

Item 6: Tunisia UPR Outcome
UN Human Rights Council, 36th Session
21 September, 2017

ARTICLE 19

Mr President,

ARTICLE 19 commends the Government of Tunisia's efforts to enhance protection of the rights to freedom of expression and access to information, in particular through the 2014 adoption of the new Constitution.

Whilst taking note of their commitment to harmonising legislation with these protections, we are concerned that progress has now stalled. We call on the government to speed up their efforts, to ensure democratic freedoms are able to further flourish in the country.

Over a year since the adoption of the progressive Access to Information Law, we call on the government to urgently introduce the necessary implementing legislation to ensure its effective operation, and for a commitment that appointees to the Access to Information Authority, will be politically independent.

Legislation protecting media freedoms must be strengthened to fully uphold constitutional protections: Decree Laws 115 on Freedom of the Press, Printing and Publishing and 116 on the Independent Press Council should be repealed, and replaced with organic laws, drafted with the full and effective participation of civil society.

Urgent reforms are required of the Penal Code and Military Justice Code, which are used to target journalists, lawyers and civil society activists. Provisions criminalising defamation (Articles 128, 245, 247 of the Penal Code), false allegations against members of an administrative or judicial authority (Article 248 of the Penal Code), and insult of the flag, army, or attacks against the "dignity, reputation or morale of the army" (Article 91 of the Military Justice Code) do not conform with international law and must be repealed. We recommend that reforms in this field follow the guidance of the OHCHR-backed Rabat Plan of Action, and HRC resolution 16/18.

We call on the government to immediately drop all outstanding charges against and quash the convictions of those targeted for their expression:

- Lawyer and human rights defender **Najet Laabidi**, sentenced to six months for insulting the judiciary, in May 2017
- Journalist **Jamel Arfaoui**, currently facing charges by the military prosecutor for allegedly impugning the reputation of the army

We further urge the government to send a clear signal that attacks against journalists and human rights defenders will not be tolerated: prompt and thorough investigations into such abuses are vital to prevent their repetition.

We ask the government if it will commit to investigating yesterday's attack by police against radio reporter, Hamdi Souissi, who was covering a demonstration at a school in Sfax. Souissi was physically assaulted by police, his equipment confiscated, and subject to a two-hour interrogation.