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Written statement* submitted by the Arab NGO Network for Development, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights conditions in Tunisia

The Working Group session on Tunisia highlighted that there remains a lot to be achieved in Tunisia both in the legislative framework and in implementation to ensure that the Tunisian government responds to the Tunisian peoples demands of respect to fundamental freedoms, democracy, rule of law and adequate policy reforms to ensure full enjoyment of their rights. Thus the measures taken to ensure economic and social progress and that the newly ratified international treaties remain to be implemented effectively. In addition, as noted by several members of the Working Group there is an urgent need to accelerate and speed up efforts and strengthen policy measures to tackle the remaining challenges including regional disparities in the enjoyment of economic and social rights, poverty and unemployment in Tunisia.

Tunisian authorities gave positive reply to the recommendations received in order to engage in an all-inclusive and participatory reform process and ensure that all sections of the population, including women, persons with disabilities, minority and indigenous groups and civil society organisations are brought on board. While the stance is positive, the genuine implementation must be ensured to dutifully implement and operationalize the steps taken aftermath of the revolution of its people. This requires as well establishment of a new development paradigm in conformity with general obligations of State to respect, protect and fulfill human rights, including economic and social rights as well as the right to development.

It is important to highlight that the acceptance of 95 recommendations and considering 15 others as implemented, Tunisian stance remains positive. Nevertheless the current context in Tunisia and several initiatives undertaken (i.e. regarding the drafting of new Constitution and women's rights) remain concerning.¹

In this regard, the Arab NGO Network for Development, a regional network working in 11 Arab countries with 8 national networks (with an extended membership of 200 CSOs from different backgrounds) and 30 NGO members in reference to Joint Submission 1² presented by Arab NGO Network for Development, the Forum for Social Sciences in Tunisia, the Center for Economic, Social and Cultural Rights in Tunisia calls the members of the Human Rights Council to urge the Tunisian authorities to:

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Ensure that all domestic law conforms to international standards and thus make required amendments to the domestic legislation.
- Ensure that the new constitution guarantees equality between all its citizens and is in conformity with the human rights obligations deriving from the international human rights treaties Tunisia is a party to, whereby economic and social rights and the right to development as well as gender equality and the full rights of women are fully reflected in the new constitution to be established, together with the inclusion of mechanisms that allow for judicial enforceability including needed procedural safeguards and mechanisms to empower citizens to demand enforcement.

¹ UN Working Group on discrimination against women in law and in practice, available at <http://www.un.org/apps/news/story.asp?NewsID=42712&Cr=Tunisia&Cr1=>.

² http://lib.ohchr.org/HRBodies/UPR/Documents/session13/TN/JS1_UPR_TUN_S13_2012_JointSubmission1_E.pdf.

- Ensure that respecting human rights is integrated in the basics of work of all official Tunisian institutions.
- Ensure the accessibility and availability of data and indicators in a disaggregated manner (based on gender, age, regions) for better reflection of the current rights and development situation and avoid basing policy making and new development programmes/plans on the incorrect data used by the ex-government.
- Undertake a rights-based and development rooted assessment study of the impact of foreign trade and investment agreements that the previous regime have undertaken, and take corrective measures to align these agreements with democratically identified development objectives of the country post the revolution and the election of the new government.
- Ensure that tackling unemployment remains a top priority in all relevant programming and planning processes aiming at linking decent work and employment generation to a comprehensive economic reform agenda based on rebuilding productive sectors nationally and addressing wage rates and adequate rights-based social security measures.
- Enable a national dialogue on the institutional response to inequities in the labor market.
- Ensure that the decent work principles are respected and applied for both women and men and that persistent gender inequality is overcome with genuine respect and implementation of Constitution and relevant international treaties (i.e. ICESCRs, CEDAW) and ILO Declarations that Tunisia is a party to and that necessary legislative reforms in the current Labor Law are undertaken.
- Guarantee equal access of all citizens in all regions to education and improve the relation between education and employment to promote specialization, economic diversification and employability.
- Ensure that the social assistance programmes benefit all citizens benefit equally and correspond to their needs and necessities and are planned to address the root causes of social inequalities by time, rather than solely providing short-term relief.
- Reform the health care system and ensure the availability and accessibility and acceptability of the right to health to all citizens, through supporting the infrastructure development in hospitals where seen necessary and the increase of medical equipment and redress of regional disparities.