 2021. A Tunis court also suspended I Watch, an anti-corruption watchdog set up after the 2011 revolution, for one month in July 2025. On 24 April 2026, the Tunisian League for Human Rights ('LTDH') was also notified of a one-month suspension. Human Rights Watch's September 2026 report documented a wider assault on associations, including proceedings seeking dissolution. This weakens the groups that can bring belief cases to public attention and help claimants reach a court.[31]

5. International Obligations

Tunisia ratified the International Covenant on Civil and Political Rights in 1969 without a reservation to Article 18. It joined the First Optional Protocol in 2011, allowing individual complaints to the Human Rights Committee ('HRC'). The Covenant protects the right to adopt or change a belief, and also to have none. The freedom to hold a belief and freedom from coercion cannot be restricted; only the freedom to manifest such belief can be subject to limitations in accordance with Article 18(3).[32]

Article 27 adds a duty owed to minorities: members of religious minorities "shall not be denied the right, in community with the other members of their group […] to profess and practise their own religion". The HRC has said that this right does not depend on a state's recognition of the group. Tunisia's Bahá'í, Christian and Jewish citizens fall within its protection; a refusal to let a community register or bury its dead engages

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21 Ghada Zouari and Maher Dhahbi: "الجزء 1 | البهائيون·ات في تونس:"100 سنة من التواجد" وحقوق منقوصة" [Bahá'ís in Tunisia, part 1], in *Inkyfada*, 11 April 2025, and "الجزء 2 | الجمعية البهائية والحكومة التونسية: قضية إدارية بخلفية تكفيرية" [The Bahá'í Association and the Tunisian Government, part 2], in *Inkyfada*, 16 April 2025; IRF 2023, Section II, see *supra* note 15; US State Department, "2022 Report on International Religious Freedom: Tunisia", May 2023, Section II ('IRF 2022') (https://www.legal-tools.org/doc/ari5ebaq/).

22 UN Office at Geneva, "Examen de la Tunisie au CERD", November 2025, responses by the delegation.

23 IRF 2023, Sections I–III, see *supra* note 15.

24 "Prison sentences increased in the case of the terrorist attack on the 'Ghariba' synagogue", *Mosaïque FM*, 20 October 2026; IRF 2023, section II, see *supra* note 15.

25 Arab Barometer, "MENA Youth Lead Return to Religion", 23 March 2023, reporting the 2021–2022 wave.

26 "Attorney General v. Mejri", Global Freedom of Expression, Columbia University; HRW, 6 April 2012, see *supra* note 3; HRW, "Tunisia: Prison, Fines for Offending 'Sacred Values'", 3 August 2012. HRW's April release reports seven-year terms under Article 121 *ter* and refers to Article 226 *bis* as Article 226(2); its August release notes seven and a half years. Amnesty International UK, "Tunisia: Prisoner of Conscience Jabeur Mejri Freed, Conviction Must Be Quashed", 5 March 2014; Special Rapporteur, 2019, para. 55, see *supra* note 17.

27 CFJ, 2020, see *supra* note 3, and CFJ, 2021, see *supra* note 13; Amnesty International, "Tunisia: Blogger Emna Chargui Sentenced to Six Months in Prison for Social Media Post", 15 July 2020. Her lawyers had appealed, but no final appeal judgment has been reported.

28 Amnesty International, 2017, see *supra* note 3.

29 HRW, "Tunisia: Suspension of Associations Arbitrary", 13 August 2014.

30 "Un imam convoqué pour avoir qualifié Saied de putschiste", *Webdo*, 22 August 2021; "Tunisia Imam 'Suspended' for Using Word with Same Root as 'Coup' during Quran Recitation", *The New Arab*, 13 August 2022; IRF 2022, Section II, see *supra* note 21.

31 HRW and Amnesty International, "Tunisia: Authorities Escalate Clampdown on Media, Freedom of Expression", 30 May 2024; Amnesty International, "Tunisia: Escalating crackdown on human rights organizations reaches critical levels", 14 November 2025; HRW, "'We Are Living on Borrowed Time': Repression of Civil Society in Tunisia", 2 September 2026.

32 International Covenant on Civil and Political Rights, 19 December 1966, Articles 18–19 ('ICCPR') (https://www.legal-tools.org/doc/2838f3/); *id*., First Optional Protocol, 23 March 1976, Articles 1–5 (https://www.legal-tools.org/doc/4841b8/).

Article 27 as well as Article 18.[33]

The HRC's General Comment No. 22 makes clear that public morals cannot derive solely from one religious tradition. Compelling observance through prison terms for eating during Ramadan cannot be justified by the majority's faith. Under General Comment No. 34, bans on disrespecting religion are incompatible with the Covenant except where the speech meets Article 20(2)'s threshold for prohibited incitement.[34]

The Rabat Plan of Action sets out six factors for assessing incitement: context, the speaker, intent, content and form, the extent of dissemination, and the likelihood of harm, including imminence. Article 52 of the press law should be read and revised against that standard. TrialWatch's findings in the *Chargui* case show why its reference to hatred cannot be treated as proof that its use meets the Covenant.[35]

The African Charter protects freedom of conscience in Article 8. Tunisia's withdrawal of its declaration allowing individuals and eligible non-governmental organizations to apply directly to the African Court took effect on 8 March 2026. Applications lodged before that date remain before the Court. New complaints may still go to the African Commission, which can then refer matters to the Court. The withdrawal narrows access, but Tunisia remains bound by the Charter.[36]

These standards also support domestic claims. Article 74 of the 2022 Constitution ranks treaties approved by the Parliament and ratified by the President above statutory law. Read with Articles 27 and 55, treaty law supports narrow readings of criminal offences and challenges to unequal treatment.[37]

6. Feasible Reforms

The government should adopt a public reform plan with a timeline and responsible bodies named. Administrative steps can reduce harm while the Parliament changes the law, though a circular cannot repeal an offence or bind a judge's decision. A reasonable and feasible proposal follows.

6.1. Within 90 Days

End prosecutions for peaceful belief and non-observance. The Ministry of Justice should issue public guidance, consistent with judicial independence, requiring prosecutors to assess pending cases under Articles 18 and 19 of the Covenant. Prosecutors should seek withdrawal of charges based solely on peaceful religious criticism or failure to observe a rite. Any incitement charge should identify evidence of intent and likely harm under the Rabat test. Courts should review convictions through the procedures available to them.

Give reasons and access to review. The Presidency of the Government should publish clear rules for associations under Decree-Law No. 2011-88 and require written legal grounds for objections. The MoRA should do the same for decisions affecting worship and mosque staff. Each adverse decision should identify the appeal route.

Resolve the Bahá'í barriers. The government should comply with the Administrative Tribunal's rulings and register the Association under the ordinary associations regime. If any appeal remains pending, it should withdraw objections based on religious doctrine and publish the status of the proceedings. The Ministry of Interior and the local authority with power over burial land should decide cemetery requests on equal terms, with reasons and a right of review.

6.2. Within One Year

Protect pupils and mosque staff. The MoE should offer a simple exemption from confessional instruction without proof of a family's belief, with a suitable alternative and no penalty to the pupil. The MoRA should publish narrow grounds for imám discipline, provide notice and a hearing, and comply with Administrative Court orders. Peaceful criticism of officials should not be a ground for dismissal.

Change the criminal law. The Parliament should expressly repeal Article 121 *ter* and remove the vague speech offences in Article 86 of the Telecommunications Code and Article 24 of Decree-Law No. 2022-54. It should replace Articles 226 and 226 *bis* with narrowly defined offences that address concrete harm, drawing on COLIBE's work. It should repeal the offence of attacking authorized rites in Article 53 and revise Article 52 to meet the Covenant's incitement threshold.

Make judicial review effective. The Parliament should complete the law needed for a functioning Constitutional Court under Articles 125–132, with safeguards for independence. Appointments should follow the constitutional rules, and the Court must be provided with funds and a workable referral procedure. The executive should comply with court orders, including those protecting judges from unlawful dismissal.

7. Conclusion

Tunisia does not lack a right to freedom of belief. Article 27 guarantees it, and Article 55 no longer allows it to be limited on grounds of public morals. The Covenant binds the state without reservation.

What fails is enforcement. Offences older than the 2014 and 2022 constitutions still reach peaceful speech and non-observance, and the state still decides which faiths may organize. The Bahá'í community has won in court but still cannot register. The steps in Section 6 above ask authorities to apply the law they already have; none of these requires a new constitution.

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[33] ICCPR, Article 27, see *supra* note 32; HRC, General Comment No. 23, UN Doc. CCPR/C/21/Rev.1/Add.5, 8 April 1994, paras. 5.2 and 6.2 (https://www.legal-tools.org/doc/0e1a35/).

[34] HRC, General Comment No. 22, UN Doc. CCPR/C/21/Rev.1/Add.4, 30 July 1993, paras. 2–5 and 8–9 (https://www.legal-tools.org/doc/9df763/); HRC, General Comment No. 34, UN Doc. CCPR/C/GC/34, 12 September 2011, para. 48 (https://www.legal-tools.org/doc/113be6/).

[35] OHCHR, Rabat Plan of Action, UN Doc. A/HRC/22/17/Add.4, 11 January 2013, appendix, para. 29 (https://legal-tools.org/doc/jh1be1/); CFJ, 2021, see *supra* note 13. See also African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression and Access to Information in Africa, 2019, Principle 23 (https://www.legal-tools.org/doc/rs94e6/).

[36] African Charter on Human and Peoples' Rights, 27 June 1981, Article 8 (https://www.legal-tools.org/doc/f0db44/); Protocol on the African Court, 9 July 1998, Articles 5 and 34(6) (https://www.legal-tools.org/doc/b9eae8/); ICJ *et al.*, "Tunisia's withdrawal of individuals' and NGOs' access to the African Court marks a serious setback for human rights accountability", 27 March 2025; African Court on Human and Peoples' Rights, *Belghith v. Tunisia*, Ruling on Provisional Measures, 6 July 2026, Application No. 004/2025 (https://www.legal-tools.org/doc/ynhbop08/). Tunisia deposited the withdrawal on 7 March 2025.

[37] Constitution 2022, Articles 27, 55 and 74, see *supra* note 1; HRC, General Comment No. 31, UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004, paras. 2 and 4 (https://www.legal-tools.org/doc/e7d9a3/); HRC, Concluding Observations on the Sixth Periodic Report of Tunisia, UN Doc. CCPR/C/TUN/CO/6, 24 April 2020, paras. 8 and 46(a) (https://www.legal-tools.org/doc/zuu11ruu/).

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