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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15(A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Tunisia*

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Introduction

1. This report on the situation of human rights in Tunisia has been prepared in accordance with the provisions of United Nations General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council. It follows the guidelines set forth in Human Rights Council resolution 5/1 of 18 June 2007 and takes a holistic approach based on the highest human values and the principle that all human rights are universal, indivisible, interdependent and interrelated, as recognized in the Vienna Declaration and Programme of Action.

2. The report was prepared following wide-ranging consultations at the national level with all stakeholders: all ministries involved in human rights issues of various kinds, the High Committee on Human Rights and Fundamental Freedoms, and civil society associations and non-governmental organizations (NGOs) representing, among others, workers (General Union of Tunisian Workers), the judiciary (Tunisian Magistrates Association), lawyers (Tunisian Bar Association), journalists (Tunisian Journalists Union), human rights defenders, including those working with women's rights and the rights of children and persons with disabilities (e.g., Tunisian Red Crescent, Association for the Reintegration of Released Prisoners, National Union of Tunisian Women, Association of Democratic Women, Tunisian Mothers Association, Centre for Research, Studies, Documentation and Information on Women, Tunisian Association for Children's Rights, Tunisian Union of Social Solidarity, Tunisian National Blind Association), as well as parliamentarians from both the majority and the opposition, and university teachers.

3. From the consultations with all these partners emerged a concern and a desire:

(a) A concern to involve these partners on a more effective and regular basis in the work of promoting, protecting and implementing human rights provisions;

(b) A desire to strengthen the partners' operational role, particularly in the mechanisms for implementing and monitoring human rights, in part by intensifying dialogue and developing the exchange of information and proposals in order to consolidate that process.

4. Tunisia, which was elected to the Human Rights Council at its inception, is proud to be among the first countries to submit a report to the Council's first session on the universal periodic review, which it considers a means of ensuring the efficient and coordinated development of human rights. Tunisia thus wishes to make known its readiness, as regards both the consideration of and follow-up to its report, to work in an objective and constructive manner to support the procedures and purposes of the universal periodic review mechanism, as established in General Assembly resolution 60/251, namely, *inter alia*, "ensuring universality, objectivity and non-selectivity" and "the elimination ... of politicization" and ensuring "the promotion and protection of human rights [are] based on the principles of cooperation and genuine dialogue".

5. In recalling these principles, which have been universally accepted as the guiding principles of the universal periodic review, Tunisia is demonstrating a strategic choice to make the promotion and protection of human rights an end in themselves, entailing a dual commitment:

(a) To reject any kind of instrumentalization of human rights for political, ideological, economic or other purposes; and

(b) To accept the overriding need to address the obstacles and real challenges to human rights, including in particular terrorism, extremism, intolerance, racism, xenophobia and poverty.

6. Tunisia naturally identifies with these values and principles, which it helped develop and which are inseparable from human rights. Its long history, marked as it has been by periods of domination and colonialism, and its great cultural legacy have set Tunisia firmly on the road to freedom and equality. Without going right back to the Constitution of Carthage and the thoughts of Aristotle, it is worth recalling, by way of illustration, the depth of reformist thinking in Tunisia on the one hand and, on the other, such constituting acts as the abolition of slavery in 1846, the proclamation of a bill of rights in 1857 (Fundamental Covenant), the adoption of the Arab world's first written constitution in 1861, and the adoption in 1956, immediately after independence, of a revolutionary Personal Status Code that, among other things, abolished polygamy and constituted a milestone on the road towards the affirmation of the dignity of women and towards freedom and equality. The Code is evidence of the way a State - and a Muslim State at that - can help develop the shared heritage of human rights.

7. Tunisia, which has achieved so much since independence, especially since the change that occurred on 7 November 1987, and which has confirmed its commitment to the international human rights system by ratifying nearly all international and regional human rights instruments, wishes to reaffirm its willingness to actively cooperate with all stakeholders and all institutional and treaty mechanisms of the United Nations - including by working wholeheartedly for the success of the universal periodic review - in exchanging and building on experience gained in the promotion and protection of all human rights.

8. In this report Tunisia presents a summary of its major achievements in the field of human rights. At the same time it remains aware of the challenges and difficulties it continues to face, although these will not dampen its determination to continue steadfastly along this path. The information contained in this report must naturally be read and evaluated in the light of the more detailed information contained in the various specific periodic reports submitted by Tunisia to the United Nations treaty-monitoring bodies and of the measures taken to implement those bodies' recommendations.

9. Lastly, as it submits this report, Tunisia gives every assurance that 2008 will provide further evidence of its commitment to continuing its efforts to promote and observe human rights and expand its cooperation with all stakeholders at the national, regional and international levels. In addition to the measures and initiatives outlined in this report, Tunisia will be sure to announce new decisions without delay.

PART I. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Status of international human rights instruments in the Constitution and domestic legislation

Ratifications

10. Having ratified nearly all the international human rights instruments, Tunisia wishes to announce, to launch its participation in the universal periodic review, that a bill to ratify the Convention on the Rights of Persons with Disabilities is currently before the Chamber of Deputies.

11. Tunisia has also ratified the African Charter on Human and Peoples' Rights and its Protocol on the Establishment of an African Court on Human and Peoples' Rights and is in the process of ratifying the Arab Charter on Human Rights.

Reservations

12. As part of the follow-up to recommendations made by the Committee on the Rights of the Child after consideration of Tunisia's second periodic report (see CRC/C/15/Add.181, paras. 10-11) a bill is being drafted on the withdrawal of declarations and reservations entered by Tunisia on ratification of the Convention on the Rights of the Child. In this way Tunisia renews its total commitment to implementation of all children's rights recognized by the Convention and its two Optional Protocols, which have also been ratified by Tunisia.

B. Measures taken to implement international human rights instruments

13. In this context, mention should be made of the promulgation, following a referendum, of Constitutional Act No. 51 of 1 June 2002, amending and supplementing certain provisions of the Constitution, notably:

- New paragraphs 1, 2 and 3 of article 5 of the Constitution, stating that "the Republic of Tunisia is founded on the principles of the rule of law and pluralism. It strives [to achieve] the dignity and personal development of human beings ... [and] to entrench the values of solidarity, mutual assistance and tolerance among individuals, groups and generations"
- New article 5 of the Constitution, which states that "the Republic of Tunisia guarantees fundamental freedoms and human rights in the universal, comprehensive, complementary and interdependent sense"
- An amendment to article 9 of the Constitution specifying more closely the inviolability of the home, the confidentiality of correspondence and the protection of personal data
- New paragraph 1 of article 12 of the Constitution, stating that "police custody shall be subject to judicial supervision and pretrial detention subject to court order" and that "no one shall be arbitrarily placed in police custody or detention"
- An amendment to article 13 of the Constitution explicitly stating that "anyone deprived of their liberty shall be treated humanely and their dignity respected ..."

14. Many other legislative measures have been adopted in recent years to ensure closer compatibility of domestic law with the provisions of international instruments ratified by Tunisia. The main ones - on strengthening press freedom, judicial guarantees and the independence of the judiciary, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the consolidation of the rights of women, children and persons with disabilities - will be described in part II of this report, in the sections dealing with the status of the various categories of human rights.

15. Meanwhile, under this heading the following main measures may be mentioned by way of illustration:

- Act No. 63 of 27 July 2004 on the protection of personal data, which guarantees that personal information will be handled in full transparency and honesty and with respect for human dignity

- Act No. 2005-81 of 4 August 2005, amending and supplementing Act No. 67-29 of 14 July 1967 on the organization of the judiciary, the High Council of the Judiciary and the special status of the judiciary
- Organization Act No. 2006-1 of 9 January 2006, amending the Press Code, in particular the final paragraph of article 3, and abolishing the statutory deposit for all daily newspapers and periodicals, including magazines
- Act No. 2007-32 of 22 March 2007 supplementing certain provisions of the Code of Criminal Procedure, which obliges judicial police officers, at hearings pursuant to letters rogatory, to inform suspects “of their right to be assisted by counsel of their choice, and to note this in the police report” and establishing the right to prior transmission to the lawyer of the record of proceedings

16. As part of its follow-up to recommendations made by the Committee on the Rights of the Child after consideration of Tunisia’s second periodic report (see CRC/C/15/Add.181, paras. 20-21), Tunisia passed Act No. 2007-32 of 14 May 2007 amending certain provisions of the Personal Status Code, which established the same minimum age of marriage for girls and for boys, setting it at 18 for both sexes. This Act further strengthens the legislative protection for children, which had been specially strengthened in 2006 by the passage of Act No. 2006-10 of 6 March 2006 amending the Personal Status Code, which gave grandparents the right of access to their grandchildren.

17. Most recently, on 19 February 2008, the Chamber of Deputies adopted three bills, the first guaranteeing the right to housing for a mother who has custody of her children; the second ratifying the United Nations Convention against Corruption adopted in New York on 31 October 2003; and the third requiring a reasoned decision for any extension of the period of police custody or pretrial detention in order to prevent automatic extensions.

C. Mechanisms established to ensure the primacy of international human rights instruments over domestic laws

18. Article 32 of the Tunisian Constitution provides in paragraph 4: “The treaties ratified by the President and approved by the Chamber of Deputies have a higher authority than laws.”

19. As part of its follow-up to various recommendations by the treaty-monitoring bodies, Tunisia has in recent years developed mechanisms to ensure the primacy of ratified international human rights instruments over domestic laws, notably mandatory referral to the Constitutional Council for an opinion (section C-1 below) and direct applicability of international human rights instruments by the courts (section C-2).

C-1. Role of the Constitutional Council (mandatory referral)

20. The Constitutional Council is expressly instructed, under the Constitutional Acts of 27 October 1997 and 1 June 2002, to ascertain the conformity and compatibility of all draft laws with the Constitution, and in particular with its provisions concerning human rights. This supervision is a precaution intended to ensure the conformity of a given text with the provisions of the Constitution, as well as the domestic legal system’s compliance with ratified international treaties. The Council then issues a binding reasoned opinion which is published in the Official Journal.

- In opinion No. 02-2006 concerning a bill supplementing the Personal Status Code and adding new article 66 bis, which establishes grandparents' right of access to their grandchildren, the Constitutional Council pointed out in its considerations inter alia that "the United Nations Convention on the Rights of the Child of 20 November 1989, which has been ratified by the Republic of Tunisia, gives precedence to children's best interests and children's right to preserve their family ties and lays down rights and obligations not only for parents, but also, where applicable, for members of the extended family"; and that "the fact of granting grandparents the right of access after the death of one of the parents, taking account of the best interests of the child, is likely to strengthen family ties and is thus one of the components of family protection as this is provided for by the Constitution and the principles accepted by the Republic of Tunisia, and embodied in the United Nations Convention on the Rights of the Child". Hence the Constitutional Council concluded that the bill was in conformity with the Constitution.
- In its opinion No. 56-2005 concerning a bill governing diving, the Constitutional Council took the view that article 17 of the bill, which provided for fines and prison sentences for a number of the offences it defined, was contrary to the provisions of article 73 of the 1982 United Nations Convention on the Law of the Sea, ratified by Tunisia. This article stipulates that "coastal State penalties for violations of fisheries laws [...] may not include imprisonment [...] or any other form of corporal punishment". The Constitutional Council pointed out in its considerations inter alia that "under the terms of article 32 of the Constitution, treaties which have been ratified and approved have higher authority than laws" and that "it follows that article 17, as it stands, does not therefore comply with article 32 of the Constitution".

C-2. Role of the courts (direct applicability)

21. The incorporation of international instruments into the internal legal order has given rise to numerous debates in Tunisian courts. Contrary to the traditional position - namely that the provisions of international conventions that have been ratified and approved create obligations only for the States parties, the courts have decided in several cases that international instruments, including human rights instruments, may be directly invoked before the domestic courts:

- In a judgement delivered on 18 May 2000 in case No. 7,602, the Tunis court of first instance argued in substance that "the request for exclusion of the widow from the list of heirs on the basis of her religious faith contradicts article 88 of the Personal Status Code, which confines impediments to inheritance to intentional homicide ..." and that "non-discrimination on the grounds of religion is one of the principles underpinning the Tunisian legal order and constitutes an element of the religious freedom guaranteed by article 5 of the Constitution and proclaimed in articles 2, 16 and 18 of the 1948 Universal Declaration of Human Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and article 2, paragraph 1, of the International Covenant on Civil and Political Rights, which have been ratified by Tunisia ...".
- In decision No. 7,286 of 2 March 2001 the Court of Cassation argues in substance that "the Tunisian legislature - in accordance with the provisions of the Convention on the Rights of the Child of 20 November 1989, which has been ratified by Tunisia - has considered the child's best interests in matters regarding the award of care ...", so that "Tunisian public policy is in no way disturbed by the foreign court's decision to give care of the child to the foreign mother since the sole criterion that must prevail here is that of the best interests of the child."

- In a judgement delivered on 2 December 2003 in case No. 53/16,189, the court of first instance of La Manouba expressly based its judgement establishing filiation on the basis of a DNA fingerprint test on the grounds that “filiation is a child’s right and should not be impaired by the form of relationship chosen by the child’s parents. For this reason, filiation as defined in article 68 of the Personal Status Code must be interpreted broadly in accordance with article 2, paragraph 2, of the Convention on the Rights of the Child, which was ratified by the Act of 29 November 1991 and which protects the child against all forms of discrimination or penalty based on the legal status of the child’s parents; depriving a child of their right to filiation on the grounds that their parents are not joined in wedlock effectively penalizes the child and violates one of their fundamental rights, quite apart from the discrimination between children that would result from the artificial introduction of a difference between legitimate and natural filiation”.

22. The Administrative Tribunal has also played a crucial role in this respect since the adoption of, inter alia, Act No. 39 of 3 June 1996 establishing the right of appeal in cases of challenges on grounds of illegality or unconstitutionality, Act No. 79 of 24 July 2001 establishing a cassation chamber at the Administrative Tribunal and Act No. 11 of 24 February 2002 establishing the right to challenge the constitutionality of regulatory decrees, thereby lifting the immunity that applied to such decrees under the previous system.

23. All these reforms have made it possible for the Administrative Tribunal to effectively ensure respect for the rights of the public and strengthen basic principles related to human rights, not least by referring expressly to the principles set forth in international instruments on the subject. The following summaries of decisions are provided by way of example:

- In a decision delivered on 1 June 1994 in case No. 2,193, the Administrative Tribunal, relying on both article 19 of the Universal Declaration of Human Rights and article 8 of the Tunisian Constitution, found that the administrative authorities could not lawfully include in the personnel file of its officials a reference to their political, philosophical or religious beliefs, or criticize them on account of their personal beliefs unless, in the exercise of their duties, they had behaved in a manner that conflicted with the proper performance of those duties.
- In a decision delivered on 18 December 1999 in case No. 16,919, the Administrative Tribunal, relying on article 23 of the International Covenant on Civil and Political Rights, which recognizes the right of men and women of marriageable age to marry and found a family without restriction, annulled on grounds of illegality the administrative authorities’ decision to dismiss an official of the internal security forces because he had failed to obtain prior authorization for his marriage to a foreign woman, as required by article 8 of the Staff Regulations of the internal security forces.

D. National oversight and monitoring bodies

Role of the High Committee on Human Rights and Fundamental Freedoms

24. As part of its follow-up to various recommendations by treaty-monitoring bodies after their consideration of Tunisia’s periodic reports, the powers of the High Committee on Human Rights and Fundamental Freedoms established by Decree No. 54 of 7 January 1991 have been substantially consolidated in recent years by the promulgation of, inter alia, Decree No. 2,846

of 8 November 2006 and Decree No. 886 of 10 April 2007, to bring the High Committee into line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134).

25. As the President announced in Tunis on Thursday, 24 January 2008, at a ceremony for the members of the diplomatic corps accredited for 2008, a bill will shortly be put before the Chamber of Deputies to “raise the status of the High Committee for Human Rights and Fundamental Freedoms by giving the provisions governing it legislative rank and endowing it, as a national human rights institution, with administrative and financial autonomy; the Committee’s membership will also be adjusted with a view to strengthening communication between the State and civil society and consolidating its powers so as to reinforce its role in the promotion and protection of human rights”.

E. Coordination

26. In order to ensure better coordination of action to promote and protect human rights, human rights have their own ministry, the Ministry of Justice and Human Rights. The Minister is assisted by a Human Rights Coordinator whose task is to monitor the promotion of human rights, receive complaints and carry out studies on the subject, in cooperation with the High Committee on Human Rights and Fundamental Freedoms and the human rights units in other departments, i.e., the Ministries of the Interior, Foreign Affairs and Social Affairs.

27. As part of its follow-up to recommendations made by the Committee on the Rights of the Child after consideration of Tunisia’s second periodic report (CRC/C/15/Add.181, paras. 12-16), Tunisia has undertaken to improve the coordination of policy and action in this area:

- A new observation and monitoring mechanism has been set up in the form of an annual report on the situation of children in Tunisia, to be submitted to the first meeting of the Council of Ministers every year to enable it to assess the situation of Tunisia’s children, decide on action to be taken, suggest any adjustments needed and propose programmes to promote children’s rights and their status in law and in practice.
- The work of the High Council for Children has been enhanced and coordination tightened between national policies and the various bodies working with children, by the establishment in 2006 of a commission of the High Council responsible for reporting to the Council on, inter alia, programmes implemented and results achieved.

28. In an effort to further strengthen the mechanisms for the protection of human rights, a National Commission on International Humanitarian Law was established on 20 April 2006 in order to confirm Tunisia’s participation in the international process to protect and develop human rights, contribute actively to peacebuilding in the world and reaffirm its commitment to ensuring full compliance with all relevant international instruments.

F. Civil society and the role of NGOs

29. The number of NGOs has grown steadily especially since the reform of the 1992 Associations Act which abolished the system of prior authorization. NGOs cover virtually all sectors of social life, including development (564), welfare and relief (433), human rights, women’s rights, children’s rights and consumer rights (109). Human rights NGOs are given special encouragement. The Tunisian authorities strive to reinforce the partnership with the NGO community and especially those working in the field of human rights.

30. The Tunisian State is aware of the need to establish the best possible partnership with NGOs, which it assists in case of difficulties. Thus, with regard to the problems of the Tunisian Human Rights League (LTDH), Africa's first human rights league and one of Tunisia's national assets, the approach consistently adopted by the Tunisian authorities has been to respect the organization's independence and give it a proper chance to overcome its internal difficulties. The authorities encourage the League to hold its Congress as soon as possible and to adopt transparent rules of procedure that will better permit it to serve the cause of human rights.

31. With regard to cooperation with international NGOs, by providing such NGOs with an appropriate legal framework, Tunisia tries to establish regular partnerships in order to develop lasting cooperation. Thus Tunisia hosts the head offices or local sections of El Taller, Enda, Terre des Hommes, Amnesty International, Handicap International, the Arab Institute for Human Rights, the Ligue internationale des journalistes pour l'Afrique (International League of Journalists for Africa), the Collectif maghrébin pour les droits de l'enfant (Maghreb Child Rights Collective), and the Friedrich Ebert and Konrad Adenauer foundations, among others. In addition, Tunisia maintains a dialogue with Amnesty International, Human Rights Watch, the World Organization Against Torture and the International Freedom of Expression Exchange, and remains open to dialogue with all NGOs working in the area of human rights.

PART II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND: ACHIEVEMENTS, CHALLENGES, CONSTRAINTS AND PROSPECTS

A. Status of civil and political rights

A1. Achievements in consolidating civil and political rights

32. Tunisia has paid great attention to the protection and promotion of civil and political rights. To this end, it has undertaken numerous reforms to create a legal framework to safeguard and protect these rights. As part of its follow-up to recommendations made by the Human Rights Committee after its consideration of Tunisia's fourth periodic report (CCPR/C/79/Add.43), in addition to constitutional and legislative reforms to promote human rights and strengthen judicial guarantees and the judicial system (summarized above, paras. 13, 14 and 16), other constitutional and legislative amendments were made in order to further promote civil and political rights and fundamental freedoms.

33. These reforms included the Constitutional Act of 27 October 1997, which strengthens political parties' role in public life and broadens the scope for use of the referendum over issues of decisive importance for Tunisia's future. The amendments to article 40 of the Constitution, for example, established the principle that there could be more than one candidate in presidential elections. The amendments to the Electoral Code introduced under Act No. 2003-58 of 4 August 2003 instituted additional legal guarantees for voters and established the system of continuous review of electoral rolls, as well as ensuring the transparency of the electoral process at every stage.

34. Democratic pluralism is confirmed by the presence of six political parties in the Chamber of Deputies. Tunisia also has nine political parties in all, which have the right to organize activities and meetings, express their opinions and publish their own newspapers. The political parties represented in the Chamber of Deputies are also represented in local, regional and national bodies, and are entitled to State grants to fund their activities and the publication of the newspapers.

35. As part of its follow-up to recommendations made by the Human Rights Committee (CCPR/C/79/Add.43, paras. 18-20), Tunisia has taken steps to strengthen freedom of opinion and expression by introducing various procedures and measures, including amendments to the Press Code aimed at consolidating public freedoms. In this respect, under Act No. 2006-1 of 9 January 2006 amending the Press Code (art. 3, final para.), “Daily newspapers, periodicals and magazines shall no longer be subject to any statutory deposit”.

36. With regard to judicial safeguards and the independence of the judiciary, this report refers only to the adoption of the following legislation:

- Act No. 1999-90 of 2 August 1999 amending and supplementing certain provisions of the Code of Criminal Procedure and introducing additional guarantees for persons temporarily deprived of their liberty, for example by reducing the duration of police custody, providing information to the families of arrested persons, explaining the reasons and legal grounds for the arrest, ensuring the right to a medical examination, and maintaining arrest registers under the oversight of the State prosecutor.
- Act No. 2000-43 of 17 April 2000 amending and supplementing the Code of Criminal Procedure and instituting the right of appeal in criminal cases.
- Act No. 2000-77 of 31 July 2000 amending and supplementing the Code of Criminal Procedure, establishing the post of sentence enforcement judge.
- Act No. 2001-51 of 3 May 2001 concerning the transfer of the Prisons Department to the Ministry of Justice and Human Rights.
- Act No. 2001-52 of 14 May 2001 on the organization of prisons. This is the first law of its kind in the history of the prison system to govern the respective rights and duties of prisoners and the prison administration. It grants exclusive authority to the Disciplinary Council, which includes representatives of prisoners, to apply disciplinary penalties against an offending party.
- Act No. 2002-92 of 29 October 2002 amending and supplementing the Code of Criminal procedure so as to strengthen the powers of sentence enforcement judges by allowing them, for instance, to grant parole to a convicted person whose sentence does not exceed eight months.
- Act No. 2002-93 of 29 October 2002 amending and supplementing the Code of Criminal Procedure and establishing a mediation procedure in criminal cases through the introduction of alternatives to criminal legal proceedings in order to strengthen the spirit of cooperation among citizens and facilitate the amicable settlement of disputes.
- Act No. 2002-94 of 29 October 2002 amending and supplementing the Code of Criminal Procedure and providing that all persons who have been held in pretrial detention or who have served a sentence and whose innocence has subsequently been proven may demand material and moral compensation from the State for this detention.
- Organization Act No. 2005-81 of 4 August 2005, amending and supplementing the Act of 14 July 1967 on the organization of the judiciary, the High Council of the Judiciary and the special status of the judiciary.

- Act No. 2007-32 of 22 March 2007 supplementing certain provisions of the Code of Criminal Procedure, which obliges judicial police officers, at hearings pursuant to letters rogatory, to inform suspects “of their right to be assisted by counsel of their choice, and to note this in the police report”, and establishing the right to prior transmission to the lawyer of the record of proceedings.

37. In this regard, it should be recalled that the independence of the judiciary is guaranteed by article 65 of the Constitution which explicitly states that “the judicial authority is independent. In exercising their functions, judges are subject only to the authority of the law”. The independence of the judiciary is further guaranteed under the Act governing the membership of the High Council of the Judiciary. It is likewise safeguarded by the Council’s power not merely to give opinions but to take enforceable decisions concerning appointment, promotion, transfer and discipline.

38. It should be recalled, moreover, that in order to strengthen the independence of the judiciary, the above-mentioned Organization Act of 4 August 2005 modified the composition of the High Council of the Judiciary, increasing the number of members elected by the various levels of judges. The Act, in its (new) article 60, also strengthened disciplinary guarantees by providing for appeals against disciplinary decisions.

39. With regard to the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified without reservations by Tunisia, which further made the declarations under articles 21 and 22 on the competence of the Committee against Torture to consider communications, the Tunisian Government consistently endeavours to put into practice all the mechanisms required to address violations:

- In the context of the follow-up to the conclusions and recommendations of the Committee against Torture following its consideration of the second periodic report of Tunisia (see A/54/44, paras. 88-105), in which the Committee recommends the State party in particular “to bring the relevant articles of the Criminal Code into line with the definition of torture as contained in article 1 of the Convention”, Act No. 1999-89 of 2 August 1999 amended article 101 of the Criminal Code by reproducing verbatim the definition of torture contained in article 1 of the Convention.
- The Government also endeavours to develop supervision and inspection mechanisms and to facilitate victims’ access to the justice system, so as to make it possible to record all forms of abuse of authority, gather evidence and bring the perpetrators before the competent judicial authorities. Domestic proceedings against law-enforcement officers who are guilty of such offences are speedy and effective.

40. This report presents, by way of illustration, sentences handed down which show that the Tunisian authorities do not hesitate to prosecute abuse of authority by law enforcement officials, in particular acts of violence and ill-treatment of which they are guilty, and to impose severe penalties where guilt is established:

- By decision No. 1,120 of 25 January 2002, the Tunis Court of Appeal sentenced three prison officers to four years’ imprisonment for acts of violence against a prisoner, causing permanent disability of more than 20 per cent, under articles 218 and 219 of the Criminal Code; the State was ordered to pay the victim 307,000 Tunisian dinars in compensation.

- By decision No. 788 of 2 April 2002, the Tunis Court of Appeal sentenced a police officer to 15 years in prison for deliberate assault and involuntary homicide under article 208 of the Criminal Code.
- By decision No. 1,546 of 3 April 2002, the Tunis Court of Appeal sentenced a National Guard officer to 16 months in prison for acts of violence resulting in permanent disability of more than 20 per cent, under articles 218 and 219 of the Criminal Code; the State was ordered to pay the victim 18,000 dinars in compensation.
- By decision No. 2,645 of 12 March 2005, the Tunis Court of Appeal sentenced three police officers to prison terms ranging from 12 to 18 months for acts of violence by public officials in the performance of their duties, under article 101 of the Criminal Code.
- By decision No. 10,372 of 2 February 2007, the Tunis Court of Appeal sentenced a police station chief to a fine of 500 dinars for acts of violence by a public official in the performance of his duties under article 101 of the Criminal Code.

41. Criminal prosecution, moreover, does not affect the administration's right to take disciplinary action against its officials in accordance with the principle of the duality of criminal and disciplinary offences. In this respect, the perpetrators of such offences are generally liable to disciplinary proceedings for dismissal. The following table shows the number of prosecutions against law enforcement officials and prison officials in the Tunisian courts between 2000 and 2007.

Offence	Cases
1. Abuse of authority and abuse of power with violence	80
2. Use of physical or verbal violence by State officials in the performance of their duties	107
3. Use of violence against an accused person to obtain a confession	8
4. Arbitrary detention and abduction	2
5. Miscellaneous misconduct	8
Total	205

42. In addition, among the latest initiatives taken by the State in the field of cooperation with international organizations active in the field of human rights, mention is made in particular of the agreement concluded in April 2005 between the Tunisian authorities and the International Committee of the Red Cross (ICRC) authorizing ICRC to inspect all prisons and places of custody and note conditions of detention, interview the prisoners of its choosing in the absence of a representative of the prison authorities and submit its observations and suggestions to the competent authorities. Between June 2005 and 31 December 2006, ICRC made 61 visits to 18 police stations, 9 National Guard stations and Tunisia's 28 prisons. In the course of these visits, the ICRC representatives conducted thousands of interviews without witnesses. Between January 2006 and May 2007, it made 32 prison visits. This cooperation with ICRC also takes the form of training programmes for judges, prosecutors and prison officials.

A2. Progress in spreading a culture of human rights

43. In accordance with the objectives laid down in international human rights instruments, human rights education has been introduced as widely as possible while appropriate programmes for the revision of all school curricula, including all textbooks without exception, have been implemented

at the various levels of primary and secondary education. Human rights education has also been extended to all higher education bachelor's or master's degrees, in the form of compulsory cross-cutting modules.

44. Efforts in this regard have been aimed, in particular, at rooting out all forms of indoctrination from curricula and restoring the core mission of schools and the various educational institutions in accordance with the 1991 Act on the education system, namely:

- “To prepare young people for a life that leaves no room for any form of discrimination or segregation based on sex, social origin, race or religion”
- “To offer pupils the right to develop their personality and help them to achieve their own maturity in such a way that they become educated in the values of tolerance and moderation”.

These strategic guidelines were reaffirmed and strengthened in 2002 in the context of the education system reform aimed at enabling schools to provide education based on the promotion of human rights, the rejection of discrimination, extremism and all forms of fanaticism.

45. By way of illustration, Tunisian religious instruction manuals, in particular those intended for upper secondary school pupils, place emphasis, inter alia, on the following themes: “the need to avoid religious conflict”, “knowledge as a bulwark against fanaticism”, “education as a factor of freedom and harmonization of religion and modernity”, “education as the enemy of dictatorship”, “the Age of Enlightenment in Europe”, “the importance of consultation, tolerance and dialogue”.

46. These same guidelines are applied in higher education where human rights education, in accordance with Tunisian legislation and international instruments, and in the context of the implementation of the new Bachelor's/Master's/Doctorate reform, is a compulsory cross-cutting module in all bachelor's and master's degrees.

47. A culture of human rights is also spread through the training and retraining programmes of a number of occupational groups, notably judges, lawyers, law-enforcement officials, prison personnel, health workers including psychologists, and social workers. Thus, two decisions of the Ministry of Justice and Human Rights dated 26 June 1993 introduced this subject into the training programmes implemented by the Higher Institute of the Judiciary for serving judges, junior magistrates and judicial officials acting as a public officer. Other institutions are participating in these programmes, such as the Centre for Legal and Judicial Studies (established in 1992) and the Prisons and Rehabilitation Training School (established in 1996).

48. In the context of its commitment to the United Nations Decade for Human Rights Education (1995-2004) and of the implementation of the first phase of its new programme (2005-2007), the Government supported organizations and associations in such activities as studies, training courses, seminars and other events for awareness-raising, teaching and dissemination of human rights values and rules.

A3. Action by Tunisia in combating incitement to racial and religious hatred and promoting tolerance

49. Tunisia's contribution to the report of the United Nations High Commissioner for Human Rights on the implementation of the Human Rights Council resolution on “Incitement to racial and religious hatred and the promotion of tolerance” illustrates the measures and mechanisms introduced to strengthen its function as a land of encounters, dialogue, moderation and tolerance,

and as a forum for freedom and peaceful coexistence between religions. In addition to the judicial principles and safeguards provided for in the Constitution and the law (in particular the Criminal Code, the Press Code and the laws governing the practice of religious beliefs), several mechanisms and initiatives have been implemented, including: the Carthage Charter on Tolerance in the Mediterranean (1995), the Tunis Call for Dialogue among Cultures and Civilizations (2001), the Ben Ali Chair for Dialogue among Civilizations and Religions (2001), the international prize of the President of the Republic for Islamic studies (2002), the Tunis Forum for Peace (2003), the Centre for research and studies on the dialogue among civilizations and compared religions, and the Tunis Declaration on the Alliance of Civilizations.

B. Status of women's rights

50. The Personal Status Code, adopted on 13 August 1956, marked a decisive break with a history of denial of the dignity of women. It was an instrument of liberation, not least for its abolition of polygamy and repudiation and the rejection of customs and traditions that had relegated women to subhuman status.

51. This process has been carried forward through other reform such as that introduced by Act No. 93-74 of 12 July 1993 amending and supplementing the Personal Status Code, which empowered mothers to exercise guardianship over their children, in a further step towards gender equality and the elimination of all forms of discrimination against women in Tunisia. The Act of 12 July 1993 also established the Alimony and Maintenance Payments Guarantee Fund. By setting up this Fund, Tunisia also places itself at the forefront of those States that promptly implemented the provisions of the Convention on the Rights of the Child, in particular, article 27, paragraph 4.

52. In its concluding comments on the combined third and fourth periodic reports of Tunisia, the Committee on the Elimination of Discrimination against Women noted with satisfaction the progress of women's rights with regard to personal status and other aspects of the social and political life of the country (see CEDAW/C/TUN/3-4, 2002, paras. 183-187).

53. Notwithstanding the statements of regressive movements at home and abroad, Tunisia intends to continue to promote women's rights, which are thus at the heart of sustainable development and reflect renewed political commitment at the highest levels of the State. This report highlights, for instance, women's breakthrough in education, in terms of both access to the education system and performance. The gaps between girls and boys have totally disappeared, and indeed girls are overtaking boys with regard to success and promotion rates in primary education and in many subjects in secondary and higher education, and also with regard to school dropout rates. Thus, in the academic year 2006/07, girls accounted for 55 per cent of secondary education pupils and 59 per cent of higher education students.

54. The same trends are observed in the areas of health, poverty eradication and employment. Increasingly free as they are from uncontrolled fertility, women now account for 25 per cent of the active population and for more than 33 per cent of the active population aged up to 29.

- Women now account for 43 per cent of manufacturing employees, 32 per cent of agricultural and fishery workers, 34 per cent of journalists, 29 per cent of judges, 31 per cent of lawyers, 60 per cent of doctors, 72 per cent of pharmacists, 52 per cent of basic education teachers, 48 per cent of upper secondary school teachers and 40 per cent of university professors.

- The number of women in senior and decision-making posts is constantly increasing, illustrating their gradual breakthrough. They account for 15 per cent of members of the Government, 20 per cent of the diplomatic corps, 22.7 per cent of deputies (compared to 11.5 per cent in 1997), 25 per cent of members of the Constitutional Council, 19 per cent of members of the Chamber of Councillors, 27 per cent of municipal councillors and 32 per cent of members of regional councils.

C. Status of economic, social and cultural rights

55. Tunisia has been widely recognized as an emerging country for many years, according to the rankings of international financial institutions and organizations such as the International Monetary Fund (IMF) and the World Economic Forum in Davos. But it is recognized above all as a model of progressive realization of all economic, social and cultural rights.

56. As early as 1998, the United Nations Development Programme (UNDP) Poverty Report provided a good overview of the situation in a paragraph on the Tunisian experience entitled: "Tunisia: a long record of success". More recently, the draft country programme document for the Republic of Tunisia, published by the UNDP Executive Board at its session held at the United Nations Office at Geneva from 12 to 23 June 2006 reported as follows (DP/CP/TUN/1, para. 1):

"Tunisia, a middle-income country with approximately 9.9 million inhabitants, continues to be one of the most competitive countries on the African continent, with an average growth rate which held steady at 5 per cent between 1997 and 2005, despite changing conditions

...

National aggregates show that the country should attain or exceed the internationally proclaimed Millennium Development Goals (MDGs) by 2015

...

The poverty rate has been significantly reduced since the country gained its independence. Evaluated at 6.7 per cent in 1990, it was estimated at 3.9 per cent in 2005 and should fall below 2 per cent by 2015

...

Primary education for all children is on the way to becoming a reality, and the goal of eliminating gender disparity at all levels of education was reached in 2000, with girls representing the majority of students in both secondary and higher education

...

State social investments have been increasing steadily, and between 1996 and 2005 the sum total of social transfers doubled, resulting in additional monthly family income equivalent to 275 dinars

...

For several years, Tunisia has integrated the principles of sustainable development, producing a national Agenda 21 starting in 1995 and continuing its socio-economic expansion while at the same time working to conserve its natural resources and provide access to basic environmental services for the entire population.”

57. The human development indices for 2007 demonstrate the State’s commitment in this area:
- Increase in per capita income from 927 dinars in 1984 to 1,772 dinars (1994), 2,426 dinars (1998), to 4,389 dinars in 2007 (around US\$ 3,600)
 - Subsequent reduction in the poverty rate from 22 per cent in 1975 to 6.7 per cent (1990), 6.2 per cent (1995), 4.2 per cent (2000), to 3.8 per cent in 2007
 - Strengthening of the middle class, accounting for 81 per cent of society
 - Annual revision of the guaranteed minimum inter-professional wage (SMIG) and the guaranteed minimum agricultural wage (SMAG) which have increased by 95 per cent and 102 per cent, respectively, since 1990
 - Increase in the percentage of Tunisian families who own their homes (now 77.4 per cent)
 - Reduction in the infant and under-five mortality rate which declined from 51.4 per thousand live births in 1984 to 31.8 per thousand (1994), to 24.26 per thousand (1998), to 20 per thousand in 2006, which represents a significant step towards achieving the strategic objective of bringing the rate down to 15 per thousand by the end of 2009
 - Further increase in life expectancy at birth, now estimated at 73.2 (compared to 67 in 1987)
 - Improvement in social security coverage from 54.6 per cent in 1987 to around 92 per cent in 2007. The rate should reach 95 per cent in 2009, while the eleventh national development plan forecasts 97 per cent by 2011.
58. This report presents some of the main principles and priorities of Tunisia’s sustainable development policy, aimed, in particular, at strengthening all economic, social and cultural rights.
- (i) Promoting the right to work and protecting people at work**
59. Tunisia spends some 20 per cent of its gross domestic product (GDP) on social policy and has gradually adopted all the provisions of the International Covenant on Economic, Social and Cultural Rights and international labour standards. Fifty-eight international conventions have been ratified by Tunisia to date, in particular the eight conventions relating to fundamental principles and rights at work, including ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.
60. In the context of the follow-up to the concluding observations of the Committee on Economic, Social and Cultural Rights following its consideration of the second periodic report of Tunisia, in which the Committee “recommends that continued attention be paid to the problem of unemployment, particularly long-term unemployment [and] encourages the State party, when reviewing its vocational training programmes or establishing new institutions of higher learning, to take into consideration the needs of the economy so as to maximize the employment potential of

graduates” (E/C.12/1/Add.36, paras. 14 and 25), several programmes and measures have effectively been implemented by the State to promote a proactive, coherent and dynamic policy and to realize the right to work and vocational training for as many young persons seeking employment as possible. These programmes include the 21-21 National Employment Fund, established by Finance Act No. 101 of 31 December 1999 with a view to promoting sustainable employment (for employees and the self-employed), for young persons in particular, with the possibility of additional training. From the time it became operational until the end of December 2007, the Fund provided assistance to a total of 771,271 persons.

(ii) Promoting national solidarity and eliminating poverty

61. In its attempts to eliminate poverty, Tunisia has always favoured a two-pronged integrated approach: priority economic action to ensure a level of growth that will facilitate the integration of vulnerable groups in the production system; and accompanying social measures to provide the poorest sections of society with social and health protection and special assistance. This policy has resulted in a decline in the poverty rate, which dropped to 3.8 per cent in 2007, representing the poorest sections of society, those who receive direct State assistance and benefits through the National Programme of Assistance to Needy Families, i.e. 121,748 persons in 2007. Furthermore, vulnerable groups receive health care free of charge (171,135 persons in 2007) or at reduced cost (548,000 low-income beneficiaries not covered by social security).

62. Reference should also be made to the 26-26 National Solidarity Fund, established in 1993, which endeavours to promote regions and areas that do not benefit directly from economic reform, so as to allow their inhabitants access to basic communal facilities such as decent housing, health and education infrastructure, roads, electricity and drinking water, and enable the creation of multipurpose leisure facilities and the development of sources of income. The projects undertaken by the National Solidarity Fund have been instrumental in the development of the populations of remote areas and improved human development indices in these regions. During the 1993-2007 period, assistance was provided to more than 255,000 families (i.e. more than 1.3 million inhabitants) in 1,800 localities, for an overall total of 857,338 dinars.

63. Other mechanisms making up the national solidarity system are, in particular, the Tunisian Solidarity Bank established in 1997, which has granted 93,727 loans to date, and the microcredit system set up in 1999, which had granted more than 269,000 loans as at the end of September 2007.

64. Tunisia’s commitment with regard to solidarity has also led the country to continue its international activities, which resulted in the adoption by the United Nations General Assembly, at its fifty-seventh session, of a resolution establishing the World Solidarity Fund (A/RES/57/265) to be implemented at the earliest opportunity.

(iii) Guaranteeing everyone’s right to the highest attainable standard of health

65. Tunisia has consistently endeavoured to guarantee everyone’s right to the highest attainable standard of health, in accordance with the objectives laid down in the 1959 Constitution and the country’s commitments under the International Covenant on Economic, Social and Cultural Rights. In addition to the indicators presented above, the following data show the State’s commitment in this area:

- Overall health expenditure currently accounts for around 6 per cent of GDP and 7.5 per cent of the State budget is allocated to public health expenditure.

- The national child vaccination rate remains unchanged, with a rate above 95 per cent for all vaccines and minimum disparity between urban and rural regions, and a rate of more than 90 per cent in all the governorates for the third dose of tetanus vaccine, poliomyelitis vaccination, the third dose of hepatitis B vaccine and the first dose of measles vaccine.
- All these efforts have improved the population's access to all levels of health care and the health sector now provides 2 beds per 1,000 inhabitants, one doctor per 900 inhabitants and one basic health centre per 4,800 inhabitants, while more than 90 per cent of the population lives within 5 km of a health-care provider.
- The upgrading of regional hospitals since 1999 has improved working conditions and health-care provision for users through the expansion of the range of specialized services, the strengthening of these structures with specialized human resources and necessary diagnostic and treatment tools, and the modernization of management structures.
- Improvements in the quantity and quality of locally produced drugs have made it possible to cover 45 per cent of the national demand for medicines, compared to only 7 per cent in 1987.

66. Furthermore, family and reproductive health remains a priority in Tunisian development policy, which has resulted in a contraceptive prevalence rate of some 60.2 per cent among women of child-bearing age and a birth rate of 17.1 per thousand. The rate of natural increase is currently 1.15 per cent, compared to 2.86 per cent in 1956, and the total fertility rate is currently 2.04, against 7.2 in 1996.

67. Prevention of sexually transmitted infections is a priority in Tunisia. Act No. 92-71 of 27 July 1992, on sexually transmitted infections, and Act No. 2007-12 of 12 February 2007 provide the legal framework for prevention and for protection of persons with certain conditions such as HIV/AIDS against all forms of discrimination.

(iv) Promoting the education system as a whole

68. Tunisia's policy of compulsory, comprehensive, free education has achieved the following results:

- Further increase in the enrolment rate of 6-year-olds to above 99 per cent - the rate recorded since the 1997/98 school year - and to 97.1 per cent among children aged 6 to 11. As to the 6-16 and 12-18 age groups, the rates in 2005/06 were 90.3 per cent and 75.1 per cent respectively, with clearly equal opportunities for boys and girls
- Continuing improvement in trends in the success rate and in the reduction in failure and dropout rates in the first cycle of basic education, as a result of educational and regulatory reforms and measures to prevent school failure and early dropout; as well as universal implementation of the skills-based approach, introduction of the cycle system, provision of necessary educational resources and improvement of teaching conditions
- Improvement in basic amenities and in supply of drinking water and electricity to schools (coverage of 88.1 per cent and 99.5 per cent respectively in 2005/06), although disparities remain between urban areas (coverage of 99.5 per cent and 100 per cent respectively) and rural areas (80.6 per cent and 99.1 per cent respectively)

- Continuing modernization of the education system and adaptation to technological change by equipping 1,000 new schools with computers and Internet connection, thus covering 50.5 per cent of all primary schools
- Strengthening of the social activities programme through social units in primary and upper secondary schools, with a total of 2,025 units in 2006

(v) Ensuring equality of opportunity and full participation by persons with disabilities

69. The right of persons with disabilities to participate fully in all aspects of social and economic life remains a priority in Tunisian policy and demonstrates increased general awareness of the difficulties experienced by these persons in integrating into the various aspects of civil life. This is illustrated by the increasing prevalence of social associations working with and for persons with disabilities, which now cover 67 per cent of regions. In this respect, the legal framework concerning persons with disabilities was reviewed and improved with the promulgation of Outline Act No. 2005-83 of 15 August 2005 on the advancement and protection of disabled persons.

70. To that end, large-scale national programmes are being implemented to promote equality of opportunity. Under the Primary School Integration Programme for Children with Disabilities, the following results have been recorded:

- The number of pupils with disabilities in normal schools has increased, and there are now 4,060 pupils distributed as follows: 3,141 in lower primary school, 478 in upper primary school and 441 in secondary school
- The number of integration schools has grown, bringing to 217 the total number of these schools at the beginning of the 2006/07 school year; they are located in all governorates and receive about 990 pupils with disabilities who need support and assistance services
- The school integration programme for persons with disabilities has been consolidated by establishing a preparatory class in all inclusive schools, developing the network of inclusive schools and using virtual schools
- The number of preparatory classes has increased and there were 82 such classes during the 2006/07 school year
- The number of specialist and training centres for people with disabilities has increased to 247, with qualitative improvements in infrastructure, equipment and teaching resources as a result of the three presidential programmes to upgrade specialist education centres, with budgets allocations totalling 15.6 million dinars, as a result of the implementation of the programme contracts concluded annually between the Ministry of Social Affairs, Solidarity and Tunisians Abroad and associations for the protection of persons with disabilities

71. The same trends have been recorded in professional training and employment, as well as in access of persons with disabilities to microcredit. It should be noted in this regard that, under article 35 of Act No. 2005-83 of 15 August 2005 on the advancement and protection of disabled persons, the State will pay for one year, renewable once, the contributions of persons with disabilities who set up their own businesses.

(vi) Ensuring the right of everyone to decent housing; making towns more pleasant to live in

72. Today, most Tunisians are city dwellers. Large-scale programmes are under way to promote the right of everyone to decent housing thanks, in particular, to a policy of loan subsidies for the construction of low-cost housing which can cover up to 80 per cent of the cost, and by means of a policy of assisting people to build their own housing as part of specific projects, including the National Programme for the Elimination of Primitive Housing. Today, 77.4 per cent of Tunisian families own their own home.

73. Making our towns more pleasant to live in is one of the main strategies being implemented as part of the national environment policy, which prioritizes maintaining a balance between urban expansion, economic activity and protection of the environment and natural sites. The State is implementing an urban development strategy that aims to manage living spaces, thereby helping to give urban expansion a human face. Tunisia's policy also aims to continue integrating entire areas and their populations - including some neighbourhoods with a high density of anarchic construction - into all aspects of economic and social life while providing them with all the necessary infrastructure - including, in particular, access to drinking water and electricity (coverage currently 94 per cent and 98.9 per cent respectively) - and public transport, health, education, culture and leisure services, as well as all social services.

D. Recommendations by civil society actors

74. A large number of national bodies and NGOs were involved in the extensive consultations held at the national level in preparing this report. They stressed the need to forge ahead to consolidate the progress made. The following main recommendations were made:

- To consolidate and develop pluralism and the participation of all citizens in peaceful public life, and their contribution to the promotion and protection of human rights in terms of their universal, comprehensive, complementary and interdependent nature
- To abolish the death penalty
- To increase judicial safeguards in order to strengthen the independence of the judiciary
- To improve the professional and social status of judges and lawyers
- To amend the Associations Act with a view to further promoting freedom of association
- To grant annual funding to all NGOs
- To recognize the right of associations to institute legal proceedings in defence of their cause
- To encourage enlightened and progressive trends
- To extend the exercise of the right of peaceful assembly
- To revise the Press Code to strengthen the freedom of the press and to ensure better access to public audio-visual media
- To increase assistance to reintegrate former prisoners

- To continue to promote women's rights and eliminate certain persistent discrimination, in areas such as reservations to the Convention on the Elimination of all Forms of Discrimination against Women, the recognition of equal inheritance rights, the strengthening of legislative provisions on the mother's equal right to pass her nationality to her children, the strengthening of legal provisions penalizing violence against women in general and its recognition in law as a human rights violation, increased awareness of the situation of rural women and of their right to equal opportunities in economic and social matters
- To further consolidate workers' rights and collective bargaining
- To remove obstacles to the improved integration of persons with disabilities into all aspects of economic and social life

75. Tunisia receives with interest and notes all the concerns voiced by the actors involved in the national dialogue who are dedicated to giving further impetus to its progress in developing the rule of law, the establishment of the democratic ideal and the participation of all citizens, including young people, and policy definition and implementation, within the framework of a development model that enables society to gradually take responsibility for itself.

E. Future prospects

76. In line with its model of civilization based on human dignity, freedom, tolerance and the principles of its sustainable development policy, Tunisia will resolutely continue to implement an active, sustained policy on promotion and protection of all human rights at the national, regional and international levels.

77. With regard to civil and political rights, this report emphasizes the new prospects announced by the Head of State on 7 November 2007, which include:

- Strengthening women's representation on the lists put forward by the political parties for parliamentary and municipal elections
- Doubling the grant awarded to parties represented in the Chamber of Deputies to help them strengthen their role and develop their activities
- Increasing the subsidy to parties' newspapers to help them publicize and raise awareness of their programmes and opinions
- Lowering the minimum voting age from 20 to 18 in order to allow as many young Tunisians as possible to take part in the elections
- Revising the Electoral Code so as to increase the number of seats to be filled at the national level in elections to the Chamber of Deputies to 25 per cent, so that no single party, no matter how many votes it receives, can take more than 75 per cent of the seats
- Ensuring a greater diversity of political views among the eminent Tunisian persons and authorities comprising the Chamber of Councillors, as well as among the eminent persons and authorities comprising the Economic and Social Council
- Revising the texts constituting the higher consultative councils so as to allow the political parties represented in the Chamber of Deputies to be represented in all these councils

- Amending the Electoral Code to lower the maximum number of seats that a single list can have, so that no single list can obtain more than 75 per cent of the seats to be filled in the municipal councils, no matter how many votes it obtains

78. As far as the judiciary is concerned, a number of decisions were also announced, including:

- To develop the penal system in order to increase the number of alternatives to prison
- To prepare a bill revising the conditions for erasing a person's criminal record, reducing the time-limits for a judicial decision or automatic rehabilitation
- To create an advanced IT system connecting the courts, tax offices and the judicial registry in order to ensure that criminal records are updated as quickly as possible and cleared as soon as applicants meet the legal conditions, so that those who have erred have a better chance of finding employment and avoiding falling back into crime
- To draft a bill to set aside special premises for the protection and housing of female prisoners who are pregnant or breastfeeding

79. With regard to the media, the measures announced should, among other things, achieve the following:

- Increase the number of forums for dialogue on the television channels and the representation of opposition parties in programmes and debates on national problems and new international developments
- Grant legal personality and financial autonomy to the High Council for Communication and strengthen its powers to enable it to monitor the media's - and particularly the audio-visual media's - performance and evaluate their programmes and content and present proposals and approaches for their promotion

F. Challenges and constraints

80. Tunisia is firmly committed to the promotion and protection of all human rights while being aware that the progress achieved needs to be further consolidated within a continuing dynamic resulting from the constant balance between two divergent concerns:

- On the one hand, the political will and firm commitment of the State and all members of civil society to work together to maintain and further build on all the progress made in the implementation of all human rights using a comprehensive approach that accepts human rights as universal, complementary, interdependent and interrelated

81. Tunisia confirms that it is committed to this path. Above all it rejects any sense of self-satisfaction because in this area nothing is ever finally attained. The State's efforts are thus geared towards promoting as widely as possible a human rights culture and human rights education, and their underlying universal values:

- On the other hand, the real challenges associated with the major threats posed by the rise of all forms of terrorism, extremism, fanaticism, intolerance, racism, xenophobia and religious defamation, which have a deadly impact on the efforts of the State and the international community as a whole to promote and protect all human rights

82. Terrorism: Tunisia emphasizes the real threat posed by terrorism to State stability and the safety of the people. Tunisia has itself been the target of terrorism. There have been acid attacks on people who spoke out against obscurantism. At La Ghriba, the oldest synagogue in Africa, on the island of Djerba, Jewish citizens peacefully practising their religion, and a number of tourists, were victims of a car bomb. Some of them were burned alive; dozens were killed or injured.

83. Terrorists also struck in December 2006 and January 2007 in Soliman, 30 kilometres south of Tunis, in a plan prepared by Al-Qaeda in the Maghreb which aimed to terrorize the population and provoke chaos in the country.

84. Though it is proud to have been able to deal with these terrorist acts Tunisia reiterates its call for greater joint efforts by the entire international community and the active involvement of all its actors, including the Human Rights Council, to make terrorism a priority and put it at the top of their action plans so that, while respecting fundamental human rights principles, a concerted systematic approach can be worked out to improve risk prevention, mobilize more resources and coordinate efficiently the various intervention mechanisms at the national, regional and international levels.

85. Extremism: Tunisia also wishes to draw attention to the equally real threat of extremism and, in particular, religious extremism, which constitutes, as the Special Rapporteur on freedom of religion or belief has put it, an insult to human intelligence and God's wisdom and, as the Human Rights Committee described it in October 2007, a total denial of all human rights.

86. It is imperative for the international community to react to this common threat and take appropriate measures to enable tolerance and the dialogue among civilizations - and among religions - to prevail in all situations. Dialogue, diversity and harmony between cultures must be firmly opposed to the clash of cultures evoked by some, whether implicitly or explicitly.

87. Abuses by the media: Tunisia wishes to draw attention to the abuses by certain satellite and electronic media that broadcast messages of hatred and intolerance, racism, fanaticism and religious defamation.

88. Perverse effects of globalization: despite the economic and social progress indicated in this report, particularly with regard to the gradual eradication of poverty, Tunisia would like, in conclusion, to draw attention to the perverse effects of economic globalization, in particular regarding the risks of increased poverty and social problems, notably unemployment. Tunisia also condemns the exploitation of human rights for economic purposes; human rights should be understood as an end in themselves, not susceptible to exploitation but requiring increased economic cooperation that will encourage an open partnership in the service of human rights and greater involvement by the affected populations, for whom the free market should have tangible, concrete meaning and lead to an improvement in their standard of living.

89. In conclusion, Tunisia, like other States and the whole international community, is faced with the enormous challenges of terrorism, extremism, media excesses and the risk of increased poverty because of the perverse effects of economic globalization. These challenges to human rights must be met as a matter of urgency. It is everyone's responsibility. It is time for international solidarity to find effective expression.
