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**UN Human Rights Council
Thirty-sixth session, 11-29 September 2017**

**Item 6:
Consideration of UPR reports**

TUNISIA

Mr. President,

Amnesty International welcomes the establishment of National Preventive Mechanism and calls on Tunisia to strengthen its independence.¹

We have consistently raised concerns with Tunisia about impunity for torture in light of the fact that since 2011 there has not been a single successful prosecution of a security official accused of torture. We welcome Tunisia's acceptance of recommendations to step up efforts to prevent torture and ill-treatment and ensure accountability for such crimes through independent and effective investigation of allegations of torture and prosecution and sentencing of perpetrators.²

Amnesty International is encouraged by Tunisia's acceptance of recommendations to strengthen security sector reform and ensuring that counter-terrorism security measures respect human rights.³ We are, however, deeply concerned about the government-sponsored bill on the Repression of Attacks on Armed Forces currently being examined by the Tunisian Parliament.⁴ The bill grants security forces immunity

¹ A/HRC/36/5, 125.29 (UK), 125.31 (Czechia), 125.74 (Germany), 125.77 (Madagascar).

² A/HRC/36/5, recommendations 125.63 (United States), 125.68 (Switzerland), 125.72 (Czechia), 125.73 (France), 125.78 (Netherlands)

³ A/HRC/36/5, 125.33 (Chile), 125.38 (Qatar), 125.39 (Republic of Korea), 125.52 (United States of America), 125.53 (Canada), 125.58 (Peru), 125.61 (Luxembourg)

⁴ Tunisia: Proposed bill could give security forces carte blanche to use unnecessary lethal force
<https://www.amnesty.org/en/latest/news/2017/07/tunisia-proposed-bill-could-give-security-forces-carte-blanche-to-use-unnecessary-lethal-force/>

from prosecution for the use of lethal force in the defense of property. It also criminalizes criticism of police conduct and restricting freedom of access to information. We call on Tunisia to reject this bill in line with its acceptance of the above recommendations.

Mr President,

The criminalization of consensual same-sex relations under Article 230 of the Penal Code makes LGBTI people vulnerable to violence and abuse by the police. The medical examinations that have been inflicted on men accused of engaging in consensual same-sex sexual activity amount to torture and other ill-treatment. While we welcome Tunisia's commitment to immediately cease the practice of forced anal examination of LGBTI persons,⁵ we deeply regret its rejection of 14 recommendations to decriminalize same-sex relations.⁶

We welcome Tunisia's commitment to harmonize the national legal framework with the new Constitution and international human rights standards, and to establish the constitutional bodies.⁷ We emphasize the pressing need to accelerate the process to establish the Constitutional Court and to amend the Penal Code to ensure all articles related to freedom of expression, association, torture and the death penalty comply with Tunisia's obligations under international human rights law.

Amnesty International regrets Tunisia's rejection of the recommendation to end civilian trials by the military court⁸ in line with international fair trial standards. Tunisia must repeal the law that allows for prosecutions of civilians before military courts to limit the tendency to use the military courts to punish critics of the army.⁹

Thank you, Mr. President,

⁵ A/HRC/36/5, recommendation 125.48 (Ireland)

⁶ A/HRC/36/5, recommendations 127.31-127.47 (Denmark, Sweden, USA, Belgium, Netherlands, Canada, Germany, France, Costa Rica, Ireland, Norway, Brazil, Spain, Iceland, Argentina).

⁷ A/HRC/36/5, recommendations 125.7-125.29

⁸ A/HRC/36/5, recommendation 8.54 (Botswana)

⁹ <https://www.amnesty.org/en/latest/news/2015/01/tunisia-blogger-jailed-military-court-should-be-released/>