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FREEDOM OF EXPRESSION AND ASSOCIATION IN THE SOUTH-EASTERN MEDITERRANEAN

OVERVIEW AUTHORITARIAN MECHANISMS AND PERSPECTIVES FOR CIVIL SOCIETY IN THE REGION

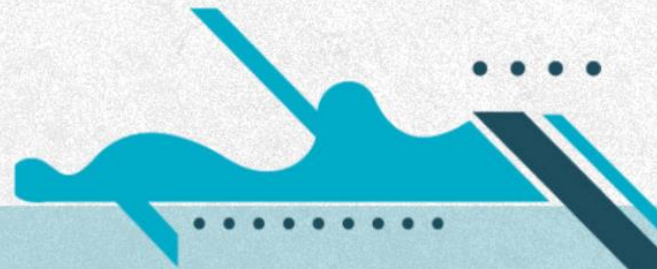




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I. EXECUTIVE SUMMARY

This report documents the evolution of the institutional and legislative repression that threatens the freedoms of association and expression in each country of the MENA region. It highlights the authoritarian mechanisms used to reduce civic space, namely:

- The adoption of laws with vague and imprecise terminology that criminalize the legitimate activities of associations and individuals who criticize or disagree with the regimes and authorities in place.
- Bureaucratic constraints and sanctions, such as the arbitrary dissolution of organizations, the prohibition of foreign funding, authorities' excessive access to private data, and the use of disproportionate authorizations and administrative requirements for the establishment of associations.
- A weakening of judicial safeguards, which allows for an arbitrary and opaque application of laws by authoritarian regimes or directly by administrations, which leads to excessive or unjustified sanctions and criminal convictions.

The report lays out a precise overview in each of the 10 countries of the recent initiatives taken by their respective governments, which led to the serious deterioration of the situation of human rights and of freedoms of association and expression in the region.

Laws which were adopted to protect the population against terrorism or cybercrime, become weapons to muzzle any dissenting opinion or criticism against the regime in place. Excessive bureaucratic control makes registration procedures for NGOs extremely laborious, preventing them from conducting their activities. Restrictive legislation confers extended powers to dissolve associations deemed politically undesirable, or impose restrictions on foreign funding, posing real threats to the survival of these organizations, which could lead to the freezing of their assets, or to administrative or judicial penalties.

The justifications and arguments used are varied, ranging from national security to the fear of foreign interference in national affairs, and the protection of national identity, values and traditional morals, religious beliefs, as well as economic growth. Despite formal differences, the results of this repressive arsenal are the same everywhere: a systematic repression of civil society, independent journalists, and activists.

The analysis underlines that these restrictive legal measures go against the international commitments of these states in the region and worsen a climate of fear and insecurity for civil society, while threatening the pillars of democracy and the rule of law. It also calls for a firm and rapid response from the European Union (EU), by actively supporting a dynamic civil society, and committed by denouncing the abuses of authoritarian regimes. The EU must reconcile its strategic interests with the values it upholds, the respect and application of which are an obligation of the constituent treaties of the European Union, including in all of its external relations with third countries (diplomacy, trade, development cooperation, security, mobility and migration, investment, etc.).

Finally, precise recommendations are formulated and addressed toward regional governments as well as European institutions. They urge the governments to repeal these restrictive laws, to recognize the crucial role of human rights organizations, and to promote a favorable legal environment to the exercise of fundamental freedoms. It also urges the European Union to use all existing spaces for dialogue, negotiation, and, when necessary, penalties with these States to request immediate and tangible progress in all of these aspects.



II. RECOMMENDATIONS

These recommendations are addressed to government authorities of the MENA region and European countries, and aim to establish a favorable environment, where human rights, namely freedoms of association and expression, are effectively respected and protected, while supporting the local and international actors who are working for these freedoms.

A. FOR STATES IN THE MENA REGION:

1. RESPECT OF INTERNATIONAL COMMITMENTS

- Respect, protect, promote and apply the laws on freedom of expression and association, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).

2. REPEAL OF RESTRICTIVE LAWS ○ Remove all the laws that unduly limit the freedoms of association and expression.

- Withdraw and revise any ongoing bill that could infringe on these fundamental freedoms.

3. REPARATION OF INJUSTICES

- Cancel sanctions imposed based on repressive laws, compensate for losses suffered and restore the rights of associations dissolved or individuals imprisoned for peacefully expressing their opinions.

4. PROMOTION OF ACCESS TO INFORMATION

- Establish mechanisms which guarantee simple, reliable and equitable access to public information.

5. FAVORABLE ENVIRONNEMENT FOR ACTIVISTS AND JOURNALISTS

- Ensure a secure environment which allows civil society and journalists to carry out their activities without fear of reprisal, harassment or intimidation.
- Collaborate with civil society to establish protection mechanisms for individuals at risk.

6. REVIEW OF POLICE TRAINING AND PRACTICES ○ Update armed forces' training on human rights in collaboration with independent organizations.

- Investigate police abuses linked to excessive use of force and prosecute those responsible.

7. PROTECTION OF FREEDOM OF EXPRESSION ○ Harmonize national laws with international standards to guarantee freedom of expression. ○ Refrain from media censorship and from restraining internet access. Any restriction must be strictly framed and justified by principles of necessity and legitimacy.

8. REPEAL OF LAWS THAT CRIMINALIZE THE EXPRESSION OF OPINIONS

- Remove all the legislations that sanction freedoms, and which are based on vague concepts such as "fake news" or "national security threats".

9. REJECTION OF DISCRIMINATION AND ATTACKS

- condemn public threats, defamation, and acts of intimidation targeted at human rights defenders (HRD) and marginalized groups.

B. FOR THE EUROPEAN UNION (EU) AND ITS MEMBER STATES:

1. FIRM COMMITMENT TO CIVIL SOCIETY

- Strengthen relations with local civil society and condition relations with regional governments on compliance with international obligations.

2. REPORTING VIOLATIONS

- Take firm public positions against human rights abuse, demand the release of those unjustly detained and the dropping of abusive prosecutions.

3. POLICY COHERENCE

- End double standards by avoiding supporting repressive regimes, while officially promoting fundamental freedoms.

4. REFOCUSING ON HUMAN RIGHTS

- Systematically integrate human rights and democracy into political dialogues, while officially including civil society representatives.

5. PROTECTION OF HUMAN RIGHTS DEFENDERS

- Review the designation of certain countries as "safe" and create robust mechanisms for the protection of activists at risk.

6. AS A FIRST INTERNATIONAL DONOR, SUSTAINABLE AND INCLUSIVE FINANCIAL SUPPORT

- Offer flexible and fast funding to civil society, regardless of their legal status, while respecting the principles of non-discrimination.
- Urgently establish effective alternatives to growing restrictions regarding "foreign" funding in most of the region's countries.
- Require the acceptance of funding from the EU in support of local and European associations as a red line, in the context of bilateral agreements with third countries.
- Specifically support human rights organizations, associations active in the field of freedom of expression, and those of marginalized communities.

7. PARTICIPATORY APPROACHES

- Engage local organizations in designing programs, and evaluate these with them, to adapt to difficult work environments.

8. CONFIDENTIALITY AND SECURITY

- Guarantee the protection of sensitive information regarding organizations and individuals at risk.
- Provide equipment, training and resources which will allow Human Rights Defenders (HRD) to securely carry out their activities.

9. ADVOCACY AND INTERNATIONAL PRESSURES

- Support participatory decision-making processes within the United Nations, denounce restrictions on civil society and require the States to withdraw laws which are not in conformity with international law.

III. INTRODUCTION

The south and mediterranean region, including Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Palestine, Lebanon, Jordan and Syria, is facing an alarming shrinking of its civic space, because of persistent authoritarian practices. Even though the repression of human rights defenders and civil society organizations is a long-lived reality, the intensity and impunity which characterize these actions today suggest a disturbing escalation. Repressive laws, covered under the guise of combating terrorism or against cybercrime, become tools of rigorous control, which suffocate fundamental freedoms.

This reality calls for an urgent response from the international community, namely, the European Union, to support a weakened civil society that is nonetheless essential to the stability, peace and prosperity of the region.

According to international classifications relating to civic space, countries of the region continue to show unfavorable results. On top of the World Press Freedom Index, which was established by Reporters Without Borders, The Middle East and North Africa (MENA) region continues to be the most dangerous region in the world for journalists, with a situation which was labeled as "very bad" in more than half of these countries.

Multiple mechanisms were deployed by authoritarian regimes to enforce their power and restrict civil society's freedom of expression and association. Our analysis, on the regional level, reveals some common practices and worrying trends. The extent of the State's surveillance harassment, stigmatization, threats, aggression and defamation campaigns, contribute to the creation of a climate of hostility and fear. This diminishes the legitimacy and credibility of associations and their capacity to mobilize popular support. This trend has intensified by the adoption of draconian legal restrictions which interfere with the right to freedom of expression and association, and more generally the work of associations. This alarming regional phenomenon is accelerating: since the end of the Arab Spring, many repressive laws were adopted in every country of the region.

This thematic report is dedicated to the examination of the legislative and regulatory aspect of repression, offering country-by-country evidence, exposing their concrete effects on civil society, independent journalists and human rights activists. Each "country" chapter also presents case studies to illustrate these situations.

Within the framework of a repressive legislative context and general weakening of the rule of law, repression is growing and makes it increasingly difficult to maintain an open and secure space for civil society. Without such a space, civil society cannot function as it should. The fate of civil society in the MENA region should be more worrying for the European Union. A "south neighborhood" region for the EU where rights and freedoms are respected is a more stable neighbor for the EU, which could contribute to the creation of a better climate for the entire region, and more favorable for the security and prosperity of everyone. These aspects of freedom, peace, security, human rights, and human development are officially and legally at the heart of the EuroMediterranean Partnership¹, whose prerequisite is a dynamic and strong civil society that can demand the respect of human rights and fundamental values shared with the European Union.

Indeed, civil society organizations fulfill a key function in monitoring and reporting corruption, abuse and rights violations, by providing key services that fulfill the needs of the most marginalized populations, and which often compensate for the many insufficiencies of public policy. In the face of current challenges, the civil society of the MENA region urgently needs resources, exposure, backing, political support, and access to decision-making. However, if European policies, regarding the south neighborhood, continue to provide unconditional support to authoritarian regimes which implement a systematic repression of civil society, the effects for regional stability will inevitably be unfavorable in the long run. It is time for the European Union to align its strategic, economic interests,, and foundational values.

¹ The 1995 Barcelona Process initiated the Euro-Mediterranean Partnership aiming to transform the Mediterranean into a common area of peace, stability, and prosperity through the strengthening of political dialogue, security and economic, financial, social and cultural cooperation.

Being aware of these challenges and able to identify mechanisms of repression is just an indispensable first step to better support and defend regional civil society. This report concludes with recommendations to governments and to the European Union, in order to ensure that everyone can exercise their right to defend human rights. We ask European member states that they explicitly and publicly recognize the legitimacy of civil society and human rights organizations, and their work, and we call every state in the MENA region to withdraw laws and regulations that subject these organizations to unjust and repressive obligations.

IV. CONTEXT

A. FREEDOM OF ASSOCIATION AND FREEDOM OF EXPRESSION

1. FREEDOM OF ASSOCIATION

The right to freedom of association, which is recognized by the main international instruments relating to human rights, guarantees that individuals can create or join formal or informal groups to act collectively in favor of a common objective. Even though this right is not absolute, any restriction imposed by a State must respect three fundamental criteria:

Legal basis: Restrictions must be directly expressed by laws, in conformity with the principle of legality. Legitimate goal: They must target one of the motifs which are enumerated in the International Covenant on Civil and Political Rights (ICCPR), such as national security, public health or morality, or the rights and freedoms of others.

Proportionality: Measures must be strictly necessary and proportional to the goal in question.

To guarantee the exercise of this right of association, States must implement a simple, accessible, nondiscriminatory and affordable procedure for the registration of associations.

The Special Rapporteur on Freedom of Association to the United Nations recommends a notification procedure instead of a prior authorization: an association must get legal personality upon sending the notification to authorities. Unregistered associations, protected by international law, must not be sanctioned for their activities. On the other hand, States must avoid imposing excessive formalities which may obstruct associations. The Special Rapporteur warns against heavy administrative requirements, such as frequent and bureaucratic reports, which may be used to restrict their activities in an abusive manner. Any surveillance of associations must be equitable, objective and non-discriminatory, to preserve their independence and the security of their members.

Finally, the right of associations to seek and use international funding is a key element in the right to the freedom of association. The United Nations Human Rights Council (UNHRC) has underlined the importance of protecting organizations which depend on foreign funding and has condemned the laws that criminalize or discredit them on this basis.

2. FREEDOM OF EXPRESSION

The right to the freedom of expression, also protected by every international instrument relating to human rights, includes the ability to seek, receive and circulate information and ideas, regardless of borders and the media being **United Nations Human Rights Council (UNHRC) affirmed that freedom of online expression must be protected as much as offline.** Any restriction imposed on this right must:

1. Be provided by law
2. Be necessary and proportionate to a legitimate goal, as defined by the ICCPR (national security, public order, public health or morality, respect for the rights of others).

The Special Rapporteur to the United Nations warned against using vague or imprecise laws that allow for an arbitrary application, leading to excessive censorship. Generalized internet shutdowns and disproportionate digital restrictions are considered to be serious violations to the right to freedom of expression. Finally, legislation relating to terrorism should not be used to reprimand dissident voices, and journalists and activists must be protected in their activities.

B. A REGIONAL OVERVIEW: CHARACTERISTICS OF LEGISLATIVE REPRESSION

States in the MENA region, as signatories of the ICCPR, are under the obligation to protect the rights to freedom of association, of expression and of pacific assembly. These rights, often included in national constitutions, can only be restricted under strict circumstances. However, many recent laws in the region impose disproportionate restrictions, in blatant contradiction with international commitments.

This legislative repression is reflected by:

1. **The introduction of vague and imprecise terms:** legislations using expressions such as "terrorism", "fake news", or "threat to national security" without clear definitions, leading to confusion between criminal acts and legitimate practices.
2. **Severe and disproportionate sanctions:** Prison sentences, excessive fines, freezing of assets and arbitrary dissolution of associations, often without judicial control.
3. **Stronger discretionary power of the State:**
 - a. The obligation to get an authorization to register an association or receive foreign funding.
 - b. Heavy administrative surveillance and access to private data by authorities with no legal authorization.
 - c. Establishing databases and state control over regulatory committees of associations.

IMPACT OF LAWS ON CIVIL SOCIETY, HUMAN RIGHTS DEFENDERS AND OPPOSITION

Lack of access to information

Censorship of media and public discourse

Increased State surveillance, namely digital surveillance

Defamation and false accusations

Self-censorship

Criminalization of critical discourse

Perquisitions and closing of offices

Closing and dissolution of media and independent associations

Arbitrary rejection of registration or administrative silence following a registration application
Long and complex registration processes
Difficult access to legal status and relevant benefits (opening bank accounts, receiving funding or grants)
Difficult access to funding, namely international funding
Legal fragility
Prosecution of civilians in military tribunals and interference by intelligence services
Arbitrary detention and suspension of rights in detention (i.e. Keeping people in detention without a judgement, and use of torture)
Travel bans
Blackmailing, intimidation and harassment

These laws, applied in an arbitrary and opaque manner, undermine the principles of transparency, nondiscrimination, and good governance. They reinforce authoritarian regimes and target particularly human rights defenders and independent media, contributing to a drastic reduction in the regional civic space.

C. COUNTRY OVERVIEW: REPRESSIVE LAWS AND INTERNATIONAL COMMITMENTS

Country	Legislation not in line with international standards on freedom of expression and association (enacted after 2011)	Ranking according to the international indices 2023
Algeria	<p>Law N° 91-19 on Public Meetings and Demonstrations Law N° 20-06 Presidential Ordinance N° 21-08</p>	<p>CIVICUS: 31/100, civic space "closed" World Press Freedom Index: 139</p>
Egypt	<p>Law N° 149 of 2019 for NGOs Law N° 175 of 2018 Law N° 94 of 2015 Law N° 8 of 2015</p>	<p>CIVICUS: 18/100, civic space "repressed" World Press Freedom Index: 170</p>
Israel	<p>Counter-Terrorism Law 5776-2016 The Israel - Nation-State of the Jewish People Law of 2018</p>	<p>CIVICUS: 51/100, civic space "obstructed" World Press Freedom Index: 101</p>
Jordan	<p>Cybercrime Law N° 27 of 2015 Audiovisual Media Act N° 26 of 2015</p>	<p>CIVICUS: 40/100, civic space "repressed" World Press Freedom Index: 132</p>
Lebanon	<p>Electronic Transactions Law of 2018</p>	<p>CIVICUS: 47/100, civic space "obstructed" World Press Freedom Index: 140</p>
Libya	<p>Cybercrime Law N° 5 of 2022 Law N° 3 of 2014 Eastern Government Regulations N° 1 and N° 2 of 2016 Resolution N° 286 of the Tripoli Presidential Council Resolution N° 5 of 2023, of the Tripoli General Civil Society Commission Law N° 20 of 2016</p>	<p>CIVICUS: 29/100, civic space "repressed" World Press Freedom Index: 143</p>

Morocco	No legislation that does not comply with international standards on freedom of expression and association enacted after 2011	CIVICUS: 45/100, civic space "obstructed" World Press Freedom Index: 129
Palestine	Law by Decree N° 16 of 2017	CIVICUS: 23/100, civic space "repressed" World Press Freedom Index: 157
Syria	Decree-Law N° 54/2011. Decree-Law N° 108/2011. Syrian Penal Code and Decree-Law N° 110/2011 Decree-Law N° 17/2012 Law N° 19/2012	CIVICUS: 6/100, civic space "closed" World Press Freedom Index: 175
Tunisia	Decree-Law N° 115 of 2011 on Freedom of the Press Decree-Law N° 54, 2022	CIVICUS: 37/100, civic space "repressed" World Press Freedom Index: 118

V. COUNTRY CONTEXT ANALYSIS

A. ALGERIA

Since the emergence of the "Hirak" pacific protest movement in 2019, and the rise to power of President Abdelmajid Tebboune, **217 prisoners of conscience** were arrested and arbitrarily detained by authorities for having exercised their right to freedom of expression, assembly and association, with the aim of stopping the movement. This repression seeks to suffocate any critical voice, and to maintain control over society, through arrests, travel bans, financial sanctions, family pressures, kidnappings, forced removals, prolonged temporary detentions and torture.

On April 30, 2024, **Ordinance N° 21-08 of June 8, 2021, amending and supplementing Ordinance N° 66-156 of June 8, 1966, establishing the Penal Code** was published² to reinforce the repressive legislative arsenal³. New provisions (articles 63 bis 2² and 63 bis 1³) explicitly criminalized, for the first time, the dissemination of sensitive information for "national security", "defense" or "economy" when they are shared on social media platforms "for the benefit of a foreign country or one of its agents", with no precise definition of the relevant terms, which allows for an abusive interpretation. These articles remove any protection for whistleblowers and provide for heavy disproportionate sanctions, including life imprisonment. Amendments made to articles 144⁵, 146⁶, and 149 bis 21⁷ of the Penal Code extends the restrictions to freedom of expression and include statements targeted against State officials, Imams and educators, as well as insults to symbols of the "national liberation movement". These amendments use vague terms such as "intent to harm their honor" and "respect due to their authority", allowing for the repression of any form of criticism.

Article 87 bis 13⁹ considerably extends the definition of terrorism, covering actions such as participation in funding, organizing or executing terrorist crimes, as well as supporting such activities. This ambiguous and vague definition leads to confusion between violent acts and behaviors related to freedom of expression or to pacific assembly and could thus be used in an abusive manner against civil society, NGOs, independent media and activists.

In 2023, Algeria has adopted three new **Laws on Media**⁴ which are in contradiction with international standards related to freedom of expression: Organic Law N° 23-14 on information (April 13)⁵, Law N° 23-19 regarding written and electronic press (December 3)⁶, and Law N° 23-20 regarding audiovisual activities (December 2)⁷. These laws provide for the establishment of three media regulation activities: the Authority for Audiovisual Regulation (9 members), the Authority for Written and Electronic Press Regulation (9 members), and the Higher

² <https://www.joradp.dz/FTP/JO-FRANCAIS/2024/F2024030.pdf>

³ <https://menarights.org/en/articles/modifications-du-code-penal-en-Algeria-queelles-consequences-pour-les-libertes>
<https://www.article19.org/fr/resources/algeria-new-penal-code-amendments-escalate-attack-on-freedom-of-expression/>
<https://www.amnesty.be/infos/actualites/article/Algeria-autorites-mettre-repression-espace-civique-approche>

⁴ <https://www.article19.org/fr/resources/algeria-mitigate-human-rights-threats-of-new-media-laws/>

⁵ <https://archive.gazettes.africa/archive/dz/2023/dz-government-gazette-dated-2023-08-29-no-56.pdf>

⁶ <https://www.joradp.dz/FTP/jo-francais/2023/F2023077.pdf>

⁷ <https://www.joradp.dz/FTP/jo-francais/2023/F2023077.pdf>

Council for Ethics and Deontology (12 members). However, there are persistent doubts and concerns about their impartiality, the President being in charge of appointing their members. They reinforce the government's excessive power of interference, namely the Ministry of Communication, which has the power to deliver licenses for any audiovisual activity (Article 8 of the Organic Law on information and article 13 of the Law regarding audiovisual activity). The Organic Law on Information bans Algerian media from receiving any direct material aid or funding from a foreign party, under the threat of criminal sanctions or financial sanctions of up to 2 million dinars⁸. In this context of general censorship and self-censorship, Algerian international commitments, namely article 19 of the International Covenant on Civil and Political Rights and article 54 of the Algerian Constitution, which protect freedom of expression and freedom of press, are seriously jeopardized.

Study case: The shutdown of Radio M and the arrest of Ihsane El Kadi

One month after the Periodic Universal Exam of December 2022, Algerian authorities closed the last independent media, Radio M, and arrested its editor Ihsane El Kadi. This arrest sparked a largely shared international condemnation and was officially signaled to the Special Rapporteur to the United Nations on Freedom of Opinion and Expression⁹. After 22 months behind the bars for "foreign funding" accusations, El Kadi was granted presidential pardon.

Law N° 12-06 of January 12, 2012, relating to associations was largely denounced by Algerian and international civil society organizations¹⁰ for its arbitrary restrictions to the freedom of association. It requires that associations get a registration receipt before being able to legally function. This allows authorities to reject the registration of associations whose activities are deemed to be against "national principles and values", public order and "morality" (articles 2, 8, 22-24). Contrary to the simple notification system of the previous Law 90-31 of 1990, the 2012 Law requires that associations obtain prior approval from authorities, allowing the latter to also suspend or dissolve said associations for interference in the country's internal affairs or threat to "national sovereignty" (article 39). According to article 46 of this law, members of dissolved, suspended or unregistered associations face up to six months of imprisonment and a fine of 300 000 Algerian dinars (approximately 2800 euros). Article 45 of the old law stipulates that any person administrating an unauthorized association (having obtained the legal receipt) should face a prison sentence.

This article was maintained, and it represents a perpetual threat to activists. On the other hand, Law 12-06 requires that cooperation with foreign associations, foreign funding and affiliation with international organizations be subject to prior authorization from authorities, namely the Ministry of Interior, and sometimes of many other ministries (articles 22, 23 and 30). It also provides for complex registration procedures such as, for instance, the requirement of at least 25 founding members from 12 wilayas for national associations. The Special Rapporteur to the United Nations About Human Rights Defenders has expressed her concern regarding acts of intimidation and the many provisions of this law which contradict the international legal framework for Human Rights¹¹.

⁸ <https://rsf.org/en/algeria-s-senate-urged-reject-new-media-law-s-draconian-provisions>

⁹ <https://rsf.org/en/rsf-refers-algerian-journalist-s-imprisonment-united-nations>

¹⁰ <https://www.amnesty.org/fr/wp-content/uploads/sites/8/2021/06/mde280032013fr.pdf>

For a detailed analysis of the law, see: <https://euomedrights.org/publication/memorandum-assessment-of-law-12-06-of-12-january-2012-on-associations/>

<https://menarights.org/en/articles/analyse-du-projet-de-loi-sur-les-associations#:~:text=Le%2013%20octobre%202021%2C%20le,des%20activit%C3%A9s%20diff%C3%A9rentes%20de%20celles> ¹¹

<https://www.ohchr.org/en/press-releases/2023/02/algeria-un-expert-says-crackdown-civil-society-and-human-rights-defenders>

Law N° 24-06 of April 28, 2024, amending and supplementing Ordinance N° 66-156 of June 8, 1966, establishing the Penal Code, directly affects the fundamental rights to freedom of expression, association and pacific assembly and procedural guarantees in the context of combating terrorism. Published in the Official Gazette of April 30, 2024, it introduced and modified many dispositions which sparked some serious concerns regarding their conformity with international legal standards. These amendments namely contradict articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) which was ratified by Algeria in 1989, thus compromising its international commitments. This law also amends article 87 bis of the Penal Code, regarding the repression of acts qualified as terrorist acts, with no account for the concerns that were expressed in the OL DZA 12/2021 communication made by many holders of special procedure mandates, namely the Special Rapporteur on Counterterrorism and Human Rights. These omissions reflect a lack of consideration for guarantees which are necessary to the respect of fundamental rights in the context of counterterrorism legislation.

Study case: The dissolution of the Algerian League for the Defense of Human Rights⁸

On June 29, 2022, the Administrative Court of Algiers dissolved the Algerian League for the Defense of Human Rights (ALDHR) following a complaint filed by the Ministry of Interior, invoking articles from the 12-06 Law of 2012 on associations to justify the dissolution, these dispositions were deemed incompatible with international standards that guarantee the freedom of association. The organization, which was founded in 1985, only discovered this decision on the 20th of January 2023, several months after the sentence. The Court accuses the ALDHR of having "branching claiming its name" as well as activities deemed non-compliant with its goals, including relations with foreign organizations, of providing "erroneous" information, and meetings with representatives of international human rights organizations. The sentence also led to the shutdown of the House of Human and Citizen Rights of Tizi Ouzou and the sealing of Human Rights documentation center of the ALDHR in Bejaia. In February 2023, they also dissolved the Youth Actions Rally (RAJ) and the Movement for Democracy and Socialism, two organizations which have supported the Hirak movement in 2019.

⁸ <https://timep.org/2023/04/10/algeria-and-the-state-of-freedom-of-expression/>



B. EGYPT

Since the advent of Abdel Fattah al-Sissi, restrictions on freedom of expression and association have intensified in Egypt, marked by judicial threats and a defamation campaign orchestrated by the government and official media, namely against unions and civil society organizations, targeting their reputation in the eyes of public opinion.

[Egyptian Antiterrorism Law N° 95/2015](#), promulgated by the president Abdel Fattah al-Sissi on August 15, 2015, defines terrorism in a very large sense, including acts that "destabilize public order" or "harm the application of laws". This allows authorities to arrest and pursue journalists, activists, or social media users for expressing critical opinions. Additionally, military courts are entitled to judge civilians who have been accused of violations linked to terrorism, thus weakening legal guarantees for the accused. This legislation is also invoked to target civil society organizations (CSOs) which have been accused of defamation of government, subjecting them to the same sentences which may be applied to terrorist organizations. Penalties incurred can reach up to 25 years of

prison, and even the death penalty. By adopting these measures, the government exercises a considerable pressure on CSOs and actively represses freedom of association.

[The Egyptian law on crimes relating to cybersecurity and information technology, N°175/2018](#), was promulgated by the president Abdel Fattah al-Sissi on August 15, 2018. This law provides a large definition of cybercrime, covering a wide range of activities such as piracy, identity theft, and online fraud. It was criticized for harming freedom of expression and restricting online activity. This law allows the State to block websites that are considered harmful to national security or the economy, and criminalizes actions such as publishing personal photos without consent, these exposing users, administrators⁹ and internet providers to fines that can reach 560,000 USD and prison sentences of at least six months. It also subjects social media users with more than 5000 followers to the surveillance of the Supreme Media Council. This law was perceived as being part of a larger tendency to restrict internet freedom, in a context where it has been adopted following the blocking of more than 500 websites. This sparked concerns regarding censorship and the repression of dissent, in contradiction with the Egyptian Constitutional right to freedom of expression and international Human Rights commitments¹⁰.

Similarly, despite international calls to modify laws that restrict freedom of expression restrictive laws persist in Egypt, creating a hostile climate for journalists. [Law N° 178/2018 on the National Media Authority \(NMA\)](#), published on August 27, 2018, allows the NMA to name the leaders of media institutions and websites which belong to the State, some of which are directly named by the president. [Law N° 180/2018 regulating the Press, Media and the Supreme Media Council](#), published on August 27, 2018, establishes a media regulation framework and grants the Supreme Media Council the power to block websites for dissemination of fake news or incite violence, terms that are subject to extensive interpretation. This law marks the first attempt in Egypt to regulate websites, reinforcing governmental control. Meanwhile, the question of media property, addressed in the Constitution and the Press Code, is still clouded by ambiguity, with an uncertain implementation. Thus, since the advent of Abdel Fattah al-Sissi, tens of violations of media freedom were noted, characterized by the intimidation of journalists, disciplinary measures against national television employees, and persistent censorship.

When it comes to freedom of association, [Law N° 149/2019 on Civil Society Practice](#) in Egypt, approved by president Abdel Fattah al-Sissi and published on August 19, 2019, has [replaced restrictive Law N° 70/2017](#), which followed [Law N° 84/2002](#). The 2017 law subjected NGOs to strict rules, namely, severe sanctions, rigorous registration and funding control, as well as strong government surveillance. President Sissi has also modified article 78 of the Penal Code to apply even more severe sanctions in the case of receiving unauthorized foreign

⁹ LexisNexis Middle East. (2019, February 23). *Egypt: Cybercrimes law issued*. <https://www.lexis.ae/2019/02/23/egypt-cybercrimeslaw-issued/>

¹⁰ Arab NGO Network for Development. (2018, September 10). *Statement on the new Cybercrime Law in Egypt*. https://annd.org/uploads/publications/New%20Final%20Statement%20on%20new%20Cybercrime%20Law%20in%20Egypt_Final10Sept2018.pdf

funding¹¹. The 2019 law maintains many of these restrictions¹²: NGOs must provide detailed information for registration, foreign board members are limited to 25%, and organizations must get the approval of the Ministry of Social Solidarity for foreign funding, in relation to anti-terrorism and anti-money laundering laws. Prison sentences were replaced by fines, but the law has kept some provisions which allow for the dissolution of NGOs and sanctions against violations¹³. These measures as well as the freezing of assets, travel bans, and the harassment of activists, have contributed to creating a fear-based climate and the restriction of civil society. The period which followed Sissi's rise to power witnessed the multiplication of threats, defamation campaigns and judicial actions against Human Rights defense groups, as well as the repression of protests. Protests have been subjected to severe repression, namely, torture, forced disappearances, and long detentions, which highlights the continuous decline of freedom of association and the violation of Constitutional and international law¹⁴.

Study case: Blocking websites and independent electronic media outlets

Since June 2023, the number of links and websites that have been blocked by authorities has reached 562, including at least 132 news websites. It should be noted that Egyptian authorities have launched a campaign to block independent news, politics and human rights websites in May 2017. This violates article 71 of the Constitution, which bans censorship, confiscation, the suspension or shutting down of Egyptian newspapers and media. It also stipulates that sanctions involving deprivation of liberty must not be imposed for crimes committed through publishing or for their public nature.

When it comes to freedom, Egyptian Law N° 149/2019 on NGOs, confers excessive powers to authorities for the regulation of registration, activities, funding and the dissolution of NGOs. This legislation greatly limits NGO activity, particularly those that defend Human Rights, and United Nations experts have called to repeal or amend this law in order to align it to international standards relating to the right to freedom of association. In light of this law, every NGO must obtain an authorization from the government to be registered, a process which is often delayed by one year or more, considerably complicating these organizations' activities and hindering access to international funding. Human Rights defenders who are involved in these organizations are often targeted by direct harassment, including travel bans that prevent them from participating in international meetings or collaborating with international Human Rights protection mechanisms. This phenomenon, qualified as [transnational repression](#), limits the work of activists even beyond Egyptian borders, adding additional pressure on civil society.

Study case: Repression against ECRF personnel

¹¹ The Tahrir Institute for Middle East Policy. (2018, December 12). *TIMEP brief: Freedom of association*. Retrieved from <https://timep.org/2018/12/12/timep-brief-freedom-of-association/#:~:text=Freedom%20of%20association%20is%20a%20right%20codified%20in,foundations%2C%20which%20shall%20acquire%20legal%20personality%20upon%20notification.%E2%80%99>

¹² International Center for Not-for-Profit Law. (n.d.). *Civic freedom monitor: Egypt*. Retrieved from <https://www.icnl.org/resources/civic-freedom-monitor/egypt>

¹³ Ahram Online. (2020, December 10). *New NGO law in force*. Al-Ahram Weekly. Retrieved from <https://english.ahram.org.eg/NewsContent/50/1201/399221/AIAhram-Weekly/Egypt/New-NGO-law-in-force.aspx>

¹⁴ Reporters Sans Frontières. (n.d.). *Egypt*. Retrieved from <https://rsf.org/en/country/egypt>

The case of repression against personnel from the Egyptian Coordination for Rights and Freedoms (ECRF) is a remarkable example of targeting independent civil society organizations because of their work related to monitoring and documentation of Human Rights violations in Egypt. Investigation reports accuse human rights activists such as Ezzat Ghonim, Hoda Abdelmenem, Aisha Elshater and Abo-Horaira of founding the ECRF, publishing statements about political events, and communicating with certain human rights organizations abroad, including Human Rights Watch, in order to disseminate fake news.



C.JORDAN

In its articles 15 and 16, the Jordanian Constitutional text affirms the importance of the principle of freedom of expression and its guarantee for all citizens, as well as freedom of association. However, the space for civil society and activism is becoming increasingly hostile.

Similarly, amendments made in 2014 to [Law N° 55/2006 on the prevention of terrorism](#) in Jordan, after the promulgation of [Law N° 18/2014](#) on June 1, 2014, raise concerns regarding the protection of fundamental rights, and underline the necessity of a delicate balance between national security and individual rights. Henceforth, any disruption of communication channels is also considered as an act of terrorism, and is subject to severe sanctions, including forced labor for life. Another concern is raised regarding the ability to qualify, as acts of terrorism, critical expressions that could disrupt relations with friendly countries. This could lead to legal actions against individuals who have expressed divergent opinions about sensitive topics, thus compromising freedom of expression. It unjustifiably restricts online activity for individuals and organizations.

It should also be noted that, in September of 2023, [the new Law N° 17/23 on Cybercrime](#) was promulgated on September 12, 2023, allowing to exercise a strict control over online media. The law brought about major modifications to the 2015 law which bears the same name, thus extending the definition of violations and powers which allow the Public Prosecution to initiate proceedings against individuals even in the absence of a personal complaint, when the offense involves government figures or entities. The text provides for severe prison

sentences of up to 3 years and fines that can reach 32 000 Jordanian dinars (45,115 USD). This text, which criminalized any internet access to disseminate "fake news", to commit acts of "defamation" or to "harm reputation" and "national unity", encourages self-censorship. Journalists are often subjected to legal actions, or even to sentencing under an extremely vague antiterrorist law.

On the other hand, authorities recently gave up the modification of [Law N° 51/2008 and its amendments on associations](#), which used to arbitrarily limit NGO activity and authorize government interference in their operations. In addition, the Jordanian legal system does not authorize undeclared associations, considering them, according to the Penal Code, as "criminal associations" or "illegal associations". To create an association or an institution, the law on associations and social entities requires that associations obtain a written authorization from the relevant minister, who has discretionary power to register or reject the registration of an association or an institution. In the absence of a response or request for further information by a three-month deadline starting from the date of reception of the application, the association is authorized to begin its activity as if it were duly registered. Refusal of registration is often motivated by legal violations, particularly for associations that defend politics which have been deemed opposing to the government. Associations targeted by dissolution decisions are often those that defend political views which are considered to be antagonistic to the government or whose founders are opposition activists. The law on associations and social entities provides for several sanctions, including prison sentences, against those who violate its provisions—contravening international standards that oppose the use of criminal penalties in the context of the civil activities of associations or their members. On April 23, 2025, the government crossed a new threshold by officially banning the Muslim Brotherhood, seizing its assets, and criminalizing any affiliation with the group.

The same is true for the press and media, as the Jordanian government has adopted, in 2011, a National Media Strategy in response to the Arab Spring¹⁵. This strategy was destined to establish "independent Jordanian media, rooted in the principles of freedom, pluralism and professionalism". However, the revision of [Law N° 32/2012 on press and publications](#), was perceived by the media as a growing intent of control and censorship. This puts Jordan at odds with international standards of information freedom, particularly with article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of expression and opinion. This law stipulates that Chief Editors of news websites must be members of the Jordanian Press, granting the government the right to censor these websites' content and to take legal action against journalists for comments published online. On the other hand, a governmental license is required for the upkeep of many online news websites in Jordan. The provisions of article 49 of this law also allow the Telecommunication Regulation Commission director to block websites which do not respect the provisions provided by the law, without even a court order. The same article makes news websites legally responsible for published comments, adding a layer of legal responsibility and growing risks for freedom of online expression. On May 14, 2025, the Media Commission ordered internet service providers to block at least 12 independent news websites, without any published legal basis or prior possibility of appeal, citing vague grounds of "spreading media poison".

¹⁵ Center for Defending the Freedom of Journalists. (2011). *Media freedom status in Jordan 2011*. Center for Defending the Freedom of Journalists. <https://en.cdfj.org/wp-content/uploads/sites/4/2024/07/Media-Freedom-Status-in-Jordan-2011.pdf>

Study case: The cybercrime law allows for the prosecution of several activists.

Based on the abusive and vaguely worded provisions of the Cybercrime Law and the Anti-Terrorism Law, which leave too much room for interpretation by judges, the authorities have initiated proceedings against over 25 activists and journalists in connection with online comments. At least 15 people have already been prosecuted under the new law by the Jordanian authorities based on excessively broad provisions and targeting proPalestinian solidarity demonstrations¹⁶. Illustrative cases include journalist Hiba Abu Taha, who was arrested and detained following an opinion piece on Jordan's ties to Israel since the Gaza war, or satirical columnist Ahmad Hassan al-Zoubi who was sentenced to one year in prison for a social media post criticizing the Jordanian authorities¹⁷, or Omar Al Zayood, editor of the Al Hashmiyah News website, arrested on March 17, 2025, following a complaint filed by a former Prime Minister over an article deemed defamatory. In all these cases, the authorities violated the rights of the defendants, including by arresting them without warrants, failing to inform them of the reasons for their summonses or the charges against them, interrogating them without a lawyer, and using psychological coercion and intimidation tactics during interrogation or trial. In April 2025, 16 members of the Muslim Brotherhood were prosecuted for "terrorist acts" under these provisions, before the complete ban of the movement.



¹⁶ <https://www.amnesty.org/fr/documents/mde16/8424/2024/en/>

¹⁷ <https://rsf.org/en/jordan-s-cybercrime-law-tool-repressing-journalists>

D.LEBANON

The landscape of freedom of expression in Lebanon, as defined by Article 13 of [the Lebanese Constitution](#), has undergone a complex evolution marked by worrying challenges and trends over time. Despite constitutional guarantees and commitment to the universal principles of human rights, the reality on the ground reveals a clear deterioration of this fundamental right.

The Lebanese legal framework provides a solid basis for freedom of association in Lebanon. The operational aspect of freedom of association is regulated by [the Ottoman Law N° 5/1909 on Associations of 3 August 1909](#), which is still in force. The steps for the creation of an association involve informing the public authority about its objectives, its headquarters, its administrative members, as well as the submission of the statutes and regulations. The diversity of the Lebanese associative landscape is remarkable. We can conclude that the associative landscape in Lebanon, influenced by historical laws, community issues and external pressures, is constantly evolving to meet current challenges. These associations actively contribute to shaping active citizenship in the country, serving as catalysts for social and political change.

The Lebanese authorities have increasingly used [criminal defamation laws](#) to intimidate and harass critics of the government and public officials. Also, laws on defamation, slander and insult to the authorities, in particular article 385 of the Penal Code, show a persistent adherence to outdated legislative norms. The growing increase in arrests and detentions indicates an increasing crackdown on the right to free expression in Lebanon, particularly on digital platforms. Lebanon's legal framework, although subject to revision over the years, remains largely rooted in laws dating back to the 1940s. Attempts to modernize laws to cover cybercrimes are on hold. The Publications Tribunal, established in 1962, focuses exclusively on crimes related to traditional media, leaving digital platforms aside. In addition, the lack of training for judges to handle cases related to digital spaces significantly hinders the efficiency of the judicial system. Civil society's efforts to reform laws in favor of freedom of expression are hampered by a lack of interest from policymakers.

Study case: 2023, Stormy year for freedom of expression

In March 2023, State Security summoned Jean Kassir, co-founder of the independent media outlet Megaphone, after texts were published online claiming that Lebanon is "governed by fugitives from justice".

Lara Bitar, Chief Editor of the Public Source website, was also summoned for questioning on 31 March 2023 by the Cybercrimes Bureau of the Internal Security Forces for an article she had written about a local political party.

In April 2023, the Beirut Bar Association summoned Nizar Saghieh, a prominent lawyer who heads the research and advocacy organization Legal Agenda, for publicly protesting changes to the Bar Association's Code of Legal Ethics, which limit the ability of lawyers to make public statements without prior permission.

In July 2023, a Lebanese court sentenced journalist Dima Saddek to one year in prison following a defamation complaint filed against her by Gebran Bassil, a member of parliament and former foreign minister, of the Free Patriotic Movement, after she criticized the actions of the party's supporters.

In August 2023, the Lebanese authorities, namely the Lebanese Military Prosecutor's Office and the Criminal Investigation Division of the Internal Security Forces, summoned and then arrested well-known comedian Nour Hajjar in retaliation for jokes he had made on stage.

In September, journalist Majdoline Lahham was also summoned for investigation by the Criminal Investigations Division of the Internal Security Forces, following a defamation complaint filed against her in response to a post she had shared on social media that highlighted the corrupt practices of the head of Beirut's Sunni Sharia Court Judge Mohammed Ahmed Assaf.



E. LIBYA

More than ten years after the revolution of February 17, 2011, Libya remains a divided country, with two rival governments, led by Khalifa Haftar in the east and Abdulhamid Dabaiba in the west. The political stalemate has paralyzed reforms, both domestically and internationally. Authorities on both sides are adopting similar strategies to crack down on activists, using hostile rhetoric, repressive actions, and an increasingly restrictive legal framework.

[Law N° 5/2022 on Cybercrime](#), adopted on September 27, 2022, threatens freedom of expression online. This law gives the National Information Security and Safety Authority the power to block websites and content without judicial authorization. It uses vague language, giving judges broad discretion in interpreting evidence and criminalizing online activities. The law also extends to crimes committed abroad if they affect Libya, which encourages self-censorship among Libyans living outside the country. There are concerns that the law could be used to silence political voices ahead of elections, especially given the limited legislative activity in recent years¹⁸.

The legislative framework in Libya hinders freedom of association by requiring government authorizations for its exercise, largely based to [Law N° 19/2001 on the Reorganization of Non-Governmental Organizations](#) adopted on December 28, 2001, as well as several restrictive measures adopted by the authorities in the East and West between 2016 and 2023. The law allows the registration only of groups whose mandate relates to social, cultural, sports, charitable or humanitarian issues. The law also imposes excessively burdensome registration requirements and allows the authorities to intervene in the management of associations and to dissolve organizations without a court order.

Although the [Libyan Constitutional Declaration](#) recognizes the right to freedom of expression, the provisions on this matter remain restrictive and incomplete. The [Libyan Penal Code](#) of 1953 criminalizes certain forms of freedom of expression that are not in line with Libya's international human rights obligations and the Constitutional Declaration.

In addition, the crackdown on civil society has been carried out in several phases, with the issuance of seven key decrees and administrative guidelines aimed at severely limiting the activities of human rights groups, both domestic and international. These measures have mainly targeted human rights organizations, exposing them to raids, suspension of their activities, freezing of their assets or dissolution without a court order. Among the most important regulations are Decrees [N° 1/2016](#) and [N° 2/2016](#) of the Eastern Government, [Resolution N° 286/2019 of the Presidential Council in Tripoli](#), as well as [Resolution N° 5/2023 of the General Commission for the Civil Society in Tripoli](#). These regulations require civil society organizations to sign agreements prohibiting communication with foreign entities without state approval, undermining their independence and effectiveness. In addition, they must obtain the Commission's authorization for the funding and implementation of projects.

Study case: Siham Sergiwa, a reminder of the consequences of criticism in Libya

An armed group abducted Libyan lawmaker Siham Sergiwa on July 17, 2019, in the eastern city of Benghazi, Libya, during an attack on the country's legislative authority. Sergiwa had expressed views critical of the Libyan National Army (LNA), de facto authority, and called for a ceasefire and the establishment of a civilian state. Her home was invaded by 25 to 30 masked and uniformed members of the LNA's 106th Brigade, a unit also known

¹⁸ Aboueldahab, N. (2021, November 20). Legislating repression: Libya's new cybercrime law. *Global Voices*. <https://globalvoices.org/2021/11/20/legislating-repression-libyas-new-cybercrime-law/>

as Awliya al-Dam. Eyewitnesses to the abduction and photos show graffiti on the walls of her house, proving that the Awliya al-Dam, an armed brigade affiliated with the LNA, is responsible. It read "Awliya al-Dam" and "The army is a red line".¹⁹

In addition, the presence of several military police checkpoints around Sergiwa's house and testimonies describing the arrival of the attackers in vehicles marked "military police" suggest that the LNA was complicit or directly involved. The LNA denies responsibility, but has failed to launch a full, impartial and independent investigation into Sergiwa's abduction or secure her release.

Successive Libyan governments and their affiliated armed groups have been responsible for thousands of kidnappings and disappearances in Libya since 2011. Victims were targeted mainly because of their political opinions, as well as their tribal ties or for financial reasons. The prevalence of armed groups and armed conflicts since 2011 reflects an alarming culture of impunity and intolerance of critics and opposition²⁰.



¹⁹ Amnesty International. (2020, July 17). *Libya: Abducted politician's fate remains unknown a year on amid ongoing disappearances*. Retrieved from <https://www.amnesty.org/en/latest/news/2020/07/libya-abducted-politicians-fate-remains-unknown-a-year-on-amidongoing-disappearances/>

²⁰ Libyan Justice Initiative. (n.d.). *Silencing speech: The abduction of lawmaker Seham Sergawy is the latest attack on free speech in Libya*. Retrieved from <https://www.libyanjustice.org/news/silencing-speech-the-abduction-of-lawmaker-seham-sergawy-is-the-latestattack-on-free-speech-in-libya>

F.MOROCCO

The Moroccan Constitution adopted by referendum in July 2011 enshrines freedom of expression and association and affirms the principle of "participatory democracy". It also enshrines the principle of the primacy of international law, conditional on respect for the monarchy, territorial integrity and Islam. However, restrictions related to "red lines" are inherently difficult to reconcile with ICCPR standards.

Despite its constitutional advances, freedom of expression and association in Morocco still faces many constraints. The legal provisions, while seemingly protective, are often interpreted restrictively, leaving the authorities wide room for maneuver to silence dissenting voices and control civil society. This situation is all the more worrying as Morocco presents itself as a model of stability and modernity in the region.

Although the **Moroccan Constitution of 2011 and Law N° 88-13** on the press guarantee freedom of expression, thought, opinion, and the press, it is severely controlled. Journalists face prison sentences under 20 different articles of **Morocco's** current press code if they are found to have undermined the monarchy, territorial integrity and Islam. In addition, **Article 206 of the Moroccan Penal Code** punishes with five years in prison any "propaganda" that undermines the security of the state or the loyalty of citizens to its national institutions or symbols. Furthermore, **the anti-terrorism legislation adopted in 2003** violates freedom of information and expression, criminalizing acts – defined in vague terms – of supporting, assisting and inciting terrorism, even if they do not entail any real risk of violent action²¹. Journalists, in Morocco and abroad, are sometimes placed under surveillance.

Human rights organizations in Morocco face restrictive legal provisions and challenges in their relationship with the public administration, which is responsible for registering associations. The right of association is governed by the 2011 Constitution and **Dahir N° 1-58-376 of November 15, 1958²⁶, later amended and supplemented by Laws N° 1-73-293 of April 10, 1973, N° 75.00 of July 23, 2002, and N° 07-09 of February 19, 2009**. However, in practice, the Moroccan authorities multiply obstacles to limit the activities of associations, not always respecting the legal provisions in a non-discriminatory manner²². The 1958 Dahir had established a declaration regime that was called into question by the authoritarian parenthesis introduced by the 1973 amendments²³. In its current version, the law stipulates that an association, the object of which is neither unlawful nor contrary to the law, "good morals", the "Islamic religion", "the integrity of the territory" or "the monarchical regime" (Article 3), may exist by submitting an application to the competent authorities. The administration must issue a provisional receipt at the time of submission and, if all the documents are compliant, the final receipt within 60 days. Even without this document, the association is legally recognized and can operate. As early as 2015, the UN Special Rapporteur expressed concerns about the arbitrary refusal of registration receipts, particularly for associations

²¹ <https://www.amnesty.org/fr/latest/press-release/2014/05/morocco-stop-using-terrorism-pretext-imprison-journalists/> ²⁶ http://www.sgg.gov.ma/portals/0/lois/rec_lib_pub_fr.pdf

²² https://erim.ngo/wp-content/uploads/2020/12/Rapport-Liberte-dexpression-e-t-dassociation-au-Morocco_Fr-2.pdf

²³ <https://books.openedition.org/editions-cnrs/40107#anchor-toc-1-2>

working with migrants, denouncing corruption or dealing with the conflict in Western Sahara²⁴. These concerns were reiterated by the Human Rights Committee during Morocco's Universal Periodic Review in 2017. The authorities often refuse to register declarations, or to receive documents, or they never issue the final receipt; They also frequently require documents that are not mentioned in the legislation. These practices, as recorded by the Network of Associations Victims of Prohibition (Ravi) with 60 refusals in 2014-2015, transform the declaration regime into a system of prior authorization. Associations whose registration is arbitrarily blocked by the public authorities are effectively deprived of opening a bank account, obtaining premises, and taking legal action, as well as accessing subsidies, including international funding, as they must provide proof of legal existence. Only the judicial authorities have the power to suspend or dissolve associations, although the restrictions in articles 3 and 36 give the authorities ample pretexts for opposing their recognition or calling for their dissolution.

Access to foreign funding is another form of control. Since 2002, associations receiving foreign aid must declare the amount and source to the General Secretariat of the Government within 30 days (Article 70 bis). In addition, a directive of March 27, 2017, requires international donors to notify the Ministry of Foreign Affairs before any funding intended for Moroccan associations. Officially designed to fight against the financing of terrorism, this mechanism can also be used to monitor and control the funding of independent NGOs critical of human rights²⁵. The State also exercises a decisive influence through its ability to grant or refuse the label of "public utility", granted on only about 250 associations²⁶. This label, which is difficult to obtain, grants significant advantages: it allows receiving donations, benefiting from certain tax advantages and organizing fundraising. The award criteria, based on the criteria provided for by Decree N° 2-04-969 of 10 January 2005, are vague (e.g. to serve the "general interest"), providing the executive with discretionary power. In addition, associations are subject to a tax regime similar to that of companies, which restricts their resources and their access to funding and qualified human resources. Only associations recognized as being of public utility or working in the field of disability are exempt from VAT, adding an administrative burden for the others. Faced with the arbitrary practices and legal uncertainty that the current law creates, Moroccan civil society has long called for a revision of the legal framework of NGOs.²⁷

Study case: The Recognition of Public Utility as a weapon of deterrence against associations: the example of the AMDH

Since April 2015, the Moroccan Association of Human Rights (AMDH), the largest human rights organization in Morocco, has encountered repeated refusals to renew 66 of its local chapters. In June 2017, the Ministry of Interior even asked for the withdrawal of its public utility status. According to the AMDH, this measure is a retaliation for their support of social movements in the Rif and the denunciation of the torture committed against

²⁴ <https://documents.un.org/doc/undoc/gen/g15/120/88/pdf/g1512088.pdf>

²⁵ <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/Morocco-victims-of-growing-attacks-on-rights-associations#nb5>

²⁶ https://erim.ngo/wp-content/uploads/2020/12/Rapport-Liberte-dexpression-e-t-dassociation-au-Morocco_Fr-2.pdf page 18

²⁷ https://erim.ngo/wp-content/uploads/2020/12/Rapport-Liberte-dexpression-e-t-dassociation-au-Morocco_Fr-2.pdf

prisoners²⁸. This case highlights the strategic use of public utility status as a lever of pressure and deterrence against organizations deemed too critical of the government.



G. PALESTINE/ISRAEL

FOREWORD

- The analysis of the state of laws relating to the fundamental freedoms of expression and association in Palestine and Israel cannot be isolated from the Israeli-Palestinian conflict. This conflict is rooted in the forced displacement and dispossession of the Palestinian population by Israel in 1948, the military occupation of Gaza and the West Bank in 1967, as well as the Israeli apartheid system²⁹ that Palestinians are subjected to, as confirmed by the advisory opinion of the International Court of Justice (ICJ) of July 19, 2024, which declared this occupation illegal and in violation of the right to self-determination of the Palestinian people. These practices include territorial acquisition by force, prohibited under international

²⁸ <https://www.fidh.org/IMG/pdf/note-Maroc-num.pdf>

²⁹ Opinion International Court of Justice + Francesca Albanese Report

law, and discriminatory systems recognized as characteristic of an apartheid state by UN experts and human rights organizations³⁰. Since 1967, Israel has systematically ignored its obligations as an occupying Power, established by the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949, relative to the Protection of Civilians in Time of War. The International Commission of Inquiry on the Occupied Palestinian Territory reaffirmed the applicability of human rights and international humanitarian law in this context³¹. The ICJ also stressed that "the protection offered by human rights conventions does not cease in the event of armed conflict"³².

- Today, the context has seriously deteriorated in the context of serious violations of international law under international investigation. On October 7, 2023, members of the armed brigades of Hamas and other Palestinian groups entered southern Israel, causing the death of more than 1,000 people, most of them civilians, and taking 245 hostages. In retaliation, Israeli military actions have caused an unprecedented humanitarian crisis, resulting in the deaths of 43,000 Palestinians, including 11,300 children³³, and displacing 90 per cent of Gaza's 2.1 million residents, deprived of basic needs³⁴. The report by Francesca Albanese, UN Special Rapporteur, *Anatomy of a Genocide*, published on March 24, 2024, qualifies this situation as genocide. This had already been underlined by the ICJ's interim measures of January 26, 2024, in response to the case of South Africa v. Israel, alleging that Israel is violating its obligations under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Court had ordered Israel to end genocidal acts and guarantee humanitarian access to Gaza, but these orders have so far been violated, and Israel has intensified its military actions. Furthermore, arrest warrants were issued by the International Criminal Court against Israeli officials for war crimes and crimes against humanity, including Israeli Prime Minister Netanyahu and Defense Minister Yoav Gallant, in May 2024, while the UN General Assembly reaffirmed the Palestinians' right to self-determination in a resolution calling for an end to the Israeli occupation within a year, September 18, 2024.
- Since the 7th of October, civil society, which is essential for documenting human rights violations and providing life-saving humanitarian assistance, has been severely hampered, as reported by the CIVICUS Monitor³⁵. The Israeli authorities are blocking humanitarian access to Gaza and deliberately targeting these organizations, even destroying their offices.
- At the international level, a worrying trend is growing with increasing restrictions on individuals and organizations expressing solidarity with the Palestinian people³⁶. UN experts have repeatedly expressed concern about global attacks, retaliation, criminalization and sanctions targeting those who publicly express solidarity with the victims of the ongoing conflict between Israel and Palestine. They recalled that in times of war and conflict, States must respect and protect the rights of civil society, as well as

³⁰ <https://euromedrights.org/publication/statement-by-euromed-rights-one-year-after/> https://www.cjpme.org/apartheid_list

³¹ See A/HRC/50/21. <https://documents.un.org/doc/undoc/gen/g22/337/18/pdf/g2233718.pdf>

³² See CCPR/C/ISR/5 <https://www.ohchr.org/en/press-releases/2023/06/rights-civil-society-members-are-being-violated-all-entitiesisrael-and>

³³ <https://www.savethechildren.net/news/gaza-least-3100-children-aged-under-five-killed-others-risk-famine-looms>

³⁴ https://euromedrights.org/publication/statement-by-euromed-rights-one-year-after/#_ftn1

³⁵ <https://monitor.civicus.org/country/palestine/>

³⁶ <https://www.amnesty.eu/news/concerns-over-restrictions-on-peaceful-assembly-and-expression-in-particular-against-people-andorganisations-expressing-solidarity-with-the-palestinian-people/>

"uphold the universality of human rights, ensure the application of the rule of law without discrimination, and carefully avoid double standards".³⁷

- In addition, several European states⁴³ and the European Commission have suspended or reassessed their funding of Palestinian and Israeli civil society organizations, based on unfounded accusations of misappropriation of funds to terrorist groups. Civil society has warned that these unjustified measures reinforce the stigmatization of CSOs and perpetuate Israel's baseless accusations.
- This brief examines laws and legislation adopted by Israel and the Palestinian authorities that have restricted freedoms of association and expression in Israel and the Occupied Palestinian Territories (OPT). It analyses both the restrictions imposed by Israel, which have effects throughout the OPT, as well as the legislative initiatives taken by the Palestinian authorities in the West Bank and Gaza Strip. The aim is to highlight the effects of these measures on fundamental freedoms.
- The restrictions imposed by Israel come at a time when civic space is already severely restricted by more than fifty years of military occupation and an accumulation of discriminatory laws imposed by successive governments.³⁸ These measures have the effect of severely limiting the freedoms of expression, association and peaceful assembly, and delegitimizing Palestinian civil society, which poses a major threat not only to the ability of Palestinian to claim their rights to self-expression and self-determination, but also for efforts to monitor and document violations of international law, including international humanitarian law. A report by the UN's International Independent Commission of Inquiry, published on May 9, 2023, describes a range of violations by the Israeli authorities of civil society rights in Israel and the OPT, ranging from harassment to arbitrary detention, and highlights the existence of laws that directly restrict freedoms of expression and association⁴⁵.

³⁷ <https://www.ohchr.org/en/press-releases/2023/11/speaking-out-gaza-israel-must-be-allowed-un-experts>
<https://www.ohchr.org/en/statements/2024/02/israelopt-enabling-human-rights-defenders-and-peaceful-protests-vital-achieving> ⁴³
<https://www.amnesty.org/en/latest/news/2023/11/european-governments-donors-discriminatory-funding-restrictions-topalestinian-civil-society-risk-deepening-human-rights-crisis/>

³⁸ <https://www.diakonia.se/ihl/news/legality-of-restrictions-on-the-freedoms-of-expression-assembly-and-association-in-the-occupiedpalestinian-territory/>. For a list of discriminatory laws, see the index produced by Adalah: <https://www.adalah.org/en/law/index> <https://www.diakonia.se/ihl/news/legality-of-restrictions-on-the-freedoms-of-expression-assembly-and-association-in-the-occupiedpalestinian-territory/>
<https://www.arab-reform.net/publication/policing-the-digital-sphere-the-impact-of-palestines-cybercrime-legislation/> ⁴⁵
<https://documents.un.org/doc/undoc/gen/g23/089/77/pdf/g2308977.pdf>



ISRAEL

In the absence of a formal written Constitution, Israel's Basic Law⁴⁶ of March 17, 1992, on Human Dignity and Freedom recognizes a list of rights that have constitutional status, including the right to dignity, life, physical integrity, liberty, privacy, property and entry and exit from the territory⁴⁷.

The **Law for the Prevention of Harm to the State of Israel Caused by a Boycott 5771-2011**, known as the AntiBoycott Law, adopted by the Knesset on July 11, 2011, makes it a civil offense to call for an economic, cultural or intellectual boycott of persons or institutions in Israel or the Occupied Palestinian Territories for political reasons⁴⁸. According to the law, anyone who calls for such a boycott can be prosecuted and fined. The law allows for the prosecution and fine of anyone who publicly calls for such a boycott and allows the Minister of Finance

to withdraw the tax exemption from NGOs supporting a boycott, even if the call is an act of non-violent dissent against human rights abuses or violations of international law in Israel and the Occupied Territories. This legislation, and the broad and vague definition of the term "boycott" introduced, limits freedom of expression by targeting peaceful forms of protest against Israeli policies, in contradiction with international law (Article 19 of the UDHR and Article 19 of the ICCPR). The European Court of Human Rights confirmed in 2020 that the call for a boycott of Israeli products falls within the scope of freedom of expression⁴⁹. It therefore also impacts freedom of association, as it exposes organizations that engage in a public campaign against settlements and other human rights violations to legal and financial sanctions and costly demands for compensation from settlement organizations. In February 2011, 53 Israeli civil society organizations jointly signed a letter addressed to Knesset Speaker Reuven Rivlin protesting the bill. A second anti-boycott text was adopted in 2017. **Amendment N° 28 to the Law on Entry into Israel 5777-2017**, adopted on March 6, 2017 by the Knesset, prohibits the granting of entry or residence permits to Israel to any person who is neither an Israeli citizen nor a holder of a permanent residence permit if that person, or the organization they work for, has publicly called for or pledged to participate in a boycott of the State of Israel. **(Amendment Law, § 1, adding § 2(d) to the Law.);** the term "boycott" being defined in accordance with the Anti-Boycott Law of 2011.

Amendment N° 40 to the Fiscal Foundations Law of 2011, known as the "Nakba Law", adopted in March 2011, and in particular Article 3(B), authorizes the Minister of Finance to withdraw public funding from any institution or organization that incites violence or terrorism (3B2), commemorates "Israel's Independence Day or the Day of the Establishment of the State as a day of mourning" (3B4), or that denies the existence of Israel as a "Jewish and democratic state" (3B1). The law undermines freedom of expression by imposing harsh and unjustified restrictions by punishing those who question, during their activities, the character of Israel as a Jewish state. This measure specifically harms the Palestinian population by preventing them from expressing themselves freely about Palestinian history and culture, or from expressing legitimate criticisms of the Israeli occupying state⁵⁰.

⁴⁶ Israel does not have a formal constitution, but 14 basic laws, known as quasi-constitutional laws, that can be amended exclusively by an absolute majority vote in the Knesset.

⁴⁷ <https://www.palquest.org/en/highlight/36118/israel%E2%80%99s-basic-law-human-dignity-and-liberty-1992>

⁴⁸ <https://www.adalah.org/en/law/view/492> <https://www.amnesty.org/fr/latest/press-release/2011/07/israel-anti-boycott-law-attack-freedom-expression-2/>

⁴⁹ On 11 June 2020, the European Court of Human Rights (ECtHR) delivered its judgement in the case *Baldassi and Others v. France* ruling that calling for a boycott of goods from Israel is protected by the right to freedom of expression and cannot be considered incitement to discrimination. See more here <https://elsc.support/cases/baldassi-vs-france-2020>

⁵⁰

<https://www.adalah.org/en/law/view/496#:~:text=Description%3A,%E2%80%9CJewish%20and%20democratic%20state.%E2%80%9D>

Israel's Counter-Terrorism Law 5776-2016 and Israeli constitutional law. The law significantly expands the powers of Israeli law enforcement authorities, imposes harsher penalties for targeted offenses, introduces a questionable procedure for designating an organization as a "terrorist organization," and significantly expands the range of offenses designated as "terrorist acts." Civil society organizations denounce the unconstitutionality of this law

and the contradiction with international law³⁹, in particular for the following reasons: (1) the broad and vague definitions of the terms "terrorist act" and "terrorist organization" (Article 2A), contrary to the principles of criminal law and freedom of expression; (2) the procedure for designating an organization as a "terrorist organization," which grants the state excessive power and allows the Minister of Defense to rely on classified information, thus making it impossible for designated organizations to validly challenge the evidence or its interpretation, which violates the right to a fair trial; (3) disproportionate penalties for security offenses, up to 25 years in prison; and (4) judicial proceedings that violate fundamental guarantees of criminal law, including the right to a fair trial, such as allowing hearings and appeals to be held in the absence of the detainee, or failing to inform the detainee of the decisions made in his or her case. In its 2022 Concluding Observations, the UN Human Rights Committee, which monitors states' compliance with the International Covenant on Civil and Political Rights, expressed concern about "vague and overly broad definitions" in the law, which "could criminalize legitimate political or humanitarian acts."⁴⁰

On November 8, 2023, the Knesset introduced a two-year **amendment** to the Counterterrorism Law 5776-2016 through **the Counterterrorism Law (Amendment N° 9 and Temporary Ordinance, 5784-2023)**. The revised law introduces a new offence called "consumption of terrorist material", punishable by one year in prison. Article 24 states that the "systematic and continuous consumption of material published by a terrorist organization" is punishable if it is associated with or expresses sympathy for a call to commit a terrorist act⁴¹. The amendment expands the criminalization of social networks and paves the way for the preventive repression of individuals who have neither committed nor planned crimes. The use of vague terms such as "systematic and continuous consumption" and the assimilation of the mere viewing of content with an act of adherence creates a climate of fear and deterrence, particularly against activities critical of Israeli policies, and risks further hindering freedom of expression.

Case study: The 2016 Anti-Terrorism Law and the Persecution of Six Palestinian Organizations⁴²

On October 19, 2021, Israel's defense minister designated six prominent Palestinian civil society organizations as "terrorist organizations," but did not provide clear and credible evidence⁴³. Relevant organizations include: Addameer, Al-Haq, Bisan Center for Research and Development, Defense for Children International - Palestine, the Union of Agricultural Work Committees, and the Union of Palestinian Women's Committees. Two weeks later, a military order was issued, declaring these organizations "illegal," allowing Israeli security forces to close their offices in the West Bank, confiscate their property, and arrest and prosecute their employees. A seventh NGO, Health Work Committees, had previously been declared illegal, a decision that was discovered when some of its

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[https://www.adalah.org/uploads/uploads/Adalah's%202021%20Position%20Paper%20on%202016%20CounterTerrorism%20Law%20\(Updated\)%20EN%20.pdf](https://www.adalah.org/uploads/uploads/Adalah's%202021%20Position%20Paper%20on%202016%20CounterTerrorism%20Law%20(Updated)%20EN%20.pdf) https://www.adalah.org/en/law/view/598#_ftn6

⁴⁰ See paragraph 18, *Concluding observations on the fifth periodic report of Israel*, the Human Rights Committee (May 2022)

⁴¹ <https://www.adalah.org/en/content/view/10951> <https://7amleh.org/storage/position%20paper%20en.pdf>

⁴² See Adalah's Expert Opinion, Israel's 2016 Counter-Terrorism Law and 1945 Emergency Regulations Regarding the Outlawing of Six Palestinian Human Rights and Civil Society Groups, 23 November 2021

⁴³ According to the International Commission on Inquiry on the OPT <https://documents.un.org/doc/undoc/gen/g23/089/77/pdf/g2308977.pdf> (15)

members were arrested and charged. Since these designations, human rights defenders and staff of these organizations have faced various forms of persecution, including travel bans.

In October 2021, UN special rapporteurs, several European countries and the EU High Representative condemned these designations, pointing to the lack of due process and the use of secret evidence⁴⁴. In its June 2023 report⁴⁵, the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory concluded that these Israeli designations of six Palestinian NGOs as "terrorist" and a seventh NGO as "illegal" were unjustified and violated fundamental human rights, including the rights to freedom of association, expression, opinion, peaceful assembly, privacy, and the right to a fair trial. This case illustrates the excesses of the 2016 Counter-Terrorism Law, whose broad and vague definitions allow for arbitrary and discriminatory application to repress Palestinian civil society. Violations of fundamental rights include the excessively vague definitions of "terrorist organization" and "illegal association", the discretionary powers granted to the Minister of Defense and the military commander to issue these designations, their serious immediate legal consequences, and the extreme obstacles to their challenge, exacerbated by the use of secret evidence, in violation of the right to a fair trial.

Regarding freedom of association, the Knesset passed the **Law on Transparency Requirements for Parties Supported by Foreign State Entities 5766-2016** on July 11, 2016, dubbed the "NGO Transparency Law," requiring NGOs to submit detailed reports on their donations if more than half of their funding comes from foreign⁵⁸ governments. In case of non-compliance, NGOs face a fine of up to approximately 7,500 USD. The 2011 Law on Associations already required Israeli NGOs to declare their donors and to make public, on a quarterly basis, donations received from foreign governments, but not those from private donors. This legislation has drawn criticism since it mainly targets organizations critical of Benjamin Netanyahu's government. Importantly, the law does not require transparency regarding donations received from individuals, leaving right-wing organizations and settler groups, which are largely funded by private American donors, unaffected.

Since the Hamas attacks of October 7, 2023, and the more than 13 months of genocide in Gaza, repression has multiplied and the erosion of freedom of association, expression, and also freedom of the press has intensified during the genocide in Gaza⁴⁶. This period was marked by serious violations of rights and unprecedented repressive practices⁶⁰, such as targeted killings of journalists, a record number of arbitrary detentions (up to 49 journalists), enforced disappearances, torture, as well as censorship and surveillance. As of October 31, 2024, preliminary investigations by the Committee to Protect Journalists have revealed that at least 134 journalists and media workers have been killed⁴⁷, and more than 50 media offices have been destroyed by the strikes, making

⁴⁴ Statement by UN experts [SR CT&HR's communication assessing the international law implications of the Israeli Counter-Terrorism Law, Defense \(Emergency\) Regulations and Military Order N° 1651](#) (May 2022).

⁴⁵ <https://www.ohchr.org/en/press-releases/2023/06/rights-civil-society-members-are-being-violated-all-entities-israel-and> ⁵⁸ <https://www.hrw.org/news/2016/07/13/israel-law-targets-human-rights-groups>

⁴⁶ See a global update here: <https://www.accessnow.org/press-release/gaza-a-week-in-the-dark/>
<https://www.article19.org/resources/israel-and-palestine-a-year-on-the-assault-on-freedom-of-expression-continues/>
<https://www.hrw.org/news/2024/08/26/joint-statement-requesting-eu-action-israels-unprecedented-killing-journalists-and> ⁶⁰ <https://www.hrw.org/news/2024/08/26/joint-statement-requesting-eu-action-israels-unprecedented-killing-journalists-and>
<https://monitor.civics.org/explore/israels-bombardment-of-palestine-erodes-civic-freedoms-for-palestinians/>

⁴⁷ https://cpj.org/data/killed/all/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=IS&cc_fips%5B%5D=LE&start_year=2023&end_year=2024&group_by=year

this the deadliest conflict for journalists. Additionally, there are communication cuts, in particular due to internet interruptions lasting up to 7 days, as well as massive destruction of telecommunications infrastructure⁴⁸. The denied access for international media to cover the war has also been a recurring practice. Moreover, a **law passed on April 1, 2024**, banning foreign media, gave the Israeli government the power to shut down foreign media outlets operating in Israel if they are deemed to pose a threat to national security⁴⁹. Also, Palestinian and Israeli associations defending the rights of the Palestinian people have been impacted by the measures taken by several European countries, including Austria, Denmark, Germany, Sweden and Switzerland, as well as the European Commission, as these have taken steps to suspend or restrict their funding to Palestinian civil society organizations based on unfounded accusations that funds have been diverted to Palestinian civil society organizations, "terrorist organizations" or used to "incite hatred and violence".⁵⁰

Case study: Shutdown of Al Jazeera Offices in the Context of the Gaza Genocide⁵¹

On May 5, 2024, Israel ordered the shutdown of Al Jazeera's local offices, raided its premises, confiscated its broadcasting equipment, and blocked the channel's broadcast, citing national security concerns. The shutdown is a significant development in the ongoing tensions between Israel and the Qatari network. The military shutdown order is scheduled for 45 days, but it is anticipated that it will be automatically renewed, as was the case with a civilian order issued in early May for the closure of Al Jazeera's Israel bureau. This order was issued by the Israeli military authority, although the office is located in Area A, under Palestinian control. This is part of the broader efforts of the Netanyahu government to limit the network's coverage of the genocide in Palestine. The Israeli government has accused Al Jazeera of inciting violence, supporting terrorism, promoting anti-Semitism and being a "mouthpiece" for Hamas, particularly because of its coverage of genocide-related events. The decision was facilitated by a law passed by the Knesset, known as the "Al Jazeera Law," which allows for the temporary shutdown of foreign media outlets deemed harmful to Israel's security interests, and which had allowed for the shutdown of Al Jazeera's bureau in Israel a few weeks earlier. Israel has often targeted Al Jazeera and its journalists, even killing some of them, such as Shireen Abu Akleh, Samer Abudaqa, Ismail al-Ghoul and Rami al-Rifi.

PALESTINE/OCCUPIED PALESTINIAN TERRITORY

The state of freedom of expression and association in Palestine is deeply entangled in the territorial division between the occupied West Bank, part of which is still under the aegis of the Fatah-administered Palestinian Authority, and the Hamas-controlled Gaza Strip. The Palestinian Legislative Council (PLC) was dissolved by Declaratory Judgment N° 10/2018, issued by the West Bank-based Supreme Constitutional Court (SCC) on December 12, 2018. As a result, the laws in force in the West Bank and Gaza Strip differ, resulting in discrimination

⁴⁸ <https://7amleh.org/2023/11/01/briefing-on-the-palestinian-digital-rights-situation-since-october-7th-2023>

<https://www.accessnow.org/press-release/gaza-a-week-in-the-dark/>

⁴⁹ <https://www.ifj.org/media-centre/news/detail/category/middle-east-arab-world/article/israel-new-law-allows-government-to-temporarily-shut-down-al-jazeera>

⁵⁰ <https://www.amnesty.org/en/latest/news/2023/11/european-governments-donors-discriminatory-funding-restrictions-topalestinian-civil-society-risk-deepening-human-rights-crisis/>

⁵¹ <https://www.aljazeera.com/news/2024/9/22/israel-closes-al-jazeera-bureau-in-ramallah-all-you-need-to-know>

in the enjoyment of the rights and freedoms of citizens based on their place of residence in the Palestinian territory⁵².

The Palestinian Basic Law of 2003, which is the supreme law of Palestine, consolidates a set of established constitutional principles and applies to both the West Bank and the Gaza Strip. It contains provisions protecting public rights and freedoms, including freedom of expression and association (Articles 10, 19, 26 and 27). It stipulates that these rights cannot be suspended in circumstances such as war, invasion, state of emergency or natural disasters (Article 110).⁶⁷ It also stresses that the Palestinian National Authority "must work without delay to become a party to regional and international conventions protecting human rights", a commitment mainly achieved between 2014 and 2017 (including joining the ICCPR in 2014, after obtaining the status of "nonmember observer state" at the United Nations in November 2012). However, a set of regulations in force in the West Bank and Gaza Strip contain provisions that are contrary to this law and international commitments⁵³. This analysis will focus on some of these laws.

Criminal legislation in the West Bank:

Criminal Law N° (16) of 1960

Published on May 1, 1960, this law is still in force only in the West Bank. Its criminal provisions are in contradiction with the amended Basic Law of 2003, as well as with the many international standards and core human rights conventions to which the State of Palestine has adhered. To this day, this law prevails in terms of penalties and undermines the right to freedom of opinion and expression, by criminalizing the dissemination of information that "weakens national sentiment" or "undermines national morale" (Articles 130-131), as well as false information, and by introducing vaguely defined terms into national legislation at the time. Penalties include fines and imprisonment, with penalties increased if false information is directed at the authorities of the State of Palestine.

Criminal legislation in Gaza: Criminal Law N° (74) of 1936

Published on December 14, 1936, this law dates back to the period of the British Mandate and remains in force in the Gaza Strip to this day. It introduces criminal penalties for acts "likely to outrage the regional feelings" of others, with penalties of up to one year in prison. The articles (201-209) define acts that constitute "defamation", "slander" and "damage to reputation", but lack clearly defined criteria or controls to frame these concepts. An **amendment to Criminal Law N° (74) of 1936, Law N° (3) of 2009**, was approved by the Change and Reform Bloc of the Gaza-based Palestinian Legislative Council. The amendment includes Article (262) bis, which introduces the charge of "misuse of technology" to promote, transmit, print or copy permissive materials, to disturb others, to use obscene or indecent language, or to hold conversations involving incitement to immorality or debauchery.

⁵² https://www.alhaq.org/cached_uploads/download/2021/10/02/freedome-of-expression-interactive-1-page-view-1633159293.pdf⁶⁷ Palestinian President Mahmoud Abbas declared a state of emergency on 5 March 2020 amidst the COVID-19 pandemic that "has been unconstitutionally extended until the present day"⁶⁷.

⁵³ https://www.alhaq.org/cached_uploads/download/2021/10/02/freedome-of-expression-interactive-1-page-view-1633159293.pdf, paragraph 33.

Printed Matter and Publications Act N° (9) of 1995

Promulgated on June 25, 1995, this law, one of the oldest in force in the West Bank and Gaza Strip, is limited to written press and the media. It includes vaguely worded provisions. For example, Article (37) prohibits the publication of "any confidential information about the police and public security forces" or articles that "endanger national unity", "spread hatred, dissent and dislike", or "stir up bigotry among members of society". The law gives the Ministry of Information broad powers of control. Relevant agencies must obtain a license from the Ministry to issue, sell or import printed matter, or to establish printing or publishing houses. The competent authorities may seize all copies of published material that infringe the law (Article 47), without the need for a court order.

Law by Decree N° (10) of 2018 on Cybercrime

Promulgated by President Abbas on April 29, 2018, the 2018 Cybercrime Law by Decree N° (10) is in force only in the West Bank. It paved the way for the criminalization of expression in the digital space, by punishing the production or dissemination of "immoral material" or content that threatens "public order" or "national security." Like other legislation in the region, the law lacks precise definitions of these terms, which are used by the authorities to criminalize opinions expressed on the Internet. It provides for a series of harsh penalties (Article 29), allowing public authorities to arrest and prosecute activists and journalists for their work and publications: fines of 2,000 to 10,000 Jordanian dinars (2,820 USD to 14,000 USD), prison sentences, the possibility of blocking their activities for five years or dissolving their organizations. Articles (32) and (33) of this Act authorize the Prosecutor General to investigate without a prior decision of a competent court. The cybercrime law has thus contributed to further restricting the freedom of the Palestinian press and media, which is already subject to repression by the Israeli security forces, creating a climate of fear and surveillance. According to civil society organizations⁵⁴, this law aims to consolidate a government that is losing its legitimacy in the eyes of the population, by instilling fear of censorship and detention.

Case Study: Cybercrime Law: From Law (16) to Law (10)⁵⁵

On September 4, 2017, human rights activist Issa Amro was arrested for advocating for the release of an imprisoned journalist who had mocked President Abbas. As a result, a coalition of 11 civil society organizations formed a legal commission and submitted a memorandum to Hanan Ashrawi, head of the Palestine Liberation Organization's culture and information department, expressing detailed objections to the provisions of the law. Following this reaction from civil society, the Palestinian Ministry of Justice held dialogue sessions to discuss amendments to the Cybercrime Law N° (16). Under pressure from the coalition, amended legislation on cybercrime, Law N° (10), was published on May 3, 2018, to replace Law N° (16). The coalition succeeded in obtaining the removal of Article 20 as well as the reduction of harsh penalties, the omission of criminalization related to vaguely defined terms such as national unity and public order, as well as the addition of new provisions, such as Article 21 of Law N° (10) which protects the freedoms of the media, publication and art. But despite these amendments, several other concerns raised in the original version of Law N° (16), related to excessive powers

⁵⁴ <https://www.hrw.org/news/2017/12/20/palestine-reform-restrictive-cybercrime-law>

⁵⁵ <https://www.arab-reform.net/publication/policing-the-digital-sphere-the-impact-of-palestines-cybercrime-legislation/>
<https://www.alhaq.org/advocacy/16110.html>

and illegal collection of evidence, remained unchanged in the 2018 law. Furthermore, Article 40 of Law N° (16), which grants the power to block websites, remained in the form of Article 39 in Law N° (10). Organizations such as the Palestine Independent Human Rights Commission and 7amleh argued that several problematic provisions, in violation of Palestine's international obligations, remained.

The right to form associations in Palestine is recognized as a constitutional right under article 26 of the Palestinian Basic Law. **The 2000 Palestinian Law on Charities and Community Organizations (LCACO) N° 1** also guarantees the right to form civil society associations and organizations. The groups do not need a permit, but simply need to register their existence and planned activities with the Palestinian Authority (PA) Ministry of the Interior. Despite these advances, concerns remain about the registration process for organizations, particularly when the executive branch transferred responsibility for registration to the Ministry of Interior, raising legitimate concerns about security surveillance and possible police interference in the activities of civil organizations. In 2007, after the Hamas uprising in Gaza, President Abbas issued a decree requiring the re-registration of all associations already registered with the Ministry of the Interior. The move, seen as targeting Hamas-linked groups in the West Bank and Gaza, has been widely criticized by human rights organizations and trade unions. Although the law formally recognizes the right to form civil associations without permission, daily practice often introduces a prerequisite for registration: the approval of the Minister of the Interior. Indeed, **Presidential Decree N° 16 of 2007** grants the Minister of the Interior the power to review all licenses, and **the Ministry of the Interior's decision N° 20 of 2007**, according to which associations must refer to security agencies to complete their registration procedures, contradicts this principle. These decrees coincide with the political division between Fatah and Hamas in June 2007, which subsequently led to arbitrary punitive measures, such as the forced dissolution of NGOs or the replacement of their boards of directors, against Hamas-affiliated NGOs in the West Bank and Fatah-affiliated NGOs in the Gaza Strip.⁵⁶ Associations registered in Gaza are subject to security checks and must provide a certificate of good conduct and a clean criminal record for all their members, which has become a prerequisite for registration with the West Bank government's Ministry of Interior.

Then, on July 7, 2015, the Palestinian Council of Ministers approved new restrictions on the funding of non-profit enterprises. The Council authorized amendments to the **Non-Profit Enterprises Regulations N° 3 of 2010**, adding a paragraph to Article 11 stating that "the acceptance of donations, aids or funding shall be subject to the prior approval of the Council of Ministers after specifying the purpose of such donations, aids or funding, a requirement which constitutes an additional obstacle for associations constituted as non-profit enterprises.

Decree-Law N° 7 of 2021, amending Law N° 1 of 2000 on Charities and Civil Society Organizations and its amendments was introduced by the Palestinian President on February 28, 2021, with additional restrictions on the work and funding of associations⁵⁷. For example, article 2.1 of this decree required associations to submit a work plan compatible with that of the specialized ministry, which restricts their right to carry out their activities and contravenes Palestine's international obligations. Its application was suspended after a strong reaction from

⁵⁶ <https://www.icnl.org/resources/civic-freedom-monitor/palestine>

⁵⁷ <https://pchrghaza.org/pchr-demand-president-reverses-law-by-decree-no-7-2021-amending-associations-law/>

civil society organizations. The government has indicated that it plans to issue a new decree covering the same issues after consultation with the "relevant entities".



H. SYRIA

Syria, ruled until December 8, 2024, by the authoritarian Assad regime, which severely **restricted** civil and political freedoms, repressed opposition and freedom of expression. On December 8, 2024, a rebel coalition took Damascus following a flash offensive, forcing Assad to flee and ending more than five decades of Baathist rule. Since then, an interim government headed by Ahmed al-Sharaa (ex-HTS) is administering the country for a five-year transitional phase. However, this transition did not put an end to the restrictions; Civic space remains narrow and repressive legislation remains largely in force.

[Anti-Terrorism Law N° 19/2012](#), which came into force on July 2, 2012, has remained the Assad regime's preferred tool for criminalizing any dissenting intellectual activity. It has expanded its provisions and sanctions to include any activity opposing the regime, under the pretext of combating terrorism to repress any dissenting voice. The law sets out the official definition of a terrorist act in very broad terms, providing the authorities with an interpretable instrument to criminalize not only violence, but also peaceful human rights activities.⁵⁸ It also provides for life imprisonment with forced labor, criminalizes the distribution of publications or the storage of "terrorist" information, and allows the state to freeze assets deemed to be relevant. The authorities continue to use the law and its special tribunal to prosecute rights defenders, journalists and opponents in trials that have been marred by serious violations of the right to a fair trial.⁵⁹

Syria's [new Cybercrime Law N° 20/2022](#), promulgated on March 17, 2022, contains vague definitions of "defamation", "harm to public morals and ethics", or even mere criticism of the authorities, which lend themselves to broad interpretation replacing [Cybercrime Law N° 17/2012](#), it also criminalizes any interaction with such content (sharing on social networks or messaging), forces companies to obey government orders and provides for penalties ranging from fines to fifteen years in prison. The law also grants immunity to public sector employees and does not distinguish between denunciation and slander or defamation. According to SNHR, more than 1,000 people have already been arrested on this basis between January and June 2024. A parliamentary review was announced, but no amendments had yet been adopted as of June 2025.⁶⁰

The legislative framework governing associations in Syria is based mainly on [Article 3 of the Constitution](#) and the [Law on Associations N° 93/1958](#). This legislation, which has remained essentially unchanged since then, is characterized by its restrictive nature, thus allowing for tight political control over associations. This legislation imposed significant restrictions on freedom of association, particularly with regard to the quality of membership, the objectives and the conditions for the dissolution of associations. [The decree implementing this law](#) requires an investigation into the founders of associations, carried out by the General Security at the request of the Ministry of Social Affairs and Labor. The ministry, with discretionary power, can refuse applications while having to justify them. It evaluates the objectives of the associations according to their programs and to social needs. The associations are strictly controlled: activity reports, participation in meetings, and monitoring of funding and funds. On May 17, 2025, Decree 19/2025 established a National Commission for Missing Persons, welcomed by the UN but without modifying the framework dating from 1958.

[The Syrian Constitution](#) guarantees freedom of expression as well as freedom of the press, printing and publishing. Despite these safeguards, Syria faces increasing and alarming restrictions on freedom of expression. In response to the 2011 protests, President Bashar al-Assad signed into law on August 18, 2011 [Media Law N° 108/2011](#), which was presented as a reform aimed at easing tensions. This law, although partially liberalizing,

⁵⁸ The Tahrir Institute for Middle East Policy. (2019). *Law N° 19 of 2012: Syria law brief*. Retrieved from <https://timep.org/wpcontent/uploads/2019/01/Law19of2012SyriaLawBrief1-4-2019FINAL.pdf>

⁵⁹ Human Rights Watch. (2013, June 25). *Syria: Counterterrorism court used to stifle dissent*. Retrieved from <https://www.hrw.org/news/2013/06/25/syria-counterterrorism-court-used-stifle-dissent>

⁶⁰ SMEX. (2023). *Legalizing control of personal data and online discourse in Syria*. Retrieved from <https://smex.org/legalizing-control-ofpersonal-data-and-online-discourse-in-syria/>

relaxed repressive legislation while imposing prison sentences for undermining the "prestige and dignity of the State, national unity, the morale of the army, the economy and the national currency". Nevertheless, it maintains significant restrictions and conditions freedom of expression on "accountability", thus paving the way for considerable fines in the event of defamation. On April 23, 2024, the ending regime promulgated Law 19/2024 creating a Ministry of Media with extensive censorship powers; the body was not dissolved by the interim government. snhr.org

On August 15, 2024, this ministry launched, with the Interior and Justice, a surveillance campaign targeting "unlicensed" platforms for "indecent content". Syria is considered one of the most restrictive and deadly countries for journalists and the media, according to Reporters Without Borders.

Case study: The case of Mazen al-Hamada: the use of torture to repress freedoms

Mazen al-Hamada, a Syrian activist and symbol of resistance to the Assad regime, was found dead in Saydnaya prison after the fall of the regime. His death was officially registered on December 10, 2024, by the Saydnaya Military Prosecutor's Office, confirming the persistence of torture practices despite the fall of Assad. Originally from Deir az-Zour, Mazen al-Hamada joined the 2011 Arab Spring protests in Syria, advocating freedom and democracy. His activism has led to repeated arrests, reflecting a broader trend in Syria where any form of opposition is met with brutal repression, which can even lead to death. Since 2011, SNHR has recorded 717 journalists killed, 53 of them under torture (as of May 3, 2024).⁶¹ Thousands of activists, critics and opposition members have been arbitrarily detained and often subjected to inhumane torture in the regime's notorious prisons.

Hamada's detentions have been marked by severe physical and sexual abuse, forced confessions, and psychological trauma. Despite his suffering, he worked tirelessly in exile to denounce the atrocities committed by the regime, advocating for justice and the release of detainees. His return to Syria in 2020, apparently under false promises of amnesty, led to his immediate re-arrest and disappearance. His death, confirmed by visible signs of torture, underscores the regime's systematic use of imprisonment and violence to silence dissent. Saydnaya prison, where Hamada's body was found, is a grim symbol of the brutality sanctioned by the Syrian state, with countless detainees having met the same fate. His story highlights the ongoing struggle for justice and accountability in Syria.⁶²



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I. TUNISIA

The political situation in Tunisia since President Kais Saied took power in July 2021, and his re-election in October 2024, raises many concerns about the consolidation of presidential power and its implications for fundamental rights, in particular freedom of expression and association. One of the most worrying aspects of this political development is the increased concentration of power in the hands of the president and the repression of the political opposition, the undermining of judicial independence, exemplified by the prosecution and arbitrary arrests of nearly a hundred journalists, lawyers, magistrates and human rights defenders (UN, April 2025). Tunisia is one of the countries with one of the most progressive legal frameworks in relation to the right to freedom of association in the MENA region, according to the International Criminal Court,⁶³ and this framework is threatened today by the legislative measures put in place or envisaged by President Saied, leading to a significant deterioration of the human rights situation in the country.

The right to expression is guaranteed in the Tunisian Constitution of 2022 (Articles 37 and 38), as well as by Decree-Law 115⁶⁴ promulgated in 2011 which is considered an important legal guarantee of freedom of expression, thanks to the procedural and substantive safeguards it introduced. Since then, freedom of expression in Tunisia has been under serious threat from new legislative measures, in conjunction with the preexisting Penal Code, the Telecommunications Code and the Code of Military Justice, including **Decree-Law N° 2022-54 of September 13, 2022, on cybercrime** promulgated by President Kais Saied, which covers print and online⁶⁵ publications. This decree-law gives law enforcement and judicial authorities extensive powers to seize phones,

⁶³ <https://www.icj.org/wp-content/uploads/2022/06/icj-ga-tunis-2-FR-WEB.pdf>

⁶⁴ Tunisia's Penal Code, including Chapter IV, imposes penalties for incitement to rebellion, insulting officials, defamation, slander, and insulting the head of state. Articles 226 and 226 bis punish offences against good morals and public morals. intensified the crackdown by expanding powers to crack down on freedom of expression online, including targeting journalists, lawyers, and political activists. The 2001 Telecommunications Code also punishes speech deemed harmful or disruptive on public networks, including the Internet and social networks. For more information on these measures and how they contradict constitutional guarantees and Decree-Law 115, see the AccessNow report: <https://www.accessnow.org/wp-content/uploads/2023/05/FoE-Report-English-Final.pdf>

⁶⁵ <https://www.icj.org/tunisia-silencing-free-voices-a-briefing-paper-on-the-enforcement-of-decree-54-on-cybercrime/>

computers and all data storage devices (Articles 9 and 10), and provides for severe penalties (Article 24) including a fine of up to 50,000 Tunisian dinars and a sentence of five to ten years in prison for anyone using information and communication networks and systems to disseminate information and communication false news, statements, rumors, or falsified or counterfeit documents, with the aim of harming public safety or national defense, sowing terror among the population, defaming or harming others, physically or morally harming them, inciting attacks against them or encouraging hate speech. Article 24 contains vague terms and formulations such as "false news", "false statements" or "false rumors", which allows for a very broad interpretation of its provisions. Associations have denounced the provisions of this law (in particular articles 9 and 10) which violate the right to privacy because they do not set clear limitations and conditions for the approval of surveillance and data collection measures⁶⁶. Moreover, Article 35 provides that Tunisian authorities may share such data with foreign governments. The Decree Law has been used to bring criminal charges against at least 110 people⁶⁷, including 15 journalists, CPJ reports five journalists still imprisoned in January 2025, all convicted under the decree

Case study: Prosecution of Magistrates: The Case of the Prosecution of Lawyer Ayachi Hammami⁶⁸

Since the promulgation of Decree-Law 54, the Tunisian judiciary has initiated targeted criminal proceedings against journalists, political opponents, lawyers and human rights defenders for the legitimate exercise of their freedom of expression. Among the personalities targeted⁸⁴ are journalists Monia Arfaoui and Mohamed Boughalleb for their criticism of the Minister of Religious Affairs, lawyers Ghazi Chawachi and Ayachi Hammami for their criticism of the Minister of Justice, politician Chaima Issa for her criticism of the President of the Republic, journalist Nizar Bahloul for an article critical of the Prime Minister, as well as former Electoral Commission member Sami Ben Slama for his criticism of the Electoral Commission Council, and finally civil society activist Hamza Labidi for a blog post calling for revolution. Journalist Mohamed Boughalleb, sentenced to six months in April 2024, was released on February 20, 2025, but remains banned from travelling. Journalists Borhen Bsaies and Mourad Zghidi, sentenced to one year in prison on May 22, 2024, had their sentences reduced to eight months on appeal (November 2024); Both remain in custody as of May 2025. Politician Abir Moussi is still serving two years in prison under Decree 54, a sentence handed down on August 5, 2024. Ennahda leader Rached Ghannouchi saw his sentence increased to 22 years in February 2025 in the so-called "Instalingo" case. The case of lawyer Ayachi Hammami illustrates the repression exercised by the Tunisian authorities through Decree-Law 54, used to prosecute public figures exercising their freedom of expression. Hammami, a lawyer and coordinator of the Committee for the Defense of Dismissed Judges, is facing prosecution after criticizing the Minister of Justice during a radio interview on December 29, 2022. The investigation, initiated on the directive of the minister (still ongoing), led to his summons to appear before a judge on January 10, 2023. The International Court of Justice has expressed its support for Hammami, saying his remarks fall within the scope of freedom of expression and that he should not be prosecuted for his role as a lawyer⁶⁹. On April 11, 2025, the Tunis Court of Appeal

⁶⁶ <https://www.accessnow.org/wp-content/uploads/2023/05/FoE-Report-English-Final.pdf>

<https://www.amnesty.org/fr/latest/news/2022/12/tunisia-cybercrime-law-investigations-expose-new-threats-to-freedom-of-expression/>

⁶⁷ <https://www.amnesty.be/infos/actualites/article/tunisie-autorites-intensifient-repression-medias-liberte>

⁶⁸ Other cases related to the application of Article 24 of Decree 5' have been identified by the International Court of Justice in a

[summary note](https://www.accessnow.org/wp-content/uploads/2023/05/FoE-Report-English-Final.pdf) <https://www.accessnow.org/wp-content/uploads/2023/05/FoE-Report-English-Final.pdf>⁸⁴

<https://www.accessnow.org/wp-content/uploads/2023/05/FoE-Report-English-Final.pdf>

⁶⁹ <https://www.icj.org/tunisia-authorities-must-stop-using-criminal-law-to-target-lawyers/>

reclassified the charges against commentator Sonia Dahmani as a felony, paving the way for a ten-year sentence; her hearing is set for June 16, 2025.

Associations in Tunisia are currently governed by **Decree-Law N° 2011-88 of September 24, 2011**⁷⁰, guaranteeing freedom of association in the country. In February 2022, a draft law on associations prepared by the executive was leaked⁷¹, provoking a strong reaction from civil society, which sees it as an unjustified measure to strengthen the executive's control over the associative sector and an attack on freedom of association⁷². On April 19, 2022, UN experts expressed their concern in a communication⁷³ to the Tunisian authorities, to which the Tunisian government responded in June 2022, confirming its intention to amend Decree-Law 88. On October 10, 2023, a **draft reform of Decree-Law N° 2011-88** was submitted by 10 deputies to the Tunisian Parliament, largely reproducing the provisions of the version leaked in 2022.

If passed, this bill would jeopardize the work of independent organizations by restricting their activities. The draft makes the creation of an association conditional on the intervention of the administration, in particular on the publication of the announcement of creation in the Official Gazette of the Tunisian Republic (JORT) under to the Prime Minister (Article 12).⁷⁴ This mechanism introduces a registration system and gives a department under the Prime Ministry the power to deny an organization the right to operate within one month of its registration (Article 9.2), including a power to refuse the very constitution of the association (Article 10). As it stands, and in accordance with the 2011 Decree-Law, an organization can start its activities as soon as its registration is notified by the representative of the association in the Official Gazette. Moreover, in a tense political climate marked by the rhetoric of the traitor and internal enemy⁷⁵, the provisions of Article 4 are considered worrying. The article prohibits associations from taking any action that could "threaten the unity of the state or its republican and democratic regime". In March 2025, the government forwarded its own draft law 027/2023 to the Committee on Rights and Freedoms; review is suspended for lack of consensus. The associations would also be subject to strict control by the Tunisian Commission for Financial Analysis regarding their foreign funding. Established in 2015 by the Law on combating terrorism and money laundering, the Commission has the power to prohibit the receipt of foreign funding (Article 25), without any deadline for issuing this opinion. Finally, the draft decree-law provides for the possibility of automatically dissolving an association following a reasoned decision by the Department of Associative Affairs under the Presidency of the Government (Article 33) and would enshrine a power of direct control over the very existence of associations in Tunisia⁷⁶.



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