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FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Tunisia

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/ reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	13 Jan. 1967	None	Individual complaints (art. 14): No
ICESCR	18 Mar. 1969	None	--
ICCPR	18 Mar. 1969	None	Inter-State complaints (art. 41): Yes
CEDAW	20 Sept. 1985	Arts. 9 (2), 15 (4), 16 (1) (c), (d), (f), (g) and (h) and 29 (1)	--
CAT	23 Sept. 1988	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	30 Jan. 1992	Preamble and arts. 2, 6 and 7	--
CRC-OP-AC	2 Jan. 2003	Art. 3 (2)	--
CRC-OP-SC	13 Sept. 2002	None	--
<i>Core treaties to which Tunisia is not a party: ICCPR-OP1, ICCPR-OP2, OP-CEDAW, OP-CAT, ICRMW, CPD (signature only, 2007), OP-CPD (signature only, 2007) and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments³</i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	No		
Palermo Protocol ⁴	Yes		
Refugees and stateless persons ⁵	Yes		
Geneva Conventions and Additional Protocols thereto ⁶	Yes, except Protocol III		
ILO fundamental conventions ⁷	Yes		
UNESCO Convention against Discrimination in Education	Yes		

1. In 2002, the Committee on Elimination of Discrimination against Women (CEDAW), while appreciating the progress made towards creating an environment for withdrawal of the reservations to the Convention through legal reforms, expressed concern that these reservations continue to be retained. The Committee urged Tunisia to expedite the steps necessary for the withdrawal of its reservations.⁸

2. In 2002, the Committee on the Rights of the Child (CRC) welcomed the withdrawal of the reservation with regard to article 40, paragraph 2 (b) (v), and the declaration in which Tunisia declared that “its undertaking to implement the provisions of this Convention shall be limited by the means at its disposal”. It noted the statement by the delegation that consideration will be given to withdrawing the remaining reservations, but remained concerned about the extent of reservations and declarations. In particular, CRC reiterated that the reservation relating to the application of article 2 appeared to be incompatible with the object and purpose of the Convention. In this respect, CRC encouraged Tunisia to consider reviewing its reservations and declarations to the Convention with a view to withdrawing them, in particular the reservation relating to article 2.⁹

3. Also, in 2002, CEDAW urged Tunisia to sign and ratify OP-CEDAW.¹⁰ In 2003, the Committee on the Elimination of Racial Discrimination (CERD) noted that Tunisia has not made the declaration provided for in article 14 of ICERD and urged it to consider the possibility of doing so.¹¹ CRC also welcomed the ratification of the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182). It further encouraged Tunisia to ratify CRC-OP-SC and CRC-OP-AC,¹² which was consequently done (see chart above).

B. Constitutional and legislative framework

4. In 2003, CERD welcomed the fact that, pursuant to article 32 of the Constitution, international instruments ratified by Tunisia, including ICERD, take precedence over domestic law and may be invoked directly before the courts.¹³ In its pledges and commitments, Tunisia reiterated that this was the case.¹⁴

5. In 2002, CEDAW commended Tunisia for its political will and commitment to implementing the Convention and to achieving equality between women and men, as reflected in a range of laws, institutions, policies, plans and programmes to address discrimination against women in Tunisia.¹⁵ CEDAW also commended Tunisia on the early reforms of its Personal Status Code and its reform of the inheritance law, as well as of the Penal Code.¹⁶ Furthermore, it commended the reforms to the nationality law introduced by Tunisia in working towards harmonizing the law with article 9 of the Convention.¹⁷

6. CEDAW expressed concern about the remaining discriminatory provisions, especially in the nationality law and the Personal Status Code.¹⁸ It urged Tunisia to continue the process of legislative reform and review relevant existing laws in consultation with women's groups¹⁹ and to include in its national law a definition of discrimination against women in accordance with article 1 of the Convention.²⁰ A 2006 United Nations Development Programme (UNDP) report noted that Tunisia's Personal Status Code stands alone in the Arab world as a model for promoting the principle of equality in marital relations in law by avoiding archaic interpretations of sharia prejudicial to the rights of women. Tunisia's personal status law is also the only Arab personal status code that applies to all the country's citizens regardless of religious affiliation.²¹ The report noted, however, that progressive changes in family laws have coincided with restrictions on the freedom of action of activist women and with State monopolization and monitoring of the movement's discourse.²²

C. Institutional and human rights structure

7. In 2002, CEDAW commended Tunisia for its progressive development of its national machinery through the reconstitution of the Ministry for Women and Family Affairs as a full ministry.²³ In 2002, CRC welcomed the enhancement of the status of the National Council for Children by converting it into a Higher Council²⁴ and in 2003, CERD welcomed the establishment of a national commission for human rights education.²⁵ CERD also noted that insufficient information was provided in the report and in the oral replies on the effective functioning of the human rights bodies and mechanisms in Tunisia, particularly the Higher Committee of Human Rights and Fundamental Freedoms and the Administrative Mediator. While noting the information provided by the delegation that the institution of the Administrative Mediator was further strengthened by a law introduced in February 2002, CERD requested that in its next periodic

report, Tunisia provide additional information on the role, responsibilities, functioning and achievements of these institutions, as well as on measures taken to ensure their independence.²⁶ CRC welcomed the creation of the “Information, Training, Documentation and Study Observatory” in February 2002 and the appointment of delegates who play an important role in the protection of children and in receiving complaints. CRC also noted the need to establish a monitoring mechanism of an independent nature.²⁷

D. Policy measures

8. In 2003, CEDAW commended the measures taken to improve women’s health, including through the provision of reproductive health services and reduction of maternal and child mortality rates.²⁸ The latter point was also noted in a 2004 report on the Millennium Development Goals and a 2006 UNDP report.²⁹ CEDAW also noted the measures taken to increase women’s political participation³⁰ and urged Tunisia to take measures to increase the representation of women in high-level decision-making.³¹ It also urged Tunisia to adopt appropriate measures to ensure women’s equal access to paid employment³² and requested it to include in its next report measures taken to prevent and combat trafficking in women and girls.³³ It further noted that governmental action, in particular the Ninth National Development Plan, is placed within the context of the implementation of the Beijing Platform for Action.³⁴ It recommended the intensification of education and training programmes on the Convention to enhance the knowledge of judges, lawyers and law enforcement personnel.³⁵

9. With respect to children with disabilities, in 2002, CRC urged Tunisia to review its existing policies and practices, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.³⁶ CRC also noted the adoption of a series of new laws regarding children born out of wedlock and with regard to the joint responsibility of the spouses, as well as policy measures to ensure maintenance following divorce, measures for the protection of children deprived of a family environment, and various other steps taken to improve the implementation of the Convention.³⁷ In this respect, CEDAW requested Tunisia to include in its next report information on the situation of single women with children born out of wedlock, including the measures taken to ensure that their are protected.³⁸

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

10. In its pledges and commitments to the Human Rights Council, Tunisia indicated that it had honoured all its commitments with respect to the presentation of its periodic reports.³⁹ The chart below indicates that a number of reports are overdue.

<i>Treaty body⁴⁰</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2002	June 2003	--	Eighteenth and nineteenth reports due in 2006, submitted in 2007 and scheduled for consideration in 2009
CESCR	1996	May 1999	--	Third and fourth reports overdue since 2000 and 2005 respectively
HR Committee	1993	Nov. 1994	--	Fifth report due in 1998, received in 2006 and scheduled in 2008
CAT	1997	Nov. 1998	--	Third, fourth and fifth reports overdue since 1997, 2001 and 2005 respectively
CEDAW	2000	June 2002	--	Fifth report overdue since 2002
CRC	1999	June 2002	--	Third report overdue since 2004
CRC-OP-AC	-	-	--	Initial report due in 2005 and received in 2007

11. In 2002, CRC regretted that some of its concerns and recommendations had been insufficiently addressed.⁴¹ In addition, in 2003, CERD noted that in its report, Tunisia did not provide sufficient information on the extent to which individuals concretely enjoy the protection afforded by the Convention.⁴²

2. Cooperation with special procedures

12. In its pledges and commitments, Tunisia indicated that it responds systematically to communications addressed to it by special procedures as well as by certain working groups.⁴³

<i>Standing invitation</i>	No
<i>Latest visits or mission reports</i>	December 1999 by the Special Rapporteur on freedom of opinion and expression
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	The Special Representative of the Secretary-General on human rights defenders requested a visit on 21 August 2002 and reiterated it on 2 December 2004. ⁴⁴ The Special Rapporteur on the independence of judges and lawyers requested a visit on 4 December 1997 and reiterated it on 15 April 2002 and 20 January 2004. ⁴⁵ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism requested a visit on 9 December 2005. ⁴⁶ The Special Rapporteur on the question of torture requested a visit in 1998 and reiterated it on 2 May 2005, 17 July 2006 and 9 May 2007. ⁴⁷
<i>Facilitation/cooperation during missions</i>	None
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, a total of 78 communications were sent to Tunisia concerning 189 individuals, including 30 women. Tunisia responded to 54 communications (69 per cent).
<i>Responses to questionnaires on thematic issues⁴⁸</i>	Tunisia responded to 2 of the 12 questionnaires sent by special procedures mandate holders ⁴⁹ between 1 January 2004 and 31 December 2007, within the deadlines. ⁵⁰

3. Cooperation with the Office of the High Commissioner for Human Rights

13. Tunisia has made voluntary contributions to support the work of the Office since 1996, mainly to support the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund for Indigenous Populations. Also, since its creation in 1989, the Arab Institute for Human Rights (AIHR) has received support, initially from the then Centre for Human Rights and subsequently from OHCHR. Technical and financial support are mainly provided for the organization of the “Anabtawi” annual Arab regional training course in human rights in Tunisia, which bring together participants from NGOs and national institutions from the Arab region. In addition, OHCHR, as a member of the board of AIHR, participates in the annual administrative board meeting and provides substantive inputs to various seminars and activities.⁵¹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

14. In 2002, CRC was deeply concerned that the principle of non-discrimination is not fully implemented in practice with respect to certain groups.⁵² It recommended that Tunisia make concerted efforts at all levels to address discrimination and to enhance efforts to close gaps in the enjoyment of rights between different regions and between urban and rural communities.⁵³ In 2003, CERD noted that Tunisia did not provide information on the Berber population and on measures taken for the protection and promotion of their culture and language and requested concrete information on their situation as well as increased attention be given to the situation of Berbers as a specific component of the Tunisian population.⁵⁴

15. While noting the positive measures taken to bring the different age requirements into full compliance with the Convention, CRC expressed concern at the disparity in the minimum age of marriage for boys and girls, particularly that the age for girl is set at 17 years, although noting with appreciation that it was raised from 15 years.⁵⁵ CRC thus recommended that this disparity be rectified.⁵⁶

16. In 2002, CEDAW was concerned at the lack of legal remedies to ensure that the constitutional provision on equality is enforced or court decisions in which women have obtained redress for acts of discrimination.⁵⁷ It urged Tunisia to ensure adequate mechanisms to enable women to seek and obtain redress from the courts for violation of the rights protected by the Convention and the Constitution, with appropriate remedies.⁵⁸ In 2003, CERD reminded Tunisia that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. It requested Tunisia to ensure that appropriate provisions are available in national legislation and to inform the public about all legal remedies in the field of racial discrimination.⁵⁹

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

17. In 2006, concerns of alleged ill-treatment as well as excessive use of force, sometimes resulting in the death of individuals, were expressed by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture.⁶⁰ In 2007, CAT, in its decision on communication No. 269/2005 relating to a case of torture and ill-treatment at a police station, found violation of articles 1, 12, 13 and 14 of the Convention.⁶¹ CAT had previously found violations of the prohibition of torture in five other cases, three of which were considered together.⁶² Tunisia did not agree with the findings in the four cases for which follow-up

information was due. On 25 November 2006, the Committee's Special Rapporteur on follow-up met with the Permanent Representative of Tunisia in connection with three of these cases (Nos. 187/2001, 188/2001, 189/2001). While CAT agreed to close the follow-up procedure in one case (No. 189/2001), the Permanent Representative confirmed that he would convey the Committee's concerns and request for investigations in the two other cases and update the Committee on any subsequent follow-up action taken. Thus, follow-up is ongoing in three cases (Nos. 60/1996, 187/2001 and 188/2001) and a follow-up response is not yet due in connection with the latest decision adopted in 2007 (No. 269/2005).

18. In 2006, the Special Rapporteur on the question of torture expressed concern about cases of alleged ill-treatment of individuals in detention, including long periods of time in solitary confinement and conditions of imprisonment not in line with international norms, and cases of hunger strike undertaken by prisoners to protest against conditions of detention.⁶³ In its replies, Tunisia often reported that a judicial investigation is under way.⁶⁴ Tunisia further indicated that individuals in detention benefit from all international guarantees applicable to detainees, including medical treatment.⁶⁵ Furthermore, in its pledges and commitments, Tunisia indicated in 2006 that an agreement had been signed with the International Committee of the Red Cross enabling it to visit all detention places to assess conditions of detention.⁶⁶

19. In 2002, CRC, while welcoming the adoption of legal provisions in the area of juvenile justice, was concerned at reports of detention and ill-treatment of children, as well as detention of juveniles with adults which has allegedly resulted in sexual abuse or other ill-treatment.⁶⁷ CRC recommended that Tunisia ensure the full implementation of the legislation governing the juvenile justice system and that deprivation of liberty is used only as a measure of last resort, that children have access to legal aid and independent and effective complaints mechanisms and that persons under 18 not be detained with adults.⁶⁸

20. Also, while welcoming Tunisia's strict criminal legislation regarding sexual abuse and exploitation of children, CRC expressed concern at reports indicating its existence in Tunisia, both in the home and on the street.⁶⁹ CRC thus recommended that Tunisia undertake studies with a view to determining the extent of sexual exploitation of children and implement appropriate policies and programmes for its prevention and for the rehabilitation, recovery and reintegration of child victims.⁷⁰

21. While noting laws banning all forms of corporal punishment and practices injuring the dignity of children, CRC expressed concern that corporal punishment is only a crime if it is prejudicial to the health of the child and that violence as a means of discipline in the home and at school continues to be acceptable in Tunisia.⁷¹ CRC urged Tunisia to take all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in the schools and in institutions and to design policies, programmes and public education campaigns on the negative consequences of ill-treatment of children.⁷²

22. In 2002, issues of violence, sexual abuse and harassment were addressed by CEDAW, which was concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment.⁷³ It thus called upon Tunisia to enact specific legislation on domestic violence and to create public awareness.⁷⁴ It also requested Tunisia to take measures to prevent and combat trafficking in women and girls and the exploitation of prostitution,⁷⁵ and urged it to ensure that women victims of violence are enabled to seek and obtain redress from the courts for violations of the rights protected by the Convention, as well as appropriate remedies.⁷⁶ CERD also requested Tunisia to ensure that appropriate provisions are available in national legislation and to inform the public about all legal remedies in the field of racial discrimination.⁷⁷

3. Administration of justice and the rule of law

23. In 2005, the Special Rapporteur on the independence of judges and lawyers expressed concern about information received regarding the lack of independence of the judicial system and the serious interference by the executive branch in the administration of justice.⁷⁸ In 2006, he noted acts of violence and intimidation against lawyers and judges, whose objective seems to be to prevent them from carrying out their work in a free and independent manner.⁷⁹

24. In 2007, alleged ill-treatment by police of members of the judiciary, as well as allegations of harassment, threats, intimidation, systematic repression and insults to members of the judiciary who are engaged in the defence of human rights were also mentioned jointly by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to freedom of opinion and expression as well as the Special Representative of the Secretary-General on human rights defenders as subject of concern.⁸⁰ The issues of freedom of expression and arbitrary detention have also been addressed by the Working Group on Arbitrary Detention.⁸¹

4. Freedom of expression, association and peaceful assembly

25. In a press release issued on 16 November 2005, three Special Rapporteurs expressed their deep concern regarding the deteriorating situation of freedom of expression, association and assembly. They underlined that they had received numerous allegations regarding repeated attacks against organizations of human rights defenders and their members, including members of the judiciary as well as journalists and lawyers, who had been fined, sanctioned and ill-treated for having publically raised human rights issues and having expressed their opinion.⁸² Tunisia stated in its reply that magistrates at all levels exercise their functions independently and are subject only to their conscience and the authority of the law. The right of magistrates to freedom of expression and association is guaranteed and a number of them are members of the Tunisian Association of Magistrates and freely choose their representatives. In addition, Tunisian lawyers, like all citizens, exercise their right to freedom of opinion and expression under the conditions defined by the law. They can be prosecuted only if they commit reprehensible acts as described by the criminal law.⁸³

26. In 2006, concerns were also expressed by the Special Representative of the Secretary-General on human rights defenders regarding the restrictions that appear to be brought to freedom of expression in Tunisia. In the context of her mandate, she has received numerous allegations of journalists who are facing legal proceedings for defamation, propagation of false or malicious information likely to disturb public order, as well as contempt of court, for publicly denouncing human rights violations.⁸⁴

27. In 2002, CRC remained extremely concerned at allegations of violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment appearing in a number of reports brought to the attention of the Committee, particularly in relation to children of human rights defenders and political opponents.⁸⁵ CRC strongly recommended that Tunisia enforce, or, when appropriate, review existing legislation and investigate in an effective way reported cases of torture and ill-treatment of children.⁸⁶ CRC also had concerns regarding the implementation of the rights of the child to freedom of expression, including the freedom to receive information, and to freedom of association and peaceful assembly. The Committee recommended that Tunisia ensure the full practical implementation of those rights as well as the right to freedom of thought, conscience and religion.⁸⁷

28. In 2006, issues related to freedom of opinion and expression and the question of entrance to and departure from the territory of Tunisia by human rights defenders and lawyers were the subjects

of communications.⁸⁸ Concerning these communications, Tunisia indicated that either a positive outcome was reached, or that the expulsion of an NGO representative was based on a violation of Tunisian law as well as on the sovereignty and credibility of Tunisian institutions, or that the refusal to allow one individual to enter the territory was based on criminal charges against the person concerned.⁸⁹

29. In 2006, the Special Representative of the Secretary-General on human rights defenders expressed concerns about obstructions to freedom of association despite existing legal guarantees to protect this right.⁹⁰ She noted that it appears that national authorities act as if associations were subject to prior authorization, which would have the effect of forcing a number of human rights defenders to act illegally although they have taken the necessary steps, under the applicable law, to be registered as associations. The Special Rapporteur referred to information according to which associations are physically prevented by police from submitting their statutes, documents confirming receipt of the statutes are denied, or requests for registration are never acted upon. The Special Representative further expressed concern that the absence of legal recognition of human rights organizations has the effect of limiting the exercise of their rights, including the right to hold meetings.⁹¹

30. Communications related to cases where NGO offices were surrounded by police to prevent access to or disperse meetings were referred to by the Special Representative.⁹² Concerning these cases, Tunisia replied that while the organization was a legally established political group, the meeting in question was illegal and instigated by groups which were not legally established, and that the alleged ill-treatment of individuals was without any basis.⁹³

5. Right to work and to just and favourable conditions of work

31. In 2002, CEDAW was concerned at the low level of women's labour force participation, including in the private sector, and urged Tunisia to adopt appropriate measures to ensure women's equal access to paid employment.⁹⁴ In 2002, CRC commended the amendment to the Labour Code raising the minimum age for admission to employment to 16 years, which is the age for completion of compulsory education.⁹⁵ The Committee welcomed the various measures taken by Tunisia to address child labour and recommended that it take all necessary measures to effectively prevent and combat child labour.⁹⁶

6. Right to social security and to an adequate standard of living

32. CRC noted the sustained commitment by Tunisia to implement its primary health policies and the ensuing achievements in the area of health care. While noting the delegation's statement that a plan has been formulated to address the issue of persisting regional and urban/rural disparities in the availability and the quality of maternal and child health-care services, the Committee nevertheless remained concerned at the persistence of this problem as well as at challenges regarding the provision of health services dealing with the specific needs of adolescents.⁹⁷ CRC encouraged Tunisia to allocate appropriate resources and develop policies and programme to improve and protect the health situation of children and, in that regard, to seek technical assistance from, among others, the World Health Organization (WHO) and UNICEF.⁹⁸ Furthermore, a 2007 WHO report noted that the health care system in Tunisia is efficient and effective despite modest resources. Maternal and child health have greatly improved in Tunisia but regional disparities persist. Although non-communicable diseases are increasing, communicable diseases have declined and the number of HIV/AIDS cases has been stable since 1990. The report indicated that harmonization and coordination of international aid for health development remains a challenge for Tunisia.⁹⁹

7. Right to education and to participate in the cultural life of the community

33. In 2002, CEDAW and CRC welcomed and commended the efforts and progress achieved by Tunisia in making basic education a priority and in facilitating access to education.¹⁰⁰ This was also noted in a 2007 UNESCO report¹⁰¹ and the 2004 national report on the Millennium Development Goals.¹⁰² CRC was concerned at the disparity in the illiteracy rate between urban and rural areas and recommended that Tunisia areas adopt effective measures to reduce illiteracy rates.¹⁰³ CEDAW welcomed the reduction of female illiteracy.¹⁰⁴ This point was also noted in the 2007 UNESCO report.¹⁰⁵ CRC further welcomed the extensive legislation regarding children with disabilities and their rights to appropriate education, rehabilitation and training and urged Tunisia to undertake greater effort in that regard.¹⁰⁶

8. Human rights and counter-terrorism

34. In 2005, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that the definition of a terrorist act contained in Tunisian law is broad and vague and may allow it to be used against dissidents and members of the opposition. He also noted that according to the information he received, the legislation permitted detention of individuals suspected of being a threat to national security without any charges or trial. He also noted that the law placed serious restrictions on freedom of assembly and freedom of association, particularly regarding the financing of associations.¹⁰⁷ (This concern was echoed by the Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on freedom of opinion and expression, who expressed concern that the counter-terrorism legislation may contribute to restricting the freedom of opinion and expression, as well as the freedom of assembly and association of human rights defenders.¹⁰⁸) The Special Rapporteur also noted that the law seems to allow investigating judges to remain anonymous, which makes recourse in cases of ill-treatment difficult.¹⁰⁹ Noting that new penal laws punish racial discrimination and incitement to racial hatred as extensions of the law that penalizes terrorism, CERD was concerned about the association of racial discrimination and terrorism and recommended that Tunisia review its domestic legislation and adopt separate legislation on the offence of racial discrimination and the propagation of racial hatred.¹¹⁰

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

35. In the context of the fight against poverty in the world, the President of Tunisia has called for and contributed to the establishment by the General Assembly of the World Solidarity as a practical tool for the realization of the targets set in the United Nations Millennium Development Declaration.¹¹¹ In 2003, CERD noted with interest the establishment of a National Solidarity Fund to combat poverty and marginalization as well as the creation of a National Solidarity Bank, and appreciated the results Tunisia has achieved so far in terms of economic growth.¹¹² In 2002, CEDAW and a 2006 UNDP report also commended Tunisia for its political commitment as well as series of measures and policies to address discrimination against women and to ensure women's emancipation as well as equality between men and women.¹¹³ CEDAW also noted that rural women in Tunisia are enjoying an overall improvement in the quality of rural life, benefiting from technical and financial support through the efforts of the economic and financial authorities.¹¹⁴ CERD commended the efforts made in the area of human rights education, including the advocacy of the principles of tolerance and respect in accordance with article 7 of the Convention.¹¹⁵

36. CEDAW, concerned at the lack of legal remedies or court decisions in which women have obtained redress, recommended the intensification of education and training programmes on the

Convention to enhance the knowledge of judges, lawyers and law enforcement personnel.¹¹⁶ In 2002, CRC, while noting with appreciation the efforts undertaken to publicize widely the principles and provisions of the Convention, reiterated its recommendation to pursue efforts aiming at creating awareness of all aspects of the Convention and to continue training relevant professional groups working for and with children.¹¹⁷ CRC also recommended the training of teachers, law enforcement officials, care workers, judges and health professionals in the management of ill-treatment cases.¹¹⁸

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

37. In its pledges and commitments, Tunisia indicated that it had adopted a number of measures aimed at strengthening the rule of law and ensuring fundamental rights and freedoms, the promotion of democracy and the rights of women to ensure gender equality within Tunisian society.¹¹⁹ In the context of the Millennium Development Goals, Tunisia is among the countries with a strong development potential and efforts are being deployed by the public authorities to improve economic performance and social well-being.¹²⁰ Furthermore, the adoption of new legislation on education has enabled Tunisia to increase the quality of education and also to respond to persistent problems of early school dropout and pupils' poor performance.¹²¹ Tunisia has set up a number of structures whose main role is to elaborate policies for the promotion of women, ensure the reduction of disparities and provide them with education, training and access to the labour market.¹²²

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

38. Following a common country assessment in 2001, a United Nations Development Assistance Framework for 2007-2011 was designed to focus on a partnership and mobilize additional funds with a number of United Nations agencies, funds and programmes¹²³ in specific areas, including equal access to essential and quality social services and promotion of human rights; the protection of children and adolescents and their participation and integration in the development process; employment; and integrating Tunisia into a globalized economy. UNFPA also noted its capacity-building programmes and activities in Tunisia.¹²⁴

Notes

¹ Unless indicated otherwise, the status of ratifications of the instruments listed below may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	International Convention on the Protection of All Persons from Enforced Disappearance

³ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Tunisia before the Human Rights Council, as contained in the note verbale dated 6 May 2006 sent by the Permanent Mission of Tunisia to the United Nations addressed to the President of the General Assembly, available at <http://ww2.ohchr.org/english/bodies/hrcouncil/elections.htm> (hereinafter “note verbale”, available in French only).

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, part two, chap. IV, sect. B, 3, paras. 182 and 188.

⁹ Concluding observations of the Committee on the Rights of the Child: Tunisia (CRC/C/15/Add.181), paras. 6, 10 and 11.

¹⁰ A/57/38, para. 207.

¹¹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/62/CO/10), para.13.

¹² CRC/C/15/Add.181, paras. 7 and 47.

¹³ CERD/C/62/CO/10, para. 4.

¹⁴ Note verbale, op. cit., p. 2.

¹⁵ A/57/38, para. 183.

¹⁶ Ibid., para. 184.

¹⁷ Ibid., para. 185.

¹⁸ Ibid., para. 190.

¹⁹ Ibid., para. 191.

²⁰ Ibid., para. 193.

²¹ *Arab Human Development Report 2005: Toward the rise of women in the Arab world*, UNDP, New York, 2006, pp. 193 and 194.

²² Ibid., p. 12.

²³ A/57/38, para. 186.

²⁴ CRC/C/15/Add.181, para. 4.

²⁵ CERD/C/62/CO/10, para. 5.

²⁶ Ibid., para.11.

²⁷ CRC/C/15/Add.181, para.16.

²⁸ A/57/38, para.187.

²⁹ *Tunisia: National Report on Millennium Development Goals*, United Nations, May 2004, pp. 19-22; *Human Development Report 2006: Beyond scarcity: Power, poverty and the global water crisis*, UNDP, New York, 2006, p. 302.

³⁰ A/57/38, para. 198.

³¹ Ibid., para. 199.

³² Ibid., para. 201.

³³ Ibid., para.197.

³⁴ Ibid., para.181.

³⁵ Ibid., para.193.

³⁶ CRC/C/15/Add.181, para. 36 (a).

³⁷ Ibid., para. 5.

³⁸ A/57/38, para. 205.

³⁹ Note verbale, op. cit., p. 4.

⁴⁰ The following abbreviations have been used in this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

⁴¹ CRC/C/15/Add.181, para. 8.

⁴² CERD/C/62/CO/10, para. 3.

⁴³ Note verbale, op. cit., p. 10.

⁴⁴ See E/CN.4/2005/101/Add.1, para. 554 and E/CN.4/2006/95/Add.5, para. 1636.

⁴⁵ See E/CN.4/2006/52/Add.1, para. 257.

⁴⁶ See E/CN.4/2006/98, para. 4.

⁴⁷ See A/HRC/4/33, para. 23.

⁴⁸ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

⁴⁹ See (i) Report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) Report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) Report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in 2006;

(iv) Report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) Report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) Report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) Report of the Working Group on the use of mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

⁵⁰ The questionnaire on issues related to forced marriages and trafficking in persons (see A/HRC/4/23, para. 14) and the questionnaire on human rights policies and management practices (see A/HRC/4/35/Add.3, para. 7).

⁵¹ OHCHR, *Annual Report 2004*, p. 164; *Annual Report 2005*, p. 169; *Annual Report 2006*, p. 80.

⁵² CRC/C/15/Add.181, para. 22.

⁵³ *Ibid.*, para. 23 (a) and (b).

⁵⁴ CERD/C/62/CO/10, para. 8.

⁵⁵ CRC/C/15/Add.181, para. 20.

⁵⁶ *Ibid.*, para. 21.

⁵⁷ A/57/38, para. 192.

⁵⁸ *Ibid.*, para. 193.

⁵⁹ CERD/C/62/CO/10, para.10.

⁶⁰ E/CN.4/2006/6/Add.1, para. 493 and A/HRC/4/33/Add.1, para. 302 and E/CN.4/2006/53/Add.1, annex, p. 251 and A/HRC/4/20/Add.1, annex, pp. 316-320; see also E/CN.4/2006/95/Add.1, paras. 524 and 527.

- ⁶¹ See CAT/C/39/D/269/2005; see also E/CN.4/2005/101/Add.1, para. 541.
- ⁶² *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44)*, chap. IV, sect. C.
- ⁶³ E/CN.4/2006/6/Add.1, paras.493 and 494.
- ⁶⁴ See E/CN.4/2006/53/Add.1, annex, p. 251; A/HRC/4/20/Add.1, annex, pp. 317 and 320; A/HRC/4/33/Add.1, para. 302.
- ⁶⁵ See E/CN.4/2006/6/Add.1, annex, pp. 289, 290 and 291.
- ⁶⁶ Note verbale, op. cit., p. 11; see also E/CN.4/2006/6/Add.1, para. 494.
- ⁶⁷ CRC/C/15/Add.181, para. 45.
- ⁶⁸ Ibid., para. 46 (a) and (b).
- ⁶⁹ Ibid., para. 43.
- ⁷⁰ Ibid., para. 44.
- ⁷¹ Ibid., para. 33.
- ⁷² Ibid., para.34 (a), (b) and (c).
- ⁷³ A/57/38, para. 194.
- ⁷⁴ Ibid., para. 195.
- ⁷⁵ Ibid., para. 197.
- ⁷⁶ Ibid., para. 193.
- ⁷⁷ CERD/C/62/CO/10, para. 10.
- ⁷⁸ E/CN.4/2005/60/Add.1, para. 143.
- ⁷⁹ E/CN.4/2006/52/Add.1, para. 257.
- ⁸⁰ See E/CN.4/2006/52/Add.1, paras. 244 and 248; E/CN.4/2006/55/Add.1, paras. 997 and 999; and E/CN.4/2006/95/Add.1, paras. 509, 511, 512, and 513; see also A/HRC/4/25/Add.1, paras. 360 and 362.
- ⁸¹ See opinion No. 41/2005 (Tunisia) adopted on 28 November 2005 by the Working Group on Arbitrary Detention, A/HRC/4/40/Add.1, pp. 14-19.
- ⁸² E/CN.4/2006/52/Add.1, para. 255.
- ⁸³ Ibid., para. 256.
- ⁸⁴ E/CN.4/2006/95/Add.5, para. 1633.
- ⁸⁵ CRC/C/15/Add.181, para. 31.
- ⁸⁶ Ibid., para. 32 (a).
- ⁸⁷ Ibid., paras. 25-30; with respect to the issue of freedom of religion, see also CERD/C/62/CO/10, para. 6.
- ⁸⁸ See A/HRC/4/25/Add.1, para. 361; A/HRC/4/27/Add.1, paras. 641, 643, 648 and 649; E/CN.4/2004/94, para. 69; E/CN.4/2006/95/Add.1, para. 514, and E/CN.4/2005/101/Add.1, para. 539.
- ⁸⁹ A/HRC/4/27/Add.1, paras. 653, 654 and 665.
- ⁹⁰ E/CN.4/2006/95/Add.1, para. 523.
- ⁹¹ E/CN.4/2006/95/Add.5, paras.1630-1632.
- ⁹² E/CN.4/2006/95/Add.1, paras. 520, 522, 525 and 530 and E/CN.4/2006/95/Add.5, para. 1632; see also A/HRC/4/27/Add.1, para. 637.
- ⁹³ See E/CN.4/2006/95/Add.1, paras. 540 and 541 and A/HRC/4/27/Add.1, para. 658.
- ⁹⁴ A/57/38, paras. 200 and 201.
- ⁹⁵ CRC/C/15/Add.181, para. 5.

⁹⁶ Ibid., paras. 41 and 42 (a).

⁹⁷ Ibid., para. 37.

⁹⁸ Ibid., para. 38 (a) and (d).

⁹⁹ WHO, *Country Cooperation Strategy for WHO and Tunisia 2005-2009* (EM/ARD/017/E/R), WHO Regional Office for the Eastern Mediterranean, Cairo, 2006, p. 2, available at http://www.who.int/countryfocus/cooperation_strategy/ccs_tun_en.pdf.

¹⁰⁰ A/57/38, para. 187 and CRC/C/15/Add.181, para. 39.

¹⁰¹ UNESCO, *Global Education Digest 2007: Comparing Education Statistics Across the World*, Montreal, Canada, 2007, pp. 60, 70, 101, 125 and 164.

¹⁰² *Tunisia: National Report on United Nations Millennium Development Goals*, op. cit., pp. 5-12.

¹⁰³ CRC/C/15/Add.181, paras. 39 and 40 (b).

¹⁰⁴ A/57/38, para. 187.

¹⁰⁵ UNESCO, op. cit., p. 184.

¹⁰⁶ CRC/C/15/Add.181, paras. 35 and 36 (b).

¹⁰⁷ E/CN.4/2006/98/Add.1, paras. 15 and 16.

¹⁰⁸ E/CN.4/2006/95/Add.1, para. 523 and E/CN.4/2006/95/Add.5, para. 1634.

¹⁰⁹ E/CN.4/2006/98/Add.1, para. 15.

¹¹⁰ CERD/C/62/CO/10, para. 9.

¹¹¹ Note verbale, op. cit., pp. 3, 8 and 9; see also General Assembly resolution 57/265 and *Tunisia: National Report on Millennium Development Goals*, op. cit. For more information on the World Solidarity Fund, see <http://www.fonds-solidarite.org>.

¹¹² CERD/C/62/CO/10, para. 6.

¹¹³ A/57/38, paras. 183-187 and *Arab Development Report 2005*, op. cit., p. 12.

¹¹⁴ A/57/38, para. 187.

¹¹⁵ CERD/C/62/CO/10, para. 5.

¹¹⁶ A/57/38, paras. 192 and 193.

¹¹⁷ CRC/C/15/Add.181, paras. 18 and 19.

¹¹⁸ Ibid., para. 34 (g).

¹¹⁹ Note verbale, op. cit.

¹²⁰ *Tunisia: National Report on Millennium Development Goals*, op. cit., p. 3.

¹²¹ Ibid., pp. 9-11.

¹²² Ibid., pp. 14-18.

¹²³ FAO, IAEA, ILO, the International Organization for Migration (IOM), UNAIDS, UNICEF, UNDP, UNIDO, UNFPA and WHO.

¹²⁴ UNFPA, UPR submission on Tunisia, November 2007. UNFPA indicated that it is providing support to the governmental youth sexual and reproductive health programme. UNFPA also supports the Government to increase the availability of a minimal package of quality reproductive health services, the development and reinforcement of regional health centres as referral centres and the setting up of pilot experiences for new reproductive health concerns, such as the elaboration of protocols for menopause care, breast cancer screening and assistance to women victims of violence. In addition, UNFPA has provided full support to the Ministry of Women Affairs, Family, Childhood and Ageing People for the development of a National Strategy to fight gender-based violence.