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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Tunisia*

The present report is a summary of 17 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations 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. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

N/A

II. Information provided by other accredited national human rights institutions and other stakeholders

A. Background and framework

1. A number of submissions mentioned that the review should take into consideration two periods, namely the one preceding the ousting of President Ben Ali and the one since 14 January 2011.²

1. Scope of international obligations

2. Amnesty International (AI); Human Rights Watch (HRW); Joint Submission 1 (JS1); Joint Submission 2 (JS2) and the Organization against Torture in Tunisia (OCTT) reported that, since January 2011, the interim government had ratified several key international treaties.³ AI added that Tunisia had yet to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁴

3. The Higher Committee on Human Rights and Fundamental Freedoms (CSDHLLF) and a number of stakeholders welcomed the adoption of the legislative decree withdrawing the reservations made when the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified on 16 August 2011.⁵ HRW indicated that Tunisia maintained “a general declaration” suggesting that it might not implement reforms that conflict with Islam.⁶ HRW; Joint Submission 2 (JS2) and the Tunisian Human Rights League (LTDH) recommended that Tunisia lift the remaining general reservation to CEDAW.⁷

4. The National Council for Fundamental Freedoms in Tunisia (CNLT) recommended that Tunisia should make the declaration under article 34.6 of the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights.⁸ LTDH and JS2 recommended that Tunisia should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁹

2. Constitutional and legislative framework

5. AI stated that the National Constituent Assembly had a unique opportunity to address the shortcomings of the old Constitution and ensure that human rights guarantees were included in the new constitution.¹⁰ JS1 recommended that Tunisia establish through the constitution a society based on democratic values, social justice and human rights and include mechanisms that allow for judicial enforceability of these rights.¹¹

6. AI regretted that few steps had been taken to translate international obligations into national law.¹² CNLT recommended that Tunisia adopt a law to incorporate the crimes defined in the Rome Statute of the International Criminal Court in domestic legislation.¹³

3. Institutional and human rights infrastructure and policy measures

7. The Tunisian Association for Political Development (ATDP) drew attention to the fact that Tunisia had not amended its legislation to bring the Higher Committee on Human Rights and Fundamental Freedoms into line with the Paris Principles.¹⁴ CSDHFL reported that its new chairman had drafted a legislative decree on setting up a Higher Council for Human Rights and Freedoms, which he had submitted to the President of the Republic.¹⁵

8. JS1 considered that the establishment of the National Fact-Finding Commission on Cases of Embezzlement and Corruption was a positive achievement with regard to prevention of corruption. It was evident that widespread corruption practices had severely exacerbated economic and social inequalities in Tunisia and violated the rights of many in that regard. However, corruption was not a stand-alone condition but is the result of a systemic flaw in the economic, social, political, and institutional model, and its prevention is linked to reforming these models.¹⁶

9. More generally, JS1 recommended that Tunisia ensure the genuine transformation of all institutions in Tunisia in order to operate in full respect of human rights.¹⁷

10. JS1 recommended that Tunisia fully cooperate with OHCHR and relevant United Nations bodies in the development of a national human rights action plan with a monitoring mechanism.¹⁸

11. JS1 commended the recent establishment of a Ministry for Regional and Local Development. Yet, it was crucial that the institutional structure be accompanied with mechanisms to ensure that all stakeholders are included in establishing new human rights-based policies.¹⁹

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

12. JS1 recommended that Tunisia cooperate with United Nations human rights mechanisms, including the Committee on Economic, Social and Cultural Rights, and submit its due reports.²⁰

2. Cooperation with special procedures

13. JS1 commended the extension of a standing invitation to Special Procedures and recommended that it continue to cooperate with them.²¹

14. HRW recommended that Tunisia respond to pending requests and facilitate visits of the Special Rapporteurs on summary executions, on independence of judges and lawyers, on freedom of expression, on the situation of human rights defenders and on freedom of association and assembly.²²

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

15. JS1 considered that the opening of the United Nations human rights office in Tunisia in July 2011 reflected a positive step forward.²³

C. Implementation of international human rights obligations

1. Equality and non-discrimination

16. JS1 reported that, for decades, Tunisia faced the monopolization of economic and political power in the hands of the ruling power, which was reflected by inequalities and

discrimination in all practices. JS1 further noted the increasing regional and gender disparities with regard to the enjoyment of economic and social rights. JS1 recommended that Tunisia ensure that the principle of equality be well articulated in the new Constitution and well implemented with adequate policies.²⁴

17. AI recommended that Tunisia amend or abolish all laws that discriminated on the basis of race, colour, religion, ethnicity, birth, sex, sexual orientation, gender identity, political or other opinion, national or social origin, or other status.²⁵

18. AI and JS2 stated that the Personal Status Code still contained discriminatory provisions against women, especially relating to inheritance and child custody.²⁶

19. HRW reported that the adoption of a gender parity requirement in the Constituent Assembly electoral law resulted in the election of 49 women to the Constituent Assembly out of 217 seats.²⁷ JS2 recommended that Tunisia ensure, through the Constitution the participation of women at all levels of the political and social life.²⁸

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

20. AI indicated that the anti-government protests that began in December 2010 were met with excessive use of force, resulting in the death of nearly 300 people and hundreds injured. This figure includes 72 prisoners who died in prison in incidents linked to the unrest.²⁹ AI added that, despite the change in government, protesters had on several occasions been met with excessive force by security officers.³⁰ AI, CNLT, HRW and OCTT provided examples of such excessive use of force.³¹ AI recommended that Tunisia issue clear instructions on the use of force and firearms in policing, in line with international standards.³²

21. LTDH reported that while Tunisia did not carry out death sentences, people who had been sentenced to death did not have the status of ordinary prisoners.³³ LTDH recommended that Tunisia should do away with the provisional status of persons who had been sentenced to death.³⁴ AI, CNLT, JS2 and LTDH recommended that Tunisia abolish the death penalty.³⁵

22. AI and LTDH reported that, although the new law on torture sought to bring the definition of torture in line with the Convention against Torture, it included a statute of limitations of 15 years, contrary to international law.³⁶ ATJA said that the bloodiest period of the Ben Ali regime had occurred in the 1990s, which meant that all the crimes involving torture committed during that period were time-barred.³⁷ CNLT, JS2 and LTDH recommended that Tunisia should deem torture to be a crime not subject to limitation.³⁸

23. Alkarama recommended that Tunisia should undertake comprehensive legislative and structural reforms in order to eliminate the practice of torture.³⁹ AI recommended that Tunisia ensure effective, independent and impartial investigations of all complaints of torture or other ill-treatment and that perpetrators be brought to justice and victims receive appropriate reparation.⁴⁰ Alkarama likewise recommended that Tunisia should adopt a national preventive mechanism within a year.⁴¹ HRW further recommended that Tunisia allow regular visits to be undertaken by independent international and national bodies to places where people are deprived of their liberty.⁴²

24. Alkarama reported that, until 14 January 2011, torture had still been practised regularly with complete impunity. Neither the executive nor the judiciary had taken any real steps to reverse the trend by prosecuting those responsible.⁴³ AI stated that it continued to receive reports of torture and other ill-treatment, though not as widespread as in the past.⁴⁴ Alkarama said that most of the cases reported after 14 January concerned detainees in certain prisons (Gabès, Borj Erroumi and Mornaguia), who had been the victims of a campaign of abuse conducted by the prison administration, while others concerned

demonstrators and, in a few rare instances, ordinary prisoners.⁴⁵ OCTT added that even children had been tortured.⁴⁶

25. AI reported that the Interior Ministry had set out a “road map” for police reform which made no reference to past abuses. AI was concerned that no vetting system had yet been put in place.⁴⁷ Alkarama recommended that Tunisia should embark on a reform of the security forces and should ensure that law enforcement agents received human rights training.⁴⁸ HRW further recommended that Tunisia implement crowd-control techniques aimed at minimizing the use of force.⁴⁹ OCTT also recommended that Tunisia should reform its prison system.⁵⁰

26. AI also reported on cases occurred in June and October 2011, where security forces failed to protect people from attacks by fundamentalist religious groups.⁵¹

27. HRW reported that many incidents of verbal and physical attacks against women had marked the transition period.⁵²

28. AI and CSDHLF referred to the amnesty, declared in February 2011, which resulted in the release of many political prisoners and prisoners of conscience.⁵³ Alkarama said that, according to a variety of sources, counter-terrorist laws had not been used since 14 January 2011.⁵⁴ Alkarama also mentioned a bill to amend counter-terrorist legislation, but said that as of November 2011 no timetable had been set for the repeal of the latter.⁵⁵ While AI recommended that Tunisia amend the counter-terrorism law to bring it into full compliance with relevant international human rights law and standards, as well as the recommendations of UN human rights bodies, Alkarama recommended that Tunisia should repeal it.⁵⁶

29. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that Tunisia had achieved law reform in July 2010 to prohibit all corporal punishment of children and making it a criminal offence to assault a child even lightly.⁵⁷ GIEACPC hoped that the Human Rights Council would congratulate Tunisia on this achievement and recommended that Tunisia supports the law change with public awareness raising and professional education on the law as well as a range of other measures to support its implementation.⁵⁸

3. Administration of justice, including impunity, and the rule of law

30. Alkarama held that, during the Ben Ali era, the judiciary had been under the control of the executive and that the right to a fair trial had been systematically violated.⁵⁹

31. Alkarama contended that the steps taken by the Ministry of Justice to reform the judiciary fell far short of the demands made by the proponents of genuine change.⁶⁰

32. AI recommended that Tunisia amend the Law on the Organization of the Judiciary to ensure the independence of the judiciary from the executive.⁶¹ HRW, CNLT and LTDH made similar recommendations.⁶² Alkarama and CNLT also recommended that Tunisia should amend Organization Acts No. 67/29 concerning the organization of the Judicial Council and High Council of the Judiciary and No. 2005-81 authorizing the President of the Republic to nominate nine members of the High Council.⁶³

33. CNLT recommended that Tunisia should pass a law formally approving the decision of the Ministry of the Interior to shorten the length of time a person could be held in police custody from a maximum of 6 days to 24 hours.⁶⁴

34. ATJA considered that the Code of Criminal Procedure should be amended to make the presence of a lawyer compulsory at all stages of proceedings, including those in police stations.⁶⁵

35. AI reported that, in May 2011, complaints related to violations that occurred during the uprising were referred to military courts.⁶⁶ CNLT and AI indicated that the military law

was amended in July 2011 to give similar guarantees as in civilian courts.⁶⁷ CNLT recommended that Tunisia should do away with all the exceptions applying to military courts and should bring them into line with civil law.⁶⁸ CNLT likewise recommended that ordinary courts should be given jurisdiction over crimes committed by the internal security forces.⁶⁹

36. AI reported that, as of November 2011, the Fact-Finding Commission on Abuses Committed in the Last Period had not yet published its findings and the victims were still waiting for justice and reparations. Many of those victims claimed they had not had the opportunity to report to the Commission.⁷⁰ Furthermore, AI reported that the Commission had stated that it will not be referring the information collected to the judiciary, unless asked to do so by individual lawyers.⁷¹ HRW indicated that this commission made public its preliminary findings, where it identified 240 civilians killed during the uprising in towns and cities around the country, most of them by police gunfire. In addition, the commission found that 1,464 were injured in the month-long protests and scores of inmates perished in prison mutinies and fires between 13 and 16 January.⁷²

37. HRW reported that, on 14 September 2011, the office of the military prosecutor announced the filing of charges against ex-President Ben Ali, the two ministers of interior who held office at the time of the uprising as well as 40 other high officers within the state security apparatus.⁷³ HRW recommended in this regard that Tunisia ensure fair trial standards, as guaranteed by international conventions.⁷⁴

38. AI recommended that Tunisia establish a thorough, impartial and independent investigation into the human rights violations and abuses committed under the rule of former President Ben Ali, while ensuring full reparations for the victims and protection of all who provide information to the investigation.⁷⁵ JS1 welcomed the establishment of the Transitional Justice Committee and recommended that Tunisia ensure its efficient and effective work relating to the time of previous regimes as well as the current system, and that its mandate covers not only civil and political rights but also economic and social rights.⁷⁶

39. AI indicated that victims had filed complaints against government officials and security officers they believed were responsible for human rights violations suffered during the uprising. Only a small number had been summoned for questioning because the investigating judges had been unwilling or unable to enforce summons for these officials.⁷⁷

40. Alkarama emphasized that, since January 2011, civil society had reported a number of irregularities, especially with regard to complaints filed against persons responsible for human rights violations, which had been shelved; and unfair trials, particularly of civilians who had been brought before military courts.⁷⁸

41. The Tunisian Association of Young Lawyers (ATJA) drew attention to the fact that an amnesty decree of 19 February 2011 covered ordinary and military offences whereas those offences had been prosecuted on the basis of trade-union or political activities.⁷⁹ ATJA reported that, under the decree, persons benefiting from the amnesty should be entitled to reinstatement in their job and compensation.⁸⁰ AI, ATJA and LTDH stated that no compensation had been forthcoming, because the relevant text had not yet been adopted.⁸¹ As for job reinstatement, the International Association for the Support of Political Prisoners (AISPP) and ATJA said in practice some authorities were not cooperating.⁸² LTDH recommended that Tunisia should implement the provisions of the amnesty decree.⁸³ AISPP also referred to the psychological status of those former prisoners and mentioned cases of suicides further to their release.⁸⁴

42. CSDHFLF considered that the decree concerning the award of compensation to the martyrs and injured of the revolution in January 2011 was a positive step, but that the State's responsibility should be expressly mentioned in the decree.⁸⁵

43. JS2 made a recommendation relating to juvenile justice as to guarantee the rights of child offenders, including in the correctional facilities as well as those of the victims.⁸⁶

4. Right to marriage and family life

44. HRW reported that Tunisia had applied laws in a way that deprived Muslim women the same right to marry non-Muslim men as Muslim men have to marry non-Muslim women.⁸⁷ ECLJ added that, although civil law, including family and inheritance law, was codified, judges had been known to override the codified law when it contradicted their interpretation of Islamic law.⁸⁸

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

45. The European Centre for Law and Justice (ECLJ) reported that Tunisia's current laws (pre-Arab Spring) allowed religious freedom on the condition that the religious practice did not disturb public order.⁸⁹ ECLJ stated that it had yet to be seen whether the future constitution would contain specific protections for religious freedom in Tunisia, as many Tunisians feared that some political movements would seek to impose a strict form of Islamic law.⁹⁰ ECLJ provided various examples of reported instances of religious persecution and discrimination, including the cancellation of a religious procession organized by the Roman Catholic diocese in Tunis, in August 2010, and the case of the Christian basilica in Kef, which was stormed by Salafist Muslims, in September 2011.⁹¹

46. HRW reported that the Tribunal of First Instance of Tunis would try the Nessma TV owners after a complaint was lodged on the basis of press and penal code articles criminalizing defamation of religion and assaults on public decency after this TV station broadcasted the movie *Persepolis*. The trial was scheduled to start on 16 November 2011.⁹² IFEX-TMG stated that this incident raised fears of a new religious censorship.⁹³

47. International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) documented severe violations against the right of freedom of expression under the regime of President Ben Ali.⁹⁴ IFEX-TMG stated that the mission to control information assigned to the Tunisian External Communication Agency (ATCE) and Internet sites to the Tunisian Internet Agency (ATI) was in theory suppressed, but the two institutions were still in existence.⁹⁵ IFEX-TMG concluded that it appeared that the new government had much to do to guarantee freedom of expression but little had been achieved so far.⁹⁶ IFEX-TMG recommended that Tunisia include the right to freedom of expression, press freedom and the right of access to information in the Constitution.⁹⁷

48. IFEX-TMG reported that before the revolution, Tunisia operated a state broadcasting system consisting of the Télévision tunisienne nationale (National Tunisian Television) (formerly TV7) and Radio tunisienne (Tunisian Radio). Since the revolution, there had been management changes in both institutions and programming had become more open to diverse points of view.⁹⁸ IFEX-TMG recommended that Tunisia transform state media into an independent public service media.⁹⁹

49. IFEX-TMG reported that many journalists persecuted under Ben Ali were yet to secure positions in the local Tunisian media. It seemed that some critical journalists and commentators had been deliberately ostracised by the domestic media since the fall of the dictatorship with some claiming the existence of a 'black list' of names deemed persona-non-grata within the media.¹⁰⁰ IFEX-TMG added that some journalists thought that the press which had served the previous regime remained in place.¹⁰¹

50. IFEX-TMG indicated that self-censorship persisted and that the status of journalists remained precarious, both editorially and economically.¹⁰²

51. IFEX-TMG added that the private radio stations and television channels also carried some association with the previous regime, although there was no doubt their content had changed since the revolution.¹⁰³
52. IFEX-TMG urged the Government to authorise without any further delay the 12 radio and five television services recommended by the National Authority to Reform Information and Communication (INRIC).¹⁰⁴
53. Regarding the Internet, IFEX-TMG stated that censorship had almost disappeared. However, light needed to be shed on the ramifications of the surveillance system established by the Ben Ali regime.¹⁰⁵
54. IFEX-TMG reported that they were told by many people that the Ministry of Interior was still tapping people's phones and emails. Several expressed discontent that their Facebook accounts were being hacked by the Ministry.¹⁰⁶
55. AI reported that 2011 laws on freedom of the press and freedom of audio-visual communications had led to the amendment of the defamation provisions included in the old press law, although defamation remained a criminal offence punishable with large fines and the offence of "distributing false information" had not been removed.¹⁰⁷ IFEX-TMG reported about the alleged lack of consultation during the draft process and that INRIC continued to lobby against prison sentences being included in the press law.¹⁰⁸ IFEX-TMG added that legal guarantees to ensure freedom of expression and independence of the media needed to be adopted.¹⁰⁹ In this context, HRW reported that, in September 2011, the Tunis military court provisionally released a high-ranking police officer, and acquitted him one week later on the charge of harming the external security of the state because he wrote a letter to the interior minister that accused current high-level ministry officials of responsibility for killing protesters during the Tunisian revolution. However, the charge of distributing false information was still pending in November 2011.¹¹⁰
56. AI recommended that Tunisia ensure that any limitations to the rights to freedom of expression, assembly and association were strictly in line with international standards.¹¹¹
57. IFEX-TMG stated that, since 14 January, many civil society groups and individuals had faced a different set of challenges. Some had found access to the media limited, while others had come up against official reticence to push for their agendas. IFEX-TMG provided examples in this regard.¹¹²
58. AI reported that the law on associations had been amended in 2011 to remove restrictions on forming or belonging to associations.¹¹³ HRW reported that the decree-law on political parties eliminated an article stating that a party may not base its principles, activities, and programmes on a religion, language, race, sex, or region.¹¹⁴
59. IFEX-TMG stated that, despite the fact that books which were previously banned were back in the bookshops, the process of publishing a book had to go through the same bureaucratic procedures as previously.¹¹⁵
60. IFEX-TMG recommended that Tunisia seriously address the question of Ben Ali regime's archives not only in terms of preservation but also in terms of enabling citizens' access to them.¹¹⁶
61. AI indicated that the law regulating meetings, processions, parades and demonstrations was yet to be amended to ensure that the freedom of assembly was guaranteed.¹¹⁷
62. IFEX-TMG reported that concerns were raised about the conduct of the media in the period immediately prior to the elections in October 2011. There were several complaints that there had not been fair coverage, the media agency had not given equal time to all parties or candidates and the stations established during Ben Ali's regime broke the conduct

of coverage set up by the Independent High Commission for Elections.¹¹⁸ IFEX-TMG further reported that discussions had taken place among media and civil society organisations on the development of monitoring mechanisms and a code of ethics for election reporting.¹¹⁹

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

63. JS1 referred to the unemployment rate — affecting more women, youth and college educated people — the lack of adequate unemployment benefits and to some aspects of the labour regulations.¹²⁰ JS1 notably recommended that Tunisia ensure that tackling unemployment remained a priority; enable a national dialogue on the institutional response to inequities in the labor market; and overcome persistent gender inequality.¹²¹

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

64. JS1 noted that the root causes of the uprisings in Tunisia clearly indicated increasing poverty and inequalities in living standards between citizens and regions and the failure of economic and social policies established by the previous regime.¹²²

65. While referring to the Jasmine Plan announced by Ministry of Finance in September 2011, JS1 recommended that Tunisia ensure that new economic and social programmes fully respect and integrate the obligations deriving from the International Covenant on Economic, Social and Cultural Rights, human rights principles and principles of sustainable development and are developed with an inclusive, transparent and democratic approach.¹²³ JS1 further made a series of recommendations to improve the standard of living of Tunisians.¹²⁴ JS2 recommended that Tunisia adopt a policy relating to real estate property, as to guarantee the right of adequate housing and agriculture.¹²⁵

66. JS1 recommended that Tunisia ensure that social assistance programmes benefit all citizens equally, correspond to their needs and are planned to address the root causes of social inequalities.¹²⁶

8. Right to health

67. JS1 indicated that the Jasmine Plan acknowledged that Tunisia still suffered from inequalities in the health sector and recommended that Tunisia reform the health care system, ensure availability, accessibility and acceptability of the right to health to all citizens, through supporting the infrastructure development in hospitals whenever necessary and enhancing medical equipment and redressing regional disparities.¹²⁷

68. Joint submission 4 (JS4) said that Tunisian law evinced a repressive approach to sections of the population which were of key importance in combating HIV/AIDS. JS3 recommended a review of legal texts with a view to facilitating preventive measures and care of drug consumers and decriminalizing sexual relations between persons of the same sex and the clandestine sex trade.¹²⁸ JS3 made a similar recommendation.¹²⁹

9. Right to education

69. JS1 recommended that Tunisia immediately rehabilitate and support the infrastructure of the damaged schools; guarantee equal access of all citizens in all regions to education; and continue revising the education curricula.¹³⁰

10. Persons with disabilities

70. The Collectif tunisien pour la promotion des droits des personnes en situation de handicap (CTPDPSH) (Tunisian Grouping to promote the rights of persons with disabilities) drew attention to the fact that, although Tunisia had adopted measures to

encourage the integration of persons with disabilities, even before ratification of the Convention on the Rights of Persons with Disabilities, these measures were little applied in practice.¹³¹ CTPDPSH also described some of the obstacles encountered by persons with disabilities when trying to gain access to buildings, public areas and means of transport, despite existing legislation; difficulties in integrating children with disabilities in the ordinary school system, and the failure to include the notion of “reasonable accommodation” in the 2005 decree on the employment of persons with disabilities.¹³²

71. CTPDPSH recommended that Tunisia should include the principle of non-discrimination with respect to persons with disabilities in the new Constitution and that the rights of persons with disabilities should be made an integral part of development programmes; that the genuine participation of the persons with disabilities in all democratic institutions and in the devising and implementation of policy concerning them should be guaranteed; that the definition of disability and the conditions for issuing a disability card contained in Outline Act No. 83-2005 should be revised; that the Guardianship and Trusteeship Act should be repealed and replaced with legislation on assisted decision-taking; that legislative provisions on the occupational integration of persons with disabilities should be revised; that the necessary measures should be adopted to ensure the real application of its inclusive education strategy, and that the requisite funds should be raised to ensure that persons with disabilities can lead an independent life based on individual choice.¹³³

11. Minorities and indigenous peoples

72. The World Amazigh Congress (CMA) reported that Tunisia’s official position was that Amazighs no longer existed and that the Amazigh language was a local Arabic dialect.¹³⁴ CMA further stated that the Constitution, the Tunisian National Pact and the Child Protection Code denied the existence of an Amazigh people and culture.¹³⁵ For example, CMA pointed out that there was no education in the Amazigh language in State schools, that Amazigh first names were banned and that no information in the Amazigh language was provided in the public press and audio-visual media in Tunisia.¹³⁶

73. CMA reported that the new Tunisian authorities were showing no signs of any change in attitude on that matter. On the contrary, all the political parties were declaring their exclusive allegiance to the “Arabo-Islamic” identity. Draft provisions of the Constitution totally ignored the Amazigh language and culture.¹³⁷

74. CMA recommended that Tunisia should legally protect the Amazigh component of the country; that it should put an immediate end to all forms of constraints on and discrimination against Amazigh individuals and groups; that it should restore the Amazigh identity to its rightful place and introduce it in education, research and the public media.¹³⁸

12. Migrants, refugees and asylum-seekers

75. LTDH recommended that Tunisia should set up an independent national committee to investigate the disappearance of young migrants in the Mediterranean region and in third countries; that it should publish a migrants’ statute, and should regularize their administrative situation.¹³⁹

LTDH recommended that Tunisia should issue a law incorporating international provisions on refugees’ fundamental rights in domestic legislation.¹⁴⁰

13. Human rights and counter-terrorism

76. AI reported that the law on counter-terrorism included an overly broad definition of terrorism, which in the past was abused to criminalize peaceful dissent. While the new authorities had shown a willingness to amend this law, in the meantime it remained in

force.¹⁴¹ Alkarama reported that between 2,000 and 3,000 people had allegedly been sentenced under this law, since it had come into force.¹⁴²

AI indicated that a state of emergency was declared on 14 January 2011 and extended for an indefinite period of time in August 2011. AI expressed concerns at the fact that the most recent extension was indefinite with no indication as to the period it covers. The state of emergency extends to the Minister of Interior powers to bypass normal safeguards in place to protect the basic rights of citizens.¹⁴³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
AISPP	Association internationale de soutien aux prisonniers politiques, Tunisia;
Alkarama	Alkarama, Geneva, Switzerland;
ATDP	Association tunisienne pour le développement politique tunisien, Tunisia;
ATJA	Association tunisienne des jeunes avocats, Tunis, Tunisia;
CMA	Congrès mondial Amazigh, Paris, France;
CNLT	Conseil national pour les Libertés en Tunisie, Tunis, Tunisia;
CTPDPSH	Collectif tunisien pour la promotion des droits des personnes en situation de handicap; Tunis, Tunisia;
ECLJ	European Centre for Law and Justice, Strasbourg, France;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HRW	Human Rights Watch, New York, United States of America;
IFEX-TMG	International Freedom of Expression Exchange Tunisia Monitoring Group (IFEX-TMG) composed of: ARTICLE 19, Canadian Journalists for Free Expression (CJFE), Cartoonists Rights Network International, Index on Censorship, International Publishers Association (IPA), Norwegian PEN, World Association of Community Radio Broadcasters (AMARC), World Association of Newspapers and News Publishers (WAN-IFRA), and the Writers in Prison Committee (WiPC) of PEN International; Joint Submission;
JS1	Joint Submission 1 submitted by Arab NGO Network for Development; The Forum for Social Sciences in Tunisia; and The Center for Economic, Social and Cultural Rights-Tunisia;
JS2	Joint Submission 2 by Amnesty International – Section de Tunisie, Association internationale de soutien aux prisonniers politiques, Association des juges tunisiens, Association tunisienne des femmes démocrates, Association tunisienne de tolérance, Tunisian Forum For Youth Empowerment, Forum Al Jahed, Union des Diplômés Chômeurs; Tunisia;
JS3	Association tunisienne de lutte contre les maladies sexuellement transmissibles et le sida (ATLMSTSIDA) and Association tunisienne de prévention de la toxicomanie (ATUPRET), Tunisia, Joint Submission;
JS4	Observatoire « VIH et droits Humains » and Association tunisienne pour la défense des libertés individuelles, Tunis, Tunisia (joint submission);
LTDH	Ligue tunisienne pour la défense des droits de l'homme, Tunis, Tunisia;
OCTT	Organisation contre la torture en Tunisie, Tunis, Tunisia.

National Human Rights Institutions

CSDHLF	Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales, Tunis, Tunisia.
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² Alkarama, paras. 2–4; AI, p. 1; ATJA, p. 2.

³ AI, p. 1; HRW, p. 3–4; JS1; p. 5, JS2, p. 1–2; OCTT, p. 2; see also Alkarama, para. 18; CSDHLF, p. 4;

- ⁴ AI, p. 1; see also JS1, para. 6; JS2, p. 2.
- ⁵ CSDHFLF, p. 4; see also HRW, p. 4; JS1, para. 7; JS2, p. 2 and LTDH, p. 2.
- ⁶ HRW, p. 4; see also LTDH, p. 2.
- ⁷ HRW, p. 5; JS2, p. 2; LTDH, p. 4.
- ⁸ CNLT, p. 3.
- ⁹ LTDH, p. 5.
- ¹⁰ AI, p. 2; see also Alkarama, para. 3; CNLT, p. 5; ECLJ, para. 4; JS1, para. 10; JS2, p. 3.
- ¹¹ JS1, paras. 10 and 21–22.
- ¹² AI, p. 1. See also JS1, para. 9.
- ¹³ CNLT, p. 3.
- ¹⁴ ATDP, p. 1.
- ¹⁵ CSDHFLF, pp. 1–2; see also JS1, para. 15; LTDH, p. 5 and ATDP, p. 1.
- ¹⁶ JS1, para. 13.
- ¹⁷ JS1, para. 17.
- ¹⁸ JS1, para. 26.
- ¹⁹ JS1, para. 12.
- ²⁰ JS1, para. 28.
- ²¹ S1, paras. 29 and 31.
- ²² HRW, p. 4.
- ²³ JS1, para. 11.
- ²⁴ JS1, paras. 32–35.
- ²⁵ AI, p. 5.
- ²⁶ AI, p. 2; JS2, p. 2; see also HRW, p. 5; LTDH, p. 4.
- ²⁷ HRW, p. 4.
- ²⁸ JS2, p. 3.
- ²⁹ AI, p. 3; see also HRW, p. 5; CNLT, p. 2.
- ³⁰ AI, p. 3.
- ³¹ AI, p. 3; CNLT, p. 4; HRW, p. 5; CNLT, p. 4; OCTT, p. 2.
- ³² AI, p. 6; see also CSDHFLF, p. 4; CNLT, p. 5.
- ³³ LTDH, p. 2.
- ³⁴ LTDH, p. 4; see also AI, p. 5; CNLT, p. 5; JS2, p. 2; LTDH, p. 4 and HRW, p. 4.
- ³⁵ AI, p. 5; CNLT, p. 5; JS2, p. 2; LTDH, p. 4; see also HRW, p. 4.
- ³⁶ AI, p. 2; LTDH, p. 2; see also CNLT, p. 4; ATJA, p. 5.
- ³⁷ ATJA, p. 5.
- ³⁸ CNLT, p. 4; see also AI, p. 5; CNLT, p. 5; JS2, p. 2; LTDH, p. 4 and HRW, p. 4.
- ³⁹ Alkarama, p. 5.
- ⁴⁰ AI, p. 5; see also Alkarama, p. 5. See also OCTT; p. 3.
- ⁴¹ Alkarama, p. 5; see also HRW, p. 4; JS2, p. 3 and OCTT, p. 3.
- ⁴² HRW, p. 4.
- ⁴³ Alkarama, para. 16.
- ⁴⁴ AI, p. 3; see also CNLT, p. 4.
- ⁴⁵ Alkarama, para. 17; see also OCTT, p. 3.
- ⁴⁶ OCTT, p. 3.
- ⁴⁷ AI, p. 2.
- ⁴⁸ Alkarama, p. 5; see also LTDH, p. 5.
- ⁴⁹ HRW, p. 5.
- ⁵⁰ OCTT, p. 3.
- ⁵¹ AI, p. 4.
- ⁵² HRW, p. 5.
- ⁵³ AI, p. 3; CSDHFLF, p. 4; see also Alkarama, para. 12; OCTT, p. 2.
- ⁵⁴ Alkarama, para. 12.
- ⁵⁵ Alkarama, paras. 13–14.
- ⁵⁶ AI, p. 5 and Alkarama, p. 5.
- ⁵⁷ GIEACPC, p. 1–2.
- ⁵⁸ GIEACPC, p. 1.
- ⁵⁹ Alkarama, para. 6; see also AI, p. 2.

- 60 Alkarama, paras. 8–9; see also HRW, p. 2.
61 AI, p. 5; see also JS2, p. 3.
62 HRW, p. 2; CNLT, p. 3; LTDH, p. 5.
63 Alkarama, p. 5; CNLT, p. 3; see also LTDH, p. 5.
64 CNLT, p. 4; see also LTDH, p. 4.
65 ATJA, p. 4; see also LTDH, p. 4.
66 AI, p. 4.
67 CNLT, p. 3; AI, p. 4.
68 CNLT, p. 3.
69 CNLT, p. 3.
70 AI, p. 4.
71 AI, p. 4.
72 HRW, p. 1.
73 HRW, p. 1.
74 HRW, p. 2.
75 AI, p. 6. See also JS2, p. 3 and HRW, p. 2.
76 JS1, paras. 14 and 19; see also LTDH, p. 4; OCTT, p. 3.
77 AI, p. 4.
78 Alkarama, para. 7.
79 ATJA, pp. 2–3.
80 ATJA, p. 3.
81 AI, p. 3; ATJA, p. 3 and LTDH, p. 3.
82 ATJA, p. 3 and AISPP, p. 2.
83 LTDH, p. 4.
84 AISPP, p. 2.
85 CSDHFL, pp. 2–3; see also AI, p. 4 and HRW, p. 2.
86 JS2, p. 3.
87 HRW, p. 5.
88 ECLJ, para. 9.
89 ECLJ, para. 8.
90 ECLJ, paras. 5–7.
91 ECLJ, paras. 10–14.
92 HRW, p. 3; see also AI, p. 3–4.
93 IFEX-TMG, para. 42.
94 IFEX-TMG, paras. 2 and 11; see also JS2, p. 1.
95 IFEX-TMG, paras. 2.
96 IFEX-TMG, para. 58.
97 IFEX-TMG, p. 9; see also JS2, p. 3.
98 IFEX-TMG, para. 24.
99 IFEX-TMG, p. 9.
100 IFEX-TMG, para. 14.
101 IFEX-TMG, para. 19.
102 IFEX-TMG, paras. 22–23.
103 IFEX-TMG, paras. 27 and 49.
104 IFEX-TMG, para. 9; see also CNLT, p. 5.
105 IFEX-TMG, paras. 33–35.
106 IFEX-TMG, paras. 37–42 and 56.
107 AI, p. 2; see also HRW, p. 3; IFEX-TMG, p. 10.
108 IFEX-TMG, para. 47.
109 IFEX-TMG, para. 48.
110 HRW, p. 3.
111 AI, p. 6.
112 IFEX-TMG, paras. 50–55.
113 AI, p. 2; see also HRW, p. 3.
114 HRW, p. 2.
115 IFEX-TMG, para. 43.

- ¹¹⁶ IFEX-TMG, p. 10.
¹¹⁷ AI, p. 2.
¹¹⁸ IFEX-TMG, para. 12.
¹¹⁹ IFEX-TMG, para. 13.
¹²⁰ JS1, paras. 46–50.
¹²¹ JS1, paras. 51–54.
¹²² JS1, para. 39; see also LTDH, p. 3.
¹²³ JS1, paras. 25 and 27.
¹²⁴ JS1, paras. 40–45.
¹²⁵ JS2, p. 3.
¹²⁶ JS1, paras. 60–63.
¹²⁷ JS1, paras. 64–66.
¹²⁸ JS4, paras. 2.1 and 2.3; JS3, p. 5.
¹²⁹ JS4, para. 2.3.
¹³⁰ JS1, paras. 57–59.
¹³¹ CTPDPSH, p. 2.
¹³² CTPDPSH, paras. 11–29.
¹³³ CTPDPSH, paras. 31–36.
¹³⁴ CMA, pp. 2–3.
¹³⁵ CMA, pp. 3–4.
¹³⁶ CMA, p. 4.
¹³⁷ CMA, p. 4.
¹³⁸ CMA, p. 5.
¹³⁹ LTDH, p. 5.
¹⁴⁰ LTDH, p. 5.
¹⁴¹ AI, p. 3; see also Alkaram, para. 11; LTDH, p. 3.
¹⁴² Alkarama, para. 11.
¹⁴³ AI, p. 3.
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