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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(C) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1*

Tunisia

The present report is a summary of 39 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. Tunisia's national human rights institution, the Higher Committee on Human Rights and Fundamental Freedoms,² indicated that Tunisia has continued to enrich its body of legislation and improve compatibility with the provisions of international human rights instruments. The Committee also indicated that its functions had been consolidated by the enactment of Decree No. 2,846 of 8 November 2006, amending Decree No. 54 of 7 January 1991 establishing the Committee and Decree No. 886 of 10 April 2007 on the Committee's membership, which, *inter alia*, mandates it to help spread the culture of human rights and fundamental freedoms through its various activities.

2. With regard to the Convention on the Rights of the Child, the Tunisian Child Rights Association (ATDE)³ indicated that Tunisian law, in accordance with the Convention, guarantees children various rights including the right to medical care, the right to education and the right to freely express their opinion. It further indicated that protection and monitoring mechanisms exist and suggested it would be wise to continue strengthening the monitoring mechanisms, in particular by developing a database on the situation of children in Tunisia, including cases of violations of their rights, and to make the database available to all relevant stakeholders.⁴

B. Constitutional and legislative framework

3. According to the Tunisian Mothers Association, amendment and reform on legislative codes such as the Code of Personal Status, the Penal Code and the Labor Code help reinforced the launching of a cooperative spouse's relationship in the process for the foundation of the marital and family life instead of women's obedience to their husbands. Similar observation was made by the Fédération de Tunis de Solidarité Sociale⁵ (FTSS).

4. With respect to the issue of HIV/AIDS, the Tunisian Association to Combat Sexually Transmitted Diseases and AIDS (ATSIDA)⁶ indicated in its contribution that innumerable gains had been made in the fight against AIDS in Tunisia, the most recent of them being the Chamber of Deputies' adoption of two pieces of legislation that will revolutionize STD/HIV/AIDS prevention.

C. Policy measures

5. With respect to media issues, according to the Tunisian Communications Association (ATUCOM)⁷ a series of measures have been implemented since 7 November 1987 to ensure the enjoyment of freedom of expression. A similar observation was made by the Association for Research in Information Sciences.⁸

6. With regard to the issue of disabilities, according to the Tunisian Union for Support to the Mentally Deficient,⁹ the Government of Tunisia has adopted a series of measures intended, among other things, to strengthen the mechanisms, institutions and programmes for the effective advancement of this group and facilitate the social integration of people with disabilities.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of international human rights obligations

1. Equality and non-discrimination

7. In its contribution, the Amazigh World Congress (CMA)¹⁰ expressed concern at the fact that legislation and institutional practice try to promote the Arab-Islamic identity exclusively and that, in its view, Tunisia simply denies the very existence of hundreds of thousands of Tunisian Amazighs, who comprise an indigenous non-Arabic population with its own identity (language, traditions, culture, etc). Similar concerns were raised by Tamazgha,¹¹ which further indicated that the Berber language is not taught in the Tunisian educational system and that textbooks do not cover the Berbers' history or civilization. Tamazgha further added that the Berber culture is not one of the targets for cultural development, promotion and support projects.

8. Concerns were also expressed by CMA¹² at the fact that, as Amazigh society and culture are invisible, Amazigh children go through an education system that falsifies their history, conflicts with their personal beliefs, suppresses their freedom of conscience and despises their culture. CMA notes that the Amazigh do not have the right to form social or cultural associations; Amazigh given names are banned, there is no news in the Amazigh language in the written press or the State broadcast media in Tunisia; no Amazigh cultural activity receives State funding; and Amazigh groups in Tunisia have no right to cultural expression in their own language. Similar concerns were echoed by Tamazgha.¹³ Furthermore, according to CMA,¹⁴ the system of police surveillance and "preventive" institutional violence (threats, intimidation) act as effective deterrents, and Amazighs in Tunisia dare not even say openly and without fear that they are Amazighs and they even stop themselves speaking their language in public. They are thus safe from police threats, but at the price of silence and the repression of their identity.

9. In order to address these issues, CMA¹⁵ recommended that the Government should legally protect the country's Amazigh component (history, language and culture); put an immediate stop to all forms of prohibitions and discrimination against Amazigh individuals and populations; take specific measures as a matter of urgency for the sole purpose of protecting and promoting the rights and freedoms of Amazigh populations in the social, cultural and linguistic domains and restore the Amazigh identity (history, language and culture) to its rightful place and incorporate it in teaching, research and the State media. Tamazgha¹⁶ further recommended that the Tunisian State should take all necessary measures to restore the dignity of Berber speakers and put an end to discrimination against them. It should deploy all necessary means to protect the Berber language and culture.

2. Right to life, liberty and security of the person

10. The World Organization Against Torture (OMCT)¹⁷ reported in its contribution that, although torture is a crime under domestic law, the use of torture at all stages of criminal procedure has become widespread in recent years, and with the entry into force of the anti-terrorism legislation the use of torture had intensified. This latter point was also echoed by the International Federation of Human Rights Leagues, the National Council for Fundamental Freedoms in Tunisia and the Tunisian Human Rights League (FIDH/CNLT/LTDH).¹⁸ OMCT¹⁹ recommended that the Government of Tunisia should establish effective preventive measures against the use of torture and other cruel, inhuman or degrading treatment of persons detained by the police or in prison and ensure prompt, independent and impartial investigation of all allegations of torture or other cruel, inhuman or degrading treatment or punishment and, where necessary, prosecute the perpetrators of such acts.

11. Also, according to Amnesty International (AI),²⁰ torture and other ill-treatment are reportedly perpetrated against detainees held in the custody of the security forces, notably officials of the State Security Department of the Ministry of Interior, and used to extract “confessions” or other information or to force detainees to sign statements which they later retract in court on the grounds that these were extracted under torture or duress. Recommendations to the Government urging it to stop incidents of torture and other ill-treatment at any stage of an individual’s detention or questioning as well as improve conditions detention by ensuring that prisoners have full access to family visits and medical care were made in that regard by AI.²¹

12. According to Human Rights Watch²² (HRW), it is reported that Tunisian authorities made life difficult for released political prisoners, monitoring them closely, denying them passports and most jobs, and threatening to re-arrest some who spoke out on human rights or politics. It further indicated that detainees are subject to a range of methods of torture and ill-treatment during police interrogation.²³ Similar observation was made by AI²⁴ which further indicated that political prisoners are subject to discrimination and arbitrary measures in prison. It also mentioned that the Tunisian authorities continue to hold them together with convicted criminal prisoners in breach of international standards requiring that different categories of prisoners be kept separate. Some political prisoners are reported to be in poor health and in urgent need of medical treatment due to the harsh prison conditions, including prolonged solitary confinement.²⁵ Vérité-Action,²⁶ Alkarama for Human Rights²⁷ (AHR) and the Islamic Human Rights Council²⁸ echoed similar concerns in their contributions. Furthermore, according to FIDH/CNLT/LTDH,²⁹ the lack of prosecutorial oversight of the conditions of police custody and of the correctness of the information entered on the detention registers, and investigating courts’ refusal to look into allegations of torture or to grant requests for medical examinations, helps entrench impunity for perpetrators of torture. Similar observations were made by HRW³⁰ and the International PEN.³¹ A recommendation for the Human Rights Council to urge the Government of Tunisia to aggressively investigate allegations of torture by police of suspects under interrogation and to hold perpetrators accountable pursuant to its obligations under the Convention Against Torture was made by HRW³² which was also echoed by Vérité-Action.³³

13. On the issue of detention, AI³⁴ expressed concerns at reports that prison conditions in Tunisia amount to cruel, inhuman or degrading treatment or even torture and noted that despite the positive decision by the Tunisian authorities to allow the International Committee of the Red Cross (ICRC) to access prisons, political prisoners continue to launch hunger strikes to protest against detention conditions. A similar observation was made by OMCT,³⁵ which recommended that the Government should take steps to bring places of detention into line with international standards.

14. HRW³⁶ also indicated that the ICRC continued its programme of visiting Tunisian prisons. However, according to HRW the authorities refuse to allow access by independent human rights organizations. Also according to HRW,³⁷ during 2007 prison authorities placed a small number of inmates in prolonged solitary confinement, an abusive practice that had reportedly stopped after the government pledged in 2005 to end it. The Higher Committee on Human Rights and Fundamental Freedoms³⁸ indicated that the Chair, with several members of the Committee, had made unannounced visits to prisons, detention centres and shelters and supervision centres for minors. The Committee had noted the conditions of detention and supervision and the various activities organized for inmates in the institutions visited. It had granted all prisoners’ requests for meetings. After each visit, the Chair of the Committee had presented a report to the President of the Republic with comments on the various negative points identified, suggestions for resolving them and concrete proposals for the consolidation of current legislation. These comments relate mainly to the problem of overcrowding in prisons, training for prisoners and the work of the sentence enforcement judge.

15. The issue of prohibition of corporal punishment was addressed by the Global Initiative to End All Corporal Punishment of Children (GIECP) in its contribution which urged Tunisia to introduce such prohibition in its national law.³⁹

3. Administration of justice and the rule of law

16. Concerns were expressed by AI⁴⁰ over the constant threats to the independence of the judiciary in Tunisia. The authorities deny the existence of serious and structural irregularities in the administration of justice and often attempt to silence those who speak out about systematic political interference in the independence of the judiciary. Similar concerns were raised by the OMCT,⁴¹ the International Commission of Jurists (ICJ)⁴² and the FIDH/CNLT/LTDH⁴³ in their contributions. Both, the ICJ⁴⁴ and AI⁴⁵ further indicated that members of the Tunisian Association of Magistrates were barred from their offices under orders from the Ministry of Justice and Human Rights. Furthermore, Front Line⁴⁶ reported that the Tunisian authorities block human rights lawyers from meeting their clients and that human rights lawyers are frequently attacked and physically assaulted. FIDH/CNLT/LTDH⁴⁷ further added that lawyers are also daily subjected to violent police and judicial repression and that all the lawyers involved in the defence of human rights regularly suffer physical and verbal attacks, burglaries and intimidation. They say that the psychological pressure exerted on lawyers is constant. The ICJ⁴⁸ and AI⁴⁹ echoed similar concerns.

17. Also according to AHR,⁵⁰ State security officials systematically violate the provisions of the Code of Criminal Procedure in respect of arrest, search and detention in police custody and that the period of custody - set at six days in cases linked to terrorism - is not observed. AHR also states that it has repeatedly been found that police reports are routinely post-dated in order to cover up the excessive length of police custody, which in many cases is incommunicado detention. HRW⁵¹ also expressed concerns on pre-arraignment incommunicado police custody beyond the legal limit of six days, notably in the context of the fight against terrorism with the 2003 Anti-terrorism law requirements and that police subjected many to torture and other mistreatment; that investigating judges questioned many defendants without informing them of their rights to a lawyer and routinely ignored their requests for a medical examination to check for evidence of mistreatment. Similar information was reported by AHR,⁵² the FIDH/CNLT/LTDH⁵³ and the OMCT.⁵⁴ Furthermore, HRW⁵⁵ reported that trial judges convict defendants solely or predominantly on the basis of coerced confessions or on the testimony of witnesses whom the defendant does not have the opportunity to confront in court. Similarly, the ICJ⁵⁶ echoed the same concern.

18. In addition, AI⁵⁷ indicated that under the 2003 Anti-terrorism law as well as the Military Justice Code, civilians charged with offences related to terrorism are tried before military courts. It reported that those military courts violate a number of international fair trial standards, as those convicted by a military court can appeal only before the military court of cassation, which reviews only procedural issues and not the substance of the case. Defence lawyers have only restricted access to their clients' files and sometimes lack crucial information about the proceedings, such as advance notice of the dates of hearings. Unlike ordinary criminal courts, military courts do not allow lawyers access to the register of pending cases. AHR⁵⁸ concluded in its contribution that it is clear that not only have serious human rights violations not ceased but, more importantly, a veritable arsenal of legislation has been put in place and developed to cover them up and ensure impunity for those responsible. Similar observation was made by HRW⁵⁹ which further stated that prosecutors and judges usually turn a blind eye to torture allegations, even when the subject of formal complaints submitted by lawyers. According to it,⁶⁰ despite the submission of formal complaints by lawyers on behalf of defendants in hundreds of cases in recent years, no case has come to public attention of a state agent being held accountable for torturing persons held for politically motivated offenses.

19. Recommendations for the Government were made to address those issues by AI,⁶¹ which called it to reform the 2003 Anti-terrorism legislation and that all those accused under it and on other charges receive fair trials in line with international standards. In the same subject matter, HRW⁶² also called the Government to ensure thorough investigations into allegations of serious violations of the law in the treatment of pre-trial suspects, including allegations of torture and mistreatment and the holding of detainees in pre-trial custody longer than the maximum period provided by the law. AI⁶³ also called it to take effective measures, including legislative reform, to address the serious and structural irregularities in the administration of justice which harm the independence of the judiciary. A similar recommendation was also made by the FIDH/CNLT/LTDH,⁶⁴ the ICJ⁶⁵ and the OMCT.⁶⁶

4. Right to privacy

20. The International Lesbian and Gay Association (ILGA), in a joint submission with others⁶⁷, noted that Tunisia maintains criminal sanctions against sexual activity between consenting adults. Article 230 of Tunisia's Penal Code, 1913 provides:

“Where not covered by previous articles, sodomy is punishable by imprisonment for three years.”

5. Freedom of movement

21. According to Front Line,⁶⁸ travel restrictions are commonly used by the government on human rights defenders to punish them for their commitment to human rights and hinder the activities of the independent human rights movement. It further indicated that many human rights defenders have been subjected to international travel bans; either they have been prevented at the airport from boarding the plane or the authorities have confiscated or refused to renew their passports. AI⁶⁹ also reported that after their release, political prisoners are often subject to arbitrary measures preventing them from travelling freely within Tunisia or abroad and are denied identity documents. Sometimes members of their families are also subject to restrictions.

6. Freedom of religion and belief, expression, association and peaceful assembly

22. AHR⁷⁰ reported that religious freedom is also severely restricted and indicated that women wearing the hijab and men with beards and in Islamic dress (*qamis*) are systematically harassed. Plainclothes police attack them physically, tearing off their veils in the street, for example. The Islamic Human Rights Council⁷¹ further indicated in their contribution that law n°108 of 1981 ban Tunisian women from wearing hijab inside the state-run bodies and that some women have been ordered to remove their hijab before being allowed into schools, universities or workplaces. Similar concerns were raised by AI⁷² that recommended to the Human Rights Council to urge the Tunisian authorities to uphold freedom of religion and to take measures to protect women wearing the hijab from discrimination or harassment, including by law enforcement official.

23. The Association for Research in Information Science and Communication⁷³ indicated that the State has played an important role in Tunisia and other Arab countries in the modernization and promotion of the media, and that, in order to ensure pluralism of opinion, the State provides grants - with regular rises - to enable opposition parties to publish their newspapers. According to Front Line⁷⁴ whilst the Constitution provides for the freedom of speech and freedom of the press it does so with certain restrictions, which seek to stifle press freedom and increase government control of the media. It further mentioned that in 2003 a new law criminalizing freedom of expression [*the 2003 anti-terrorism law*] was introduced allegedly to support the international efforts in matters of the

fight against terrorism and money laundering and that the legislation has been used by the Tunisian authorities as a tool to silence and punish critics of the government. Also, according to Front Line,⁷⁵ the publication of information found to be disruptive of public order or defamatory is a criminal offence which can result in up to three years' imprisonment and that this legislation has been used to imprison those publishing articles critical of the Tunisian authorities. Similar concerns were echoed by the FIDH/CNLT/LTDH,⁷⁶ the International PEN⁷⁷ and Reporter without Border.⁷⁸ The latter further indicated that the independent press is banned and the government controls the main media outlets.

24. FIDH/CNLT/LTDH⁷⁹ also indicated that the press and independent journalists are subjected to punitive measures, and the right to freedom of expression is more or less systematically flouted in Tunisia. It further mentioned that the harassment suffered by individual human rights defenders in Tunisia takes various forms, including filing of unjust complaints in Tunisian courts; constant monitoring of communications; travel restrictions; refusal to renew travel documents; physical and verbal abuse of human rights defenders and their families; threats; slander campaigns; and cutting off resources by various means. According to FIDH/CNLT/LTDH, the aim of such harassment is to put a stop to the reporting of violations by civil society organizations. Those concerns were also addressed by AHR,⁸⁰ AI,⁸¹ HRW⁸² and OMCT⁸³ in their contributions.

25. Concerns on the internet use was also addressed by Reporter Sans Frontières⁸⁴ which stated in its contribution that its use is curbed by the regime, which has modern technology to monitor online traffic under a 1998 postal law which allows the interception of any messages "undermining public order and national security". HRW⁸⁵ further indicated that the Government blocks certain domestic and international political or human rights websites featuring critical coverage of Tunisia. Front Line⁸⁶ also reported that emails addressed to certain e-mail accounts often fail to reach the intended recipient and that access to independent websites that cover the human rights situations in Tunisia have been blocked by the authorities. Similar concerns were raised by AHR,⁸⁷ International PEN⁸⁸ and the OMCT.⁸⁹

26. Furthermore, concerns were raised by Front Line⁹⁰ on the fact that human rights defenders and members of their families are under almost permanent surveillance by security agents. The persistent harassment faced by human rights defenders has placed them under intense emotional stress that has affected their family and professional life and for some of them has caused health problems. Many Human Rights Defenders reported that their offices have been broken into, and items such as computers taken or damaged. Those types of concerns were also addressed and exemplified by HRW,⁹¹ the ICJ⁹² and the FIDH/CNLT/LTDH⁹³ in their contributions. Also, according to AI,⁹⁴ despite the protection afforded by international and regional human rights treaties and standards, human rights organizations in Tunisia continue to experience repressive action. It referred to the Tunisian law on associations that requires new NGOs to submit an application to the government to gain recognition and be able to operate legally. For AI,⁹⁵ according to this law, an NGO that has filed such an application may operate freely while the government processes its application. If the government does not reject the application within nineteen days, the NGO is automatically registered. For AI,⁹⁶ in practice however, the Government routinely blocks the registration of new NGOs by refusing to provide receipts for their registration applications. Without such a receipt, NGOs are unable to counter the government's assertions that they have not applied to register and, therefore, that they are not allowed to operate. A similar observation was made by Frontline⁹⁷ which further noted that this results in a large number of independent human rights organizations operating without official recognition and exposes defenders to criminal sanctions for membership of an illegal organization.

27. On the same subject matter, HRW⁹⁸ further reported that the authorities have refused to grant legal recognition to every truly independent human rights organization that has applied over the past decade and they then invoke the organization's "illegal" status to hamper its activities. Also, according to Front Line,⁹⁹ even the few human rights groups that were allowed to legally register by the authorities have faced judicial harassment and administrative interference. Similar concern was referred to by the OMCT¹⁰⁰ and AI¹⁰¹ in their contribution.

28. FIDH/CNLT/LTDH¹⁰² indicated that independent civil society in Tunisia continues to suffer attacks on freedom of assembly. They state that many organizations, including LTDH, CNLT and ATFD, can testify to the constant pressure exerted by the authorities on private companies to persuade them not to rent their halls to independent organizations, as well as more or less systematic blocking by police of access to associations' premises and ad hoc meeting places, and a growing number of legal proceedings taken against civil society organizations for irregularities in their leases. Similar concerns were raised by AHR,¹⁰³ HRW,¹⁰⁴ Front Line,¹⁰⁵ PEN International¹⁰⁶ as well as AI,¹⁰⁷ which further reported that attempts to hold demonstration or gatherings without official sanction are prevented or disrupted by the police. OMCT¹⁰⁸ further added to those concerns that since June 2007, reports indicate that the intimidation of members of organizations by the political police continues to escalate.

29. In its contribution, HRW¹⁰⁹ concluded that human rights defenders and dissidents are subject to heavy surveillance, arbitrary travel bans, dismissal from work, interruption in phone service, physical assaults, harassment of relatives, suspicious acts of vandalism and theft, and slander campaigns in the press. It further noted that, according to it, the Government tolerates small opposition parties up to a point.¹¹⁰ On the same subject matter, the ICJ¹¹¹ noted that the Government continued to subject human rights defenders and activists to harassment and intimidation with the consent and de facto complicity of the judiciary which is under the control of the executive branch.

30. In its contribution, HRW¹¹² indicated that in July 2007 President Ben Ali pardoned or conditionally released 21 political prisoners, and another 10 in November and that most were leaders of the banned Islamist party an-Nahdha who had been in prison since the early 1990s, when a military court convicted 265 party members and sympathizers on dubious charges of plotting to topple the state. Also, according to Islamic Human Rights Commission,¹¹³ An-Nahdha leaders in exile have always denied these charges and insist that their organization believes in bringing about change through peaceful and democratic means. Furthermore, AI¹¹⁴ reported that despite the release of some 100 political prisoners in recent years, hundreds more continue to be imprisoned, including scores who have been held since the early 1990s after being convicted of membership in Ennahda, an Islamist organization that is banned in Tunisia and that the Government continues to deny the existence of political prisoners or prisoners of conscience, describing them as ordinary criminal prisoners, and has previously banned demonstrations highlighting their plight and calling for their release. A similar concern on political prisoners was raised by the International PEN¹¹⁵ which recommended to the Tunisian authorities to release all prisoners of opinion held for their religious and political beliefs and who never advocated or used violence.

31. Recommendations for the Government were made to address those issues by AI¹¹⁶ which called on the Tunisian Government to uphold the country's obligations under both national law and international human rights law and standards and to lift restriction arbitrarily imposed on former political prisoners. It also called on the Tunisian authorities to amend or repeal all laws that continue to allow prison sentences for the peaceful exercise of the right to freedom of expression, association or assembly and to release immediately and unconditionally all prisoners of conscience. It also calls for effective measures to put an end to restrictions imposed on human rights organizations and to stop the harassment and intimidation of human rights defenders, journalists and

others. The FIDH/CNLT/LTDH¹¹⁷ and Front Line¹¹⁸ have formulated similar recommendations. The latter further urged the Tunisian authorities to invite the UN Special Representative of the Secretary-General on the situation of human rights defenders to undertake a country visit. HRW¹¹⁹ also recommended that the authorities should cease the politically motivated withholding of legal recognition to human rights and other civil society organizations that are likely to be critical of government policies and that it should lift arbitrarily travel restrictions and cease human rights defenders' harassment of persons who collect and disseminate information on Tunisia's human rights record. It further urged the Government to allow all independent media and journalists to operate freely and cease blocking websites because they criticize government policies. A similar recommendation was made by the International PEN¹²⁰ and the OMCT.¹²¹

7. Human rights and counter-terrorism

32. Concerns were expressed by AHR¹²² in its contribution with respect to the implementation of the 2003 Law on counter-terrorism. Those concerns were echoed by AI¹²³ for which, the very broad definition of what may constitute terrorist activity and the very broad penalization of terrorist-related offences, undermine and excessively restrict human rights and fundamental freedoms. According to HRW,¹²⁴ its definition, like that found in the Penal Code, encompasses "acts of incitement to racial or religious hatred or fanaticism regardless of the means employed", thereby leaving open the possibility of prosecuting political opinion or association as crimes of terrorism. Also, HRW¹²⁵ stated that since the enactment of the law, authorities have rounded up hundreds of youths in towns around the country and charged them under its provisions and that the government never accused the majority of those whom it subsequently convicted of having planned or committed specific acts of violence, rather, it charged them with planning to join jihadist movements abroad or inciting others to join. Similar concerns were raised by AI¹²⁶ but also by the FIDH/CNLT/LTDH¹²⁷ which further indicated that, in its view, the fight against terrorism has two main features, namely (a) its use as an instrument of repression against any protest movement independent of the Government and (b) the use of torture. FIDH/CNLT/LTDH¹²⁸ also reported that all civil society actors are targets - human rights defenders, journalists, student activists, senior members of opposition political parties, lawyers - and that this "war on terror" has also led to an upsurge in acts of torture. On the latter point, a similar concern was raised by Vérité-Action.¹²⁹

33. Also, on the same subject matter, according to AI,¹³⁰ those convicted have been sentenced to long prison terms after grossly unfair trials, including before military courts and that many defendants have been convicted largely or exclusively on the basis of confessions which they allege were obtained through torture or ill-treatment and that access by defense lawyers to their clients has been increasingly curtailed in terrorism-related cases". Similar concern was reported by AHR.¹³¹ The FIDH/CNLT/LTDH¹³² further reported that numerous human rights violations had been recorded: arrests without a warrant and outside the time-limits prescribed by law, false reports to prolong the period of custody, incommunicado detentions, refusal to inform families about the fate of those arrested. On several occasions the accused's family, in some cases minors, were taken hostage if the person sought was not at home.

34. Recommendations for the Government were made to address those issues by AI¹³³ which called for the 2003 Anti-Terrorism legislation to be reformed to comply with the Tunisia's international human rights obligations, especially its expansive definition of terrorism and terrorism-related offences, and also called those accused under the anti-terrorism law and on other charges to receive fair trials in line with international standards. HRW¹³⁴ also recommended that, in keeping with its obligations as a party to the International Covenant on Civil and Political Rights, the government of Tunisia should amend the 2003 anti-terror law in order to modify those articles that threaten fundamental human rights, such as the right to freedom of expression. In addition, the

Government should ensure thorough investigations into allegations of serious violations of the law in the treatment of pre-trial suspects, including allegations of torture and mistreatment and the holding of detainees in pre-trial custody longer than the maximum period provided by law. The ICJ¹³⁵ urged the Government to refrain from using the anti-terrorism laws to limit the enjoyment of essential freedoms and rights such as the rights to the freedom of speech and association, and make sure that detainees and prisoners are not subject to torture, ill treatment, arbitrary and administrative detention. FIDH/CNLT/LTDH¹³⁶ recommended that, in the context of the implementation of anti-terrorist legislation, the Government should ensure compliance with its international obligations on international protection of human rights, and in particular the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, article 2 of which bans the use of torture under any circumstances.

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

35. The Tunisian Mothers' Association¹³⁷ indicated, in its contribution, that the mechanisms as designed and implemented by the Government prove to have a positive impact on the development that characterizes women's presence in the ladder of educational level subsequently, in the labour market's as well as in the decision making field. Furthermore, the Tunisian Mothers' Association¹³⁸ also welcomed the fact that Tunisian women's place was deeply consolidated by the humanitarian revolutionary decision taken on 7th November 2007, which endowed the imprisoned pregnant and the breast-feeding mothers with the right to spend the period of punishment in special institutions so as to provide them as well as their children with protection and full human dignity.

36. The Higher Committee on Human Rights and Fundamental Freedoms¹³⁹ also noted that, in accordance with the principle of the interdependence, complementarity and indivisibility of human rights, Tunisia has made undeniable gains in the fight against poverty and the protection of vulnerable social groups, which has led, inter alia, to a reduction of the poverty rate to less than 4 per cent, thanks to special programmes, notably the National Solidarity Fund 26-26. The Tunisian experience in this regard was widely acknowledged by the international community through the adoption by the United Nations General Assembly of a Tunisian proposal to establish a World Solidarity Fund for poverty eradication. Furthermore, according to the Tunisian Association for the Protection of Nature and Environment,¹⁴⁰ considering that poverty and youth unemployment could be an impediment to the enjoyment of other rights, the Tunisian State has developed a proactive policy to help young people and fight poverty. Instruments have been created that have proved effective, including the Solidarity Programme 26-26, which has changed the face of rural life in several parts of the country, the Tunisian Solidarity Bank and exemption from social security contributions.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

37. [n/a]

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

38. [n/a]

Notes

¹ The following stakeholders have made a submission (all original submissions are available in full text on: www.ohchr.org):

Civil Society:

AKHR:	Al Karama for Human Rights*;
AI:	Amnesty International*;
ARSIC:	Association de Recherches en Sciences de l'Information et de la Communication;
APT:	Association des Parlementaires Tunisiens*;
ATUCOM:	Association Tunisienne de Communication*;
ATCT:	Association Tunisienne de la Culture Numérique;
ATDE:	Association Tunisienne des Droits de l'Enfant;
ATSIDA:	Association Tunisienne de lutte contre les maladies sexuellement transmissibles et le SIDA*;
ATSN:	Association Tunisienne de Solidarité Numérique;
ATM:	Association Tunisienne des Mères;
ATIM:	Association Tunisienne d'Internet et de Multimédia;
ATTR:	Association Tunisienne pour le développement de la Technologie numérique et des Ressources humaines;
ATLAS:	Association Tunisienne pour l'Auto-Développement et la Solidarité;
ATPNE:	Association Tunisienne pour la Protection de la Nature et de l'Environnement*;
ATVT:	Association tunisienne pour les victimes de terrorisme;
CMA:	Congrès Mondial Amazigh;
FTSS:	Fédération de Tunis pour la Solidarité Social;
FIDH/CNLT/LTDH:	Fédération Internationale des Ligues des Droits de l'Homme*/Conseil national pour les libertés en Tunisie/Ligue tunisienne des droits de l'Homme, joint submission;
FL:	Front Line Defenders of Human Rights defenders - International Foundation for the Protection of Human Rights Defenders*;
GIECP:	Global Initiative to End All Corporal Punishment of Children;
HRW:	Human Rights Watch*;
ILGA:	(ILGA-Europe*, Pan African ILGA, Coalition of African Lesbians, The Rainbow Project, International Gay and Lesbian Human Rights Commission and ARC International), joint submission;
ICJ:	International Commission of Jurists*;
PEN:	International PEN*, International Publishers' Association*, World Press Freedom Committee*;
IHRC:	Islamic Human Rights Commission;
La Fondation El Kef	pour le Développement Régional;
ONET:	Organization Nationale de l'Enfance Tunisienne*;
Organization Tunisienne de Défense du Consommateur;	
Organization Tunisienne de l'Education de la Famille*;	
Organization Tunisienne des Jeunes Médecins Sans Frontières* (Association Tunisienne des Diabétiques);	
Panafrican Federation of Disabled Peoples;	
RSF:	Reporters sans Frontières*;
Tamazgha;	
TMG:	Tunisia Monitoring Group;
Union Nationale de la Femme Tunisienne*;	
Union Tunisienne d'Aide aux Insuffisants Mentaux;	
VA:	Vérité Action;
OMCT:	World Organization Against Torture*;
National Human Rights Institution: CSDHLFT:	Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales de Tunisie

NB: * NGOs with ECOSOC status; ** National Human Rights Institution with A status.

- ² Comité Supérieur des Droits de l'Homme et des Libertés fondamentales, contribution for the UPR, pages 1 and 2.
- ³ Association Tunisienne des Droits de l'Enfant (ATDE), contribution to the UPR, page 2.
- ⁴ Association Tunisienne des Droits de l'Enfant (ATDE), contribution to the UPR, pages 2 and 3.
- ⁵ Tunisian Mothers Association, contribution for the UPR, page 2 and Fédération de Tunis de Solidarité Sociale (FTSS) page 4 and 5.
- ⁶ Association Tunisienne de lutte contre les maladies sexuellement transmissibles et le SIDA (ATSIDA), contribution to the UPR, page 4.
- ⁷ Association Tunisienne de Communication (ATUCOM), contribution for the UPR, page 2.
- ⁸ Association de Recherches en Sciences de l'Information (ARSIC), contribution for the UPR, page 2.
- ⁹ Union Tunisienne d'Aide aux Insuffisants Mentaux, contribution to the UPR, pages 1 and 2.
- ¹⁰ Congrès Mondial Amazigh (CMA), contribution for the UPR, page 4.
- ¹¹ Tamazgha, contribution for the UPR, pages 3 and 8.
- ¹² Congrès Mondial Amazigh (CMA), contribution for the UPR, page 4.
- ¹³ Tamazgha, contribution for the UPR, pages 2 and 4.
- ¹⁴ Congrès Mondial Amazigh (CMA), contribution for the UPR, pages 2 and 3.
- ¹⁵ Congrès Mondial Amazigh (CMA), contribution for the UPR, pages 4 and 5.
- ¹⁶ Tamazgha, contribution for the UPR, page 6.
- ¹⁷ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 11.
- ¹⁸ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 5.
- ¹⁹ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ²⁰ Amnesty International (AI), contribution for the UPR, pages 2 and 3.
- ²¹ Amnesty International (AI), contribution for the UPR, page 5.
- ²² Human Rights Watch, contribution to the UPR page 1.
- ²³ Human Rights Watch, contribution to the UPR page 3.
- ²⁴ Amnesty International (AI), contribution for the UPR, page 3.
- ²⁵ AI, p.3. For information on individual cases, see OMCT, p.11; IHRC, p.1; VA, p. 1.
- ²⁶ Vérité-Action, contribution to the UPR pages 1 to 4.
- ²⁷ Al Karama, contribution for the UPR, pages 4 and 5.
- ²⁸ Islamic Human Rights Council, contribution to the UPR page 1.
- ²⁹ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 6. For information on individual cases, see Al Karama, contribution for the UPR, page 6.
- ³⁰ Human Rights Watch, contribution to the UPR pages 2 and 3.
- ³¹ International Publisher's Association and World Press Committee (International PEN), report of the Tunisia monitoring group, April 2007, contribution to the UPR, page 16.

- ³² Human Rights Watch, contribution to the UPR page 3.
- ³³ Vérité-Action, contribution to the UPR page 5.
- ³⁴ Amnesty International (AI), contribution for the UPR, pages 3 and 4.
- ³⁵ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ³⁶ Human Rights Watch, contribution to the UPR page 2.
- ³⁷ Human Rights Watch, contribution to the UPR page 3.
- ³⁸ Comité Supérieur des Droits de l'Homme et des Libertés fondamentales, contribution for the UPR, page 4.
- ³⁹ Global Initiative to End All Corporal Punishment of Children (GIECP), contribution for the UPR, page 2.
- ⁴⁰ Amnesty International (AI), contribution for the UPR, page 1.
- ⁴¹ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ⁴² International Commission of Jurists (ICJ), contribution for the UPR, pages 1 and 2.
- ⁴³ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 1 and 2.
- ⁴⁴ International Commission of Jurists (ICJ), contribution for the UPR, page 2.
- ⁴⁵ Amnesty International (AI), contribution for the UPR, page 1.
- ⁴⁶ Front Line (FL), contribution for the UPR, page 4.
- ⁴⁷ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 1 and 2.
- ⁴⁸ International Commission of Jurists (ICJ), contribution for the UPR, page 1.
- ⁴⁹ Amnesty International (AI), contribution for the UPR, pages 1 and 2.
- ⁵⁰ Al Karama, contribution for the UPR, page 3.
- ⁵¹ Human Rights Watch, contribution to the UPR page 4.
- ⁵² Al Karama, contribution for the UPR, page 3.
- ⁵³ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 1 and 2.
- ⁵⁴ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 11.
- ⁵⁵ Human Rights Watch, contribution to the UPR page 2.
- ⁵⁶ International Commission of Jurists (ICJ), contribution for the UPR, page 1.
- ⁵⁷ Amnesty International (AI), contribution for the UPR, page 1.
- ⁵⁸ Al Karama, contribution for the UPR, page 5.
- ⁵⁹ Human Rights Watch, contribution to the UPR page 2.
- ⁶⁰ Human Rights Watch, contribution to the UPR page 3.
- ⁶¹ Amnesty International (AI), contribution for the UPR, page 5.
- ⁶² Human Rights Watch, contribution to the UPR page 4.

- ⁶³ Amnesty International (AI), contribution for the UPR, page 5.
- ⁶⁴ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 6.
- ⁶⁵ International Commission of Jurists (ICJ), contribution for the UPR, page 2.
- ⁶⁶ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ⁶⁷ International Lesbian and Gay Association, (ILGA), contribution to the UPR, page 1.
- ⁶⁸ Front Line (FL), contribution for the UPR, page 5.
- ⁶⁹ Amnesty International (AI), contribution for the UPR, page 3.
- ⁷⁰ Al Karama for Human Rights, contribution for the UPR, page 5.
- ⁷¹ Islamic Human Rights Council, contribution to the UPR page 1.
- ⁷² Amnesty International (AI), contribution for the UPR, page 5.
- ⁷³ Association de Recherches en Science de l'Information et de la Communication, contribution for the UPR, page 2.
- ⁷⁴ Front Line (FL), contribution for the UPR, page 5.
- ⁷⁵ Front Line (FL), contribution for the UPR, page 2.
- ⁷⁶ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 3 and 4.
- ⁷⁷ International Publisher's Association and World Press Committee (International PEN), report of the Tunisia monitoring group, April 2007, contribution to the UPR, pages 14-16.
- ⁷⁸ Reporter without Border, contribution for the UPR, page 1.
- ⁷⁹ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 3 and 4.
- ⁸⁰ Al Karama for Human Rights, contribution for the UPR, page 5.
- ⁸¹ Amnesty International (AI), contribution for the UPR, page 4.
- ⁸² Human Rights Watch, contribution to the UPR page 3.
- ⁸³ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ⁸⁴ Reporter without Border, contribution for the UPR, page 1.
- ⁸⁵ Human Rights Watch, contribution to the UPR page 3.
- ⁸⁶ Front Line (FL), contribution for the UPR, page 5.
- ⁸⁷ Al Karama for Human Rights, contribution for the UPR, page 5.
- ⁸⁸ International Publisher's Association and World Press Committee (International PEN), report of the Tunisia monitoring group, April 2007, contribution to the UPR, pages 7 and 8.
- ⁸⁹ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ⁹⁰ Front Line (FL), contribution for the UPR, page 2.
- ⁹¹ Human Rights Watch, contribution to the UPR page 2.
- ⁹² International Commission of Jurists (ICJ), contribution for the UPR, page 1.

- ⁹³ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 4.
- ⁹⁴ Amnesty International (AI), contribution for the UPR, page 2.
- ⁹⁵ Amnesty International (AI), contribution for the UPR, page 2.
- ⁹⁶ Amnesty International (AI), contribution for the UPR, page 2.
- ⁹⁷ Front Line (FL), contribution for the UPR, pages 1 and 2.
- ⁹⁸ Human Rights Watch, contribution to the UPR page 1.
- ⁹⁹ Front Line (FL), contribution for the UPR, pages 1 and 2.
- ¹⁰⁰ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ¹⁰¹ Amnesty International (AI), contribution for the UPR, page 2.
- ¹⁰² Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 3.
- ¹⁰³ Al Karama for Human Rights, contribution for the UPR, page 5.
- ¹⁰⁴ Human Rights Watch, contribution to the UPR page 2.
- ¹⁰⁵ Front Line (FL), contribution for the UPR, page 1.
- ¹⁰⁶ International Publisher's Association and World Press Committee (International PEN), report of the Tunisia monitoring group, April 2007, contribution to the UPR, pages 10 to 14.
- ¹⁰⁷ Amnesty International (AI), contribution for the UPR, page 2.
- ¹⁰⁸ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 11.
- ¹⁰⁹ Human Rights Watch, contribution to the UPR page 2.
- ¹¹⁰ Human Rights Watch, contribution to the UPR page 3.
- ¹¹¹ International Commission of Jurists (ICJ), contribution for the UPR, page 1.
- ¹¹² Human Rights Watch, contribution to the UPR page 1.
- ¹¹³ Islamic Human Rights Council, contribution to the UPR page 1.
- ¹¹⁴ Amnesty International (AI), contribution for the UPR, page 3.
- ¹¹⁵ International Publisher's Association and World Press Committee (International PEN), report of the Tunisia monitoring group, April 2007, contribution to the UPR, page 5.
- ¹¹⁶ Amnesty International (AI), contribution for the UPR, page 5.
- ¹¹⁷ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 6.
- ¹¹⁸ Front Line (FL), contribution for the UPR, page 5.
- ¹¹⁹ Human Rights Watch, contribution to the UPR page 2.
- ¹²⁰ International Publisher's Association and World Press Committee (International PEN), report of the Tunisia monitoring group, April 2007, contribution to the UPR, page 5.
- ¹²¹ Organization Mondiale contre la Torture (OMCT), contribution for the UPR, page 12.
- ¹²² Al Karama for Human Rights, contribution for the UPR, pages 2-3.
- ¹²³ Amnesty International (AI), contribution for the UPR, page 1.

- ¹²⁴ Human Rights Watch, contribution to the UPR page 4.
- ¹²⁵ Human Rights Watch, contribution to the UPR page 4.
- ¹²⁶ Amnesty International (AI), contribution for the UPR, page 2.
- ¹²⁷ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 4-5.
- ¹²⁸ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, pages 5-6.
- ¹²⁹ Vérité-Action, contribution to the UPR page 2.
- ¹³⁰ Amnesty International (AI), contribution for the UPR, page 3.
- ¹³¹ Al Karama for Human Rights, contribution for the UPR, pages 3 and 4.
- ¹³² Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 5.
- ¹³³ Amnesty International (AI), contribution for the UPR, page 5.
- ¹³⁴ Human Rights Watch, contribution to the UPR page 4.
- ¹³⁵ International Commission of Jurists (ICJ), contribution for the UPR, pages 2 and 3.
- ¹³⁶ Fédération Internationale des Ligues des Droits de l'Homme (FIDH), the Conseil National pour les Libertés en Tunisie (CNLT) and the Ligue Tunisienne des Droits de l'Homme (LTDH), joint contribution for the UPR, page 6.
- ¹³⁷ Tunisian Mothers' Association, contribution to the UPR, page 2.
- ¹³⁸ Tunisian Mothers' Association, contribution to the UPR, page 3.
- ¹³⁹ Comité Supérieur des Droits de l'Homme et des Libertés fondamentales, contribution for the UPR, page 3.
- ¹⁴⁰ Association Tunisienne pour la protection de la nature et de l'Environnement de la Nature et de l'Environnement, contribution to the UPR, page 2.
