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## **Report of the Working Group on the Universal Periodic Review\***

### **Tunisia**

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its thirteenth session from 21 May to 4 June 2012. The review of Tunisia was held at the third meeting, on 22 May 2012. The delegation of Tunisia was headed by Samir Dilou, Minister of Human Rights and Transitional Justice, Speaker of the Government. At its 10th meeting, held on 25 May 2012, the Working Group adopted the report on Tunisia.

2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Tunisia: Romania, Senegal, United States of America.

3. In accordance with paragraph 15 of the annex to Council resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Tunisia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/13/TUN/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/13/TUN/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/TUN/3).

4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Iceland, Ireland, Liechtenstein, the Netherlands, Norway, Romania, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Tunisia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Tunisia stated that it was pleased to present its second report under the universal periodic review (UPR), after over a year had passed since its glorious revolution, which had responded to the longing of the Tunisian people for freedom, dignity and social justice. This started a new era in the history of Tunisia. The democratic transition was characterized by the recognition of individual and collective rights, political pluralism and peaceful democratic dialogue, based on free and fair elections and the sovereignty of the people. Tunisia had put an end to practices of the past and was determined to continue on this path and create an atmosphere of trust, so that it could occupy the position it deserves among nations, as a country proud of its civilization, with an Arab Islamic identity, open to modern trends and attached to the values of peace, democracy and human rights.

6. In this spirit, Tunisia had prepared its second national report, in cooperation with various segments of civil society, whose contribution was contained in the report, and with the full participation of the Ministries responsible for human rights issues as well as the High Council for human rights and fundamental freedoms. The report had been prepared in the context of the radical changes following the revolution. Following the repression and marginalization of the past, Tunisia now sought to promote human rights, including by

following up on the recommendations of the UPR and other human rights mechanisms as well as the evaluation mission of the OHCHR to Tunisia right after the Revolution.

7. Based on its will to consolidate its cooperation with international human rights mechanisms, Tunisia had prepared a number of reports to the human rights treaty bodies and extended a standing invitation to all special procedures. Three mandate holders had accepted this invitation and visited Tunisia in 2011 and 2012, and four more visits were planned for this year. Tunisia had also acceded, *inter alia*, to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) as well as to the Optional Protocol to the Convention against Torture (OP-CAT) in June 2011, and it was completing consultations with civil society regarding the creation of a national mechanism for the prevention of torture. A national consultation was held last Saturday and has approved the creation of a national commission composed of 60 per cent of civil society representatives and 40 per cent of Government institutions representatives in order to draft a law on the creation of the national mechanism. Furthermore, Tunisia had adopted additional measures to create a legal framework for the prevention of torture, including the definition of the crime of torture in conformity with CAT and to declare confessions obtained under torture null and void. The National Constituent Assembly will soon consider a draft law to abolish the statutory limitation of 15 years prescribed for this crime. Tunisia had also concluded a number of agreements to host offices by international organizations, including OHCHR and UNHCR, and it had removed remaining obstacles for the work of NGOs. All measures demonstrated Tunisia's commitment to implementing the recommendations of its first cycle report at the UPR.

8. Since January 2011, Tunisia had worked to build a democratic system by taking measures such as a general amnesty and the recognition of human rights defenders, ensuring rights for victims, launching the process of transitional justice on the basis of wide national consensus, developing national human rights institutions, establishing a Ministry for human rights and transitional justice, and reforming the judiciary. Furthermore, it was reforming its national security service into a republican administrative body that would protect the rights of all without discrimination, conscious that the protection of fundamental freedoms was no less important than national security. Thus, Tunisia was establishing a pluralist democratic State attaching great importance to civil and political rights, freedom of expression, and the right to create parties and associations.

9. At the same time, Tunisia sought to further incorporate women's rights into its development plans, and to firmly establish gender equality and develop constitutional mechanisms to guarantee their full participation in social and political life. The Government was also working with civil society to prevent violence against women and assist victims. Furthermore, it was taking efforts to ensure sound educational conditions and to adopt the necessary measures, mechanisms, legislation and policies to protect child rights at all levels.

10. Tunisia was convinced that political reform and democracy were possible, because it was uniting all forces to ensure stability in its development efforts so as to have a balanced society with economic stability and the enjoyment of economic and social rights, including access to health care and adequate living conditions. The Government was listening to the people's choice and strove to overcome poverty and marginalization. It had made efforts under its financial law of 2012 to adopt a budget that would help vulnerable groups and develop the infrastructure to provide basic services to all. The protection of human rights and fundamental freedoms was a strategic choice. A new Constitution is being drawn up by the Constitutional Assembly, following the first free and fair elections. The Government would continue to work towards a pluralist democracy, in consultation with all segments of society. In this process, it welcomed all constructive recommendations and support. The lack of democracy in the past had not allowed the spread of a democratic culture, but the

political changes would help to overcome challenges and further open up society through a national dialogue.

11. Last week, Tunisia had signed an agreement with OHCHR and the United Nations Development Programme (UNDP) for the support of the judiciary reform and transitional justice. The experience of others could help Tunisia in efforts to overcome its difficulties, and cooperation and solidarity would strengthen economic and social development as well as the democratic process. In this spirit, Tunisia welcomed all interventions and recommendations, from which it could only benefit at this delicate stage of its democratic transition.

## **B. Interactive dialogue and responses by the State under review**

12. During the interactive dialogue, 76 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

13. Poland acknowledged the determination of Tunisia to preserve gender equality achievements, citing particularly the declaration of the ruling party Ennahda that it would promote and protect women's rights. Poland made recommendations.

14. Portugal welcomed Tunisia's commitment to the consolidation of the transition to democracy and respect of human rights, particularly the creation of the Ministry of Human Rights and Transitional Justice as well as the ratification of OP-CAT and the Convention on the Rights of Persons with Disabilities (CRPD). Portugal enquired whether Tunisia intended to amend legal provisions, including provisions to repeal the death penalty in the penal code. Portugal made recommendations.

15. Qatar recognized Tunisia's efforts to implement recommendations from the first UPR. It commended Tunisia's progress on the promotion and protection of human rights, particularly its cooperation with OHCHR and the decision to open an OHCHR country office in July 2011. Qatar made two recommendations.

16. The Republic of Korea welcomed progress made in the promotion and protection of human rights, particularly withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It appreciated the release of political prisoners and efforts made to provide accountability for past human rights violations. It made recommendations.

17. Romania noted with satisfaction Tunisia's commitment to the promotion and protection of human rights and fundamental freedoms. Romania highlighted the fact that Tunisia was a co-sponsor and made an important contribution to the adoption of the Council's resolution on human rights, democracy and the primacy of law. Romania welcomed the Government policy that promotes the teaching of human rights in higher education, urging Tunisia to elaborate on the specific measures to implement this policy.

18. Saudi Arabia commended the many measures adopted to promote human rights in this important period in the history of Tunisia. Saudi Arabia acknowledged the establishment of the Ministry for Human Rights and Transitional Justice and the strengthening of mechanisms for human rights and fundamental freedoms, and reforms made in judicial and security systems. Saudi Arabia made one recommendation.

19. Senegal noted encouraging progress made with respect to the normative and institutional context through the ratification of several international human rights instruments and the opening in July 2011 of an office of the High Commissioner of Human Rights. Senegal commended provisions made for the improvement of civil and political rights. Senegal made recommendations.

20. Singapore commended strides made to enhance the rule of law and respect of human rights, particularly the drafting of new legislation ensuring the independence of the judicial system, the establishment of the Ministry of Human Rights and Transitional Justice and the reform of its security system. Singapore acknowledged efforts made to reform its education system, to incorporate human rights education and the progress made on child protection. Singapore made recommendations.

21. Slovakia recognized the achievements made regarding human rights. Slovakia was pleased to be able to contribute to the efforts to promote democracy and the strengthening of the civil society in Tunisia. Slovakia offered to share its transformation experiences in the areas prioritized by Tunisia. Slovakia made recommendations.

22. Slovenia commended Tunisia's progress on human rights since the first periodic review especially in light of the turbulent democratic changes. Slovenia welcomed Tunisia's ratification and compliance with all international human rights instruments as recommended in the first cycle of UPR. Slovenia expressed appreciation for positive measures taken on women's rights and gender equality and the withdrawal of reservations to CEDAW. Slovenia made recommendations.

23. South Africa welcomed the many initiatives undertaken by Tunisia to ensure compliance with human rights obligations, including new laws to address both institutional and administrative challenges. South Africa commended Tunisia's amendments to its national criminal law provisions bringing them in line with the Convention Against Torture. It congratulated Tunisia on initiatives to ensure gender equality, freedom of expression, the eradication of poverty and the withdrawal of reservations to CEDAW.

24. Spain commended Tunisia's progress in human rights. It welcomed the adoption of positive, significant measures such as accession to the Rome Statute of the International Criminal Court (ICC), ratification of the Convention for the Protection of All Persons against Enforced Disappearance (CPED) and the withdrawal of many reservations to CEDAW. Spain made recommendations.

25. Sudan recognized the people of Tunisia as pioneers inspiring the Arab Spring revolutions, which led to overturning the worst dictators in the region. Sudan congratulated Tunisia on the adoption of a mechanism for transitional justice. Sudan made recommendations.

26. Sweden welcomed the new law on torture enacted in 2011 but voiced concern over its statute of limitations of 15 years, which is contrary to international human rights. Sweden noted that a number of recent peaceful demonstrations had been attacked or threatened by groups opposing their views without the intervention of law enforcement officials to protect protestor's legal rights. Sweden made recommendations.

27. Switzerland congratulated Tunisia on its clear desire to complete the democratic transition process. It was delighted that Tunisia had been able to overcome a period marked by major violations of human rights. Switzerland made recommendations.

28. Thailand was pleased to learn that Tunisia had implemented the accepted recommendations from the first UPR such as the ratification of key international human rights instruments. Thailand shared concerns on the challenges related to the promotion of economic, social and cultural rights, and offered assistance through its own experience in these areas. It encouraged Tunisia to promote and protect the rights of vulnerable groups. Thailand made recommendations.

29. Togo congratulated Tunisia on its move towards democracy and noted with satisfaction the many reformed or promulgated laws, particularly the law on associations and political parties and their financing as well as the law regulating press and the media.

Togo commended Tunisia's ratification of several international conventions and the withdrawal of reservations to CEDAW. Togo made recommendations.

30. Turkey commended Tunisia on the democratic election of its Parliament, President and Government. Turkey congratulated Tunisia on its orderly transition to democracy as an inspirational model of success in the region, praising its efforts to strengthen the human rights situation in the country, particularly the adoption of a pluralistic electoral law. Turkey made recommendations.

31. Uganda commended Tunisia for, among others, the new amnesty law, release of political prisoners, prosecution of abusers of human rights and creation of a Ministry of Human Rights. It made recommendations.

32. The United Arab Emirates commended Tunisia's progress in the field of human rights. It wanted also to know the steps taken to reduce economic and social disparities between various regions of the country. It made a recommendation.

33. The United Kingdom of Great Britain and Northern Ireland welcomed the establishment of Tunisia's first democratic Government and its commitments to human rights. It recognized however that challenges remained, particularly in security sector reform, judicial reform and the need to repeal or amend remaining repressive laws. It made recommendations.

34. The United States of America saluted the Tunisian people for initiating a transition to democracy and inspiring a wave of democratization across the Middle East. It commended Tunisia's decision to release detained journalists, bloggers and political prisoners. It welcomed the launch of a Fact Finding Commission on Recent Abuses but was concerned that the Commission's work had not been fully supported. It also expressed its concern on the violence between police and demonstrators during recent protests. It made recommendations.

35. Uruguay noted the opening of an OHCHR office in Tunis, which represented a positive step in the field of human rights. It also expressed its satisfaction for the determination of Tunisia to achieve gender equality, and for the ratification of the Optional Protocol to CEDAW. Uruguay made recommendations.

36. Tunisia stated that changes presently occurring did not only concern changes on the ground and legislative enactments, but rather the whole mentality of the nation. With respect to questions regarding torture and abuse, Tunisia stated that such practices had been a major cause of civil society struggle against the previous regime. The existence of torture and cruel and inhumane treatment had, for years, tarnished the image of Tunisia. Therefore, reforms had been undertaken in relation to legislation and prison conditions. In the context of the ratification of the OP-CAT, a committee to draft a law on the creation of national prevention mechanism had been established, mainly of members from civil society, with the participation of the Government. This committee would also organize human rights training programmes.

37. Tunisia emphasized the need to bring its legal framework in line with international standards. Human rights law had been introduced in the training programme, in particular for first-year studies at the Institut Supérieur de la Magistrature, and training in human rights was provided for the judiciary, law enforcement officers and prison wardens.

38. Ratification of the third Optional Protocol to CRC was under consideration and would constitute an additional step to strengthen respect for human rights and to complement measures previously adopted to combat the sale of children and the use of children in pornography. Significant steps had also been taken towards the ratification of other human rights instruments.

39. Tunisia drew attention to on the fact that the death penalty had not been implemented for over 20 years in Tunisia. Although Tunisia aimed to meet international standards regarding the death penalty, it emphasized that this was not only a legal matter, but that it had also cultural and religious implications. Tunisia further stated that the abolition of the death penalty should be a result of a wide and credible national debate.

40. Regarding the decriminalization of homosexuality, Tunisia stated that it would be possible to conduct an objective and transparent national dialogue on the subject. However, it was not ready at this stage to adopt a decision.

41. Questions concerning the independence of the judiciary would be addressed by the National Constitutional Assembly. The intention was to separate the judicial system from all other authorities. Judges should only be bound by the dictates of their conscience and the law. Tunisia would reform the framework of the judiciary and ensure its independence through provisions in the new Constitution, although reform efforts would also require financial resources.

42. Tunisia further stated that the National Constitutional Assembly would uphold Tunisia's international obligations regarding respect for human rights and gender equality, and that the religious and cultural authorities in the country would not work against its international undertakings.

43. Concerning the reform of the security services, Tunisia stated that a number of institutional reforms and legislation changes were under way. Many consultations had been held in conjunction with the United Nations and other organizations. Legal instruments and tools underpinning the reformed security services should also help to bring about a change in the public perception of these services. Tunisia reported that the Ministry of the Interior, in cooperation with various organizations and agencies including UNDP, had organized several workshops to revise the law pertaining to public meetings and demonstrations.

44. Moreover, Tunisia stated that a decision had been taken to follow a participatory path for progress in transitional justice. Tunisia had involved all sectors of civil society, including the opposition, and held a national symposium on 14 April 2012. Also in April, Tunisia held an open forum to listen to proposals put forward by civil society. Four meetings involving civil society had been held in May 2012, as a result of which a committee had been established to facilitate the national dialogue for the preparation of a draft law on transitional justice, to be ratified by the National Constituent Assembly within 3 months.

45. Yemen wanted to know measures intended to be taken to strengthen the partnership between the Government and the society for the benefit of persons with disabilities. It made a recommendation.

46. Angola welcomed the reform of the judiciary system and the creation of a Ministry of Human Rights and Transitional Justice. However, despite the efforts undertaken, Angola noted that there still was progress to be made in the area of human rights. It made recommendations.

47. Argentina commended Tunisia for the normative progress made to promote the full exercise of freedom of association. It also encouraged Tunisia to continue its efforts to combat impunity for serious human rights violations. Argentina made recommendations.

48. Australia commended Tunisia's efforts towards ensuring the equal participation of both men and women in the political sphere. It also welcomed Tunisia's ratification of key human rights instruments, the withdrawal of its reservations to CEDAW as well as the amendments made to repressive provisions in the Press Code. Australia was concerned by reports of violence against protestors in 2011. It made recommendations.



49. Austria welcomed the opening of an OHCHR office in Tunis, accession to several international instruments as well as the creation of a national independent committee on transitional justice. However, it deplored that prison sentences had been handed down to protect public order and morality. It made recommendations.

50. Azerbaijan welcomed the efforts made to draft new legal provisions to ensure the real independence of the judiciary. It also noted with appreciation the social measures taken as well as the measures to reinforce the participation of all citizens in public life. Azerbaijan made recommendations.

51. Bahrain underlined that Tunisia was making progress in areas such as education, health and living conditions. It also asked for more information on the indicators of success of programmes and plans for development and for meeting its Millennium Development Goals.

52. Belgium commended the efforts made in the area of human rights since the fall of the Ben Ali regime. Despite the progress accomplished, Belgium highlighted the need to remain vigilant so that Tunisia would pursue its path towards a full and modern democracy. It made recommendations.

53. Botswana noted that Tunisia had managed to make human rights a priority despite the pressures of a major political transition. Some of the milestones included ratification of the Rome Statute of the ICC and the OP-CAT as well as the election of the National Constituent Assembly. Botswana made recommendations.

54. Brazil congratulated Tunisia for the remarkable achievements since last year, including the democratic, free and transparent elections; the ratification of several human rights treaties and the withdrawal of reservations to CEDAW. It underlined that special attention should be given to include in the new Constitution provisions which guarantee the rights to freedom of opinion and expression. Brazil made a recommendation.

55. Burkina Faso noted with satisfaction the implementation of UPR recommendations relating to the ratification of several human rights instruments. It also highlighted the importance of the media in the democratic process and in the protection and promotion of citizens' rights.

56. Canada asked for examples of strategies and initiatives carried out to protect the rights of members of religious minorities and the results achieved so far. Canada made recommendations.

57. Chad noted with satisfaction that, despite resistance, Tunisia was now promoting and protecting human rights in all areas of life, and calling on the international community to support further the country. Chad made a recommendation.

58. Chile welcomed the establishment of a national committee to investigate crimes committed in January 2011, reforms to promote and protect the right to demonstrate peacefully and the changes in the military justice. Chile considered as a good initiative the inclusion of civil society's recommendations in the national report, and would like to know how the consultations with the NGOs were handled. It made recommendations.

59. China appreciated Tunisia's implementation of the accepted recommendations from the first UPR and efforts made to promote and protect human rights. China welcomed Tunisia's ratification of the CRPD and the submission of reports to the Committee on the Rights of the Child and to the CEDAW committee. China acknowledged Tunisia's progress in combating unemployment and poverty. China made recommendations.

60. Congo congratulated Tunisia on its willingness to implement recommendations from the first cycle of UPR. Congo noted with satisfaction Tunisia's ratification of international human rights instruments, the withdrawal of reservations to certain provisions of these

instruments and cooperation with treaty bodies and special procedures mandate holders. Congo made recommendations.

61. Costa Rica acknowledged the political and social process that changed many of Tunisia's paradigms. Costa Rica recognized Tunisia's ratification of human rights instruments and the withdrawal of reservations to CEDAW. It commended Tunisia on the investigation of crimes committed during recent events, ratification of the Rome Statute and the opening of an OHCHR office. Costa Rica made recommendations.

62. Côte d'Ivoire encouraged Tunisia to pursue its efforts to emerge from a long crisis through creating in March 2011 the Independent National Committee for the Reform of Communication and the Media. Côte d'Ivoire commended the withdrawal of reservations to CEDAW, efforts made on gender equality, and the opening of an OHCHR office. Côte d'Ivoire made recommendations.

63. Cuba congratulated Tunisia on its implementation of recommendations from the first cycle of UPR. It recognized Tunisia's efforts to combat extreme poverty through allocations to regional authorities to develop infrastructure and to provide basic services to the rural population such as electricity and drinking water. Cuba appreciated Tunisia's actions to extend health services through regional development committees. Cuba made recommendations.

64. The Czech Republic acknowledged progress made in the promotion and protection of human rights, such as the ratification of the Optional Protocol to CAT, cooperation with special procedures and the withdrawal of its reservations to CEDAW. It recognized the important legislative and institutional reforms. It made recommendations.

65. Denmark welcomed the significant improvements to the human rights situation in Tunisia and commended the inclusion of the protection of all fundamental human rights in the new Constitution and the creation of a Ministry of Human Rights and Transitional Justice. While recognizing the important steps taken by Tunisia towards eradicating the practice of torture, Denmark expressed concern about reports of torture in detention facilities. Denmark also stressed the need to address women's rights and gender equality. Denmark made recommendations.

66. Djibouti welcomed efforts employed to establish new institutions based on democratic principles, to enhance the promotion and protection of human rights and to bolster the role of civil society. Djibouti made recommendations.

67. Egypt appreciated the sincere efforts made since last year to develop its human rights infrastructure. Egypt enquired measures being undertaken to recover funds from abroad in view of the past dictator's efforts to hide these funds. Egypt made recommendations.

68. Finland acknowledged that, since January 2011, Tunisia had acceded to several human rights agreements and the Rome Statute of the ICC. Finland also commended the setting up in February 2011 of a Fact-Finding Commission on Abuses to investigate human rights violations during the uprising. Finland enquired about the steps taken to ensure perpetrators are brought to justice. Finland made recommendations.

69. France recognized Tunisia's response to the legitimate aspirations of its people and its commitment to the promotion and protection of human rights, including by making combating torture a priority and by achieving a remarkable evolution of the situation of human rights defenders. France made recommendations.

70. Germany congratulated Tunisia on the peaceful democratic process while expressing concern regarding inadequate prison conditions, allegations of torture and ill-treatment of detainees in prisons. Germany enquired what Tunisia intended to do in order to improve

these conditions and ensure the respect of human rights. It asked if Tunisia would allow regular visits by independent international and national bodies. Germany made recommendations.

71. Ghana commended steps by Tunisia taken to develop, promote and protect the human rights of its people, and for its commitment to implement the accepted recommendations of the first cycle of UPR in 2008. Ghana acknowledged the challenges in political, judicial, educational and socioeconomic reforms. Ghana made recommendations.

72. Greece acknowledged Tunisia's efforts to combat torture through measures, including the ratification of several relevant conventions. Greece commended that Tunisia had not used the death penalty since 1991. It also appreciated measures introduced to promote the freedom of expression and efforts to promote women's rights. Greece made recommendations.

73. Honduras commended approaches and provisions implemented to ensure gender equality and the protection of women against violence. Honduras made recommendations.

74. Hungary congratulated Tunisia's cooperation with the OHCHR, which will improve the human rights situation in the country. Hungary commended Tunisia for its maintenance of a de facto moratorium on the death penalty since 1991. It also welcomed Tunisia's ratification of the ICC. Hungary commended the establishment of the National Fact-Finding Commission on Cases of Embezzlement and Corruption. Hungary made recommendations.

75. Indonesia welcomed the continued transition process toward democracy in Tunisia. Indonesia praised the example set to other countries in the region. It commended the adoption of the Jasmine Plan on national economic and social program showing clear signs of the importance of human rights. Indonesia also commended the enactment of the 2010 law, which annuls legal protection for the use of corporal punishment of children. Indonesia made recommendations.

76. Iraq acknowledged Tunisia's sincerity to promote and protect human rights and fundamental freedoms. Iraq welcomed Tunisia's ratification of many international human rights conventions, including the CRPD and its Protocol, the Optional Protocol to CEDAW and CPED in 2011. Iraq made recommendations.

77. Ireland appreciated progress made in strengthening basic respect for human rights and fundamental freedoms and welcomed Tunisia's ratification of several key international human rights treaties. Ireland expressed concern regarding the status of prisoners sentenced to the death penalty. It expressed further concern that prosecutions for the crime of torture were subject to a 15-year statute of limitations under Tunisian law. Ireland made recommendations.

78. Italy commended the ratification of several human rights instruments and Tunisia's enhanced cooperation with the United Nations human rights bodies, for example, the opening of an OHCHR office in Tunis. Italy made recommendations.

79. Japan commended Tunisia's commitment to international human rights standards, but noted its concern at reports of human trafficking and domestic violence against women and children. Furthermore, Japan hoped that Tunisia would bring to justice those responsible for human rights violations during and after the revolution, rehabilitate the victims and take steps to abolish legislation from the previous Government that restricted human rights. Japan made recommendations.

80. Jordan underlined that Tunisia had cooperated with international human rights bodies and had facilitated the creation of an OHCHR office. Jordan made recommendations.

81. Regarding the statutory limitation on the crime of torture, Tunisia stated that a draft law was under discussion in the Constituent Assembly which, if adopted, would abolish this limitation.

82. With regard to the new Constitution, the delegation indicated that there was a national consensus to incorporate provisions guaranteeing the principle of equality between men and women, as well as equal rights for people with special needs. Contradictory provisions in existing laws would be amended so as to ensure that people with special needs will be treated as equal citizens enjoying all their rights.

83. Tunisia further assured that it would not allow impunity and that violations which occurred before and after the revolution would be prosecuted equally. The transitional justice process would be essential to establish the truth and punish perpetrators, which was a prerequisite to reconciliation.

84. Regarding trafficking in human beings, Tunisia indicated that it was reviewing existing legislation, including Law No. 5 of 2003 which prohibits human trafficking, in light of the provision of the Palermo Protocol. Recently, Tunisia had also formed a National Committee to combat human trafficking, especially women and children.

85. Furthermore, a committee had been formed to review the law governing the actions of the law enforcement personnel and prepare a draft law on the right of peaceful assembly. The aim was to fully taking into account the freedom of expression and protest while maintaining security, in accordance with international human rights standards. The draft law would be presented soon to the Council of Ministers and eventually would be submitted to the Constituent Assembly.

86. Concerning women's rights, Tunisia informed that Decree No. 103 of 2011 provided for the withdrawal of all reservations to CEDAW, in order to further promote the principle of equality between men and women. Law No. 55 of 2010 had amended provisions of the Tunisian Nationality Code to allow Tunisian women married to a foreigner to pass their nationality to their children in the same way as men.

87. On question relating to freedom of expression, Tunisia noted that the Ministry of Communication, which had overseen the use of media for propaganda purposed, had been abolished. Decree No. 116 of 2011 envisaged the creation of an independent national body to oversee the media, without affecting their freedom. Censorship on the Internet had also ended, which was an irreversible choice, bearing in mind also the role of electronic media in the Tunisian revolution.

88. Kuwait appreciated and fully respected the transformation which had been taking place in Tunisia since the launch of the revolution to create a new democratic State. Kuwait asked about measures taken to prevent the crime of torture from recurring.

89. Kyrgyzstan commended Tunisia for the extension of an open invitation to special procedures, withdrawal of declaration and reservation to CRC and adoption of gender parity requirement in the Constituent Assembly electoral law. It also praised Tunisia for the steps taken in investigating crimes committed during the uprising. Kyrgyzstan made recommendations.

90. Lebanon welcomed the democratic elections and the ratification of several international human rights instruments, particularly CAT. Lebanon asked about additional measures planned to take to ensure the full implementation of the Convention.

91. Libya commended Tunisia on its commitment to uphold its international human rights obligations and said that the political process was going in the right direction. It made a recommendation.

92. Malaysia noted positive steps taken to regulate its judiciary system as well as serious measures to address economic, social and cultural rights. It noted Tunisia's continuing challenges in relation to freedom of expression and peaceful demonstrations. Malaysia made recommendations.
93. Maldives noted with satisfaction progress achieved in areas such as freedom of assembly and association, women's rights, and the ratification of several instruments. Maldives made recommendations.
94. Mauritania commended Tunisia for the ratification of several human rights instruments.
95. Mexico noted the adoption of legislation on torture which defined and made punishable this crime as well as the measures to prevent discrimination against women. It made recommendations.
96. Monaco encouraged Tunisia to cooperate with OHCHR and all its mechanisms. It made recommendations.
97. Morocco asked about the practical steps undertaken in terms of transitional justice. It made recommendations.
98. Netherlands commended all the efforts made to respect gender equality. It also noted with appreciation the commitment of Tunisia to freedom of expression. Nevertheless, it noted reports that, in recent trials, legislation restricting freedom of expression had been applied. Netherlands made recommendations.
99. Norway welcomed Tunisia's moratorium on the death penalty and its signing of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty. However, it noted that death sentences continued to be pronounced. Norway made recommendations.
100. Oman highlighted that Tunisia was always considered as a progressive country in terms of the rights of women and children. It made recommendations.
101. Pakistan noted with appreciation the resolve of the Government of Tunisia to establish an independent judiciary system as well as to combat poverty, social disparity, marginalization and exclusion. Pakistan made a recommendation.
102. Palestine highlighted the importance of taking all necessary measures to go ahead with the achievement of transitional justice. It made recommendations.
103. Peru noted the important progress made in terms of human rights such as measures adopted for the effective political participation by the people, ratification of several international instruments, open invitation to special procedures, and measures taken to consolidate the process of transitional justice. It made recommendations.
104. Philippines appreciated Tunisia's commitment to and solidarity with migrant workers in distress allowing them to entry into its territory, and noted with appreciation the actions taken to quash the judicial convictions of human rights defenders.
105. Senegal welcomed progress made at the normative and institutional levels and in terms of political and civil rights, for example, on the number of political parties. It made recommendations.
106. Tunisia thanked Member States' delegations for their constructive statements and comments. On questions raised by the United Arab Emirates and Bahrain regarding social, cultural and economic rights, Tunisia responded that it had reviewed its legislation and allocated responsibilities for special efforts made on behalf of vulnerable groups and on the provision of necessary basic services. Funds would be allocated to the regional authorities,

also with a view to assisting disadvantaged regions. There was a general consensus on the urgent need for job creation. Some progress had already been made regarding human development indicators. Tunisia had been suffering from 50 years of disparities and underdevelopment in terms of infrastructures and production facilities, but now it aimed to fulfil the needs of its people in those areas. Measures had been taken to ensure the right to work and the right to enjoy equal working conditions. The security situation had also improved. Tunisia underlined that it was seeking to establish social justice and was fighting poverty, discrimination and marginalization. The Government was setting up provincial advisory committees, which incorporated different stakeholders, including the private sector, civil society and trade unions.

107. As for the questions from Morocco and Palestine regarding transitional justice, Tunisia noted that it was learning from the experience of other countries, that the authorities had a consultative and cooperative approach to this issue and that they facilitated the process at the level of civil society. It believed that reconciliation was only possible once the truth is established and compensation for victims assured.

108. Regarding questions from Germany and the Netherlands concerning censorship of the film *Persepolis*, Tunisia noted that it stood against the criminalization of the professional activity of journalists. However, while noting that the case was filed by a group of lawyers, it placed emphasis on the independence of the judiciary. The court decision was subject to appeal.

109. On questions raised by Iceland and Kyrgyzstan on equal rights of inheritance, Tunisia mentioned that the Personal Status Code approved in 1956, although bringing about substantial reforms, had not affected existing legal concepts of inheritance, due to religious sensitivities. However, the new Government was open to submit this subject, as well as other sensitive subjects, to a public and national dialogue.

110. Regarding the death penalty, the Government stated that it wished to consult and interact with all stakeholders with a view to achieving a consensus on this matter.

111. To the issue raised by Egypt on the funds stolen by the past regime, Tunisia noted that it was continuing efforts to recover these funds, but that recovery depended on the cooperation of other States.

112. Regarding the conditions in prisons, Tunisia indicated that it was implementing legislative changes and developing institutions to protect against the crime of torture, including through a system of prison visits, which had already been open to visits by the International Committee of the Red Cross, OHCHR and national institutions. Tunisia underlined its efforts to improve the situation in prison, noting that parts of the reform depended mainly on political will and others, such as overcrowding, on material and practical aspects. Tunisia was planning for the construction of new prisons with international support.

113. In conclusion, Tunisia thanked all those who had posed questions and made comments on the improved human rights situation in the country. It would consider all comments and recommendations and aim to comply with them and continue its interaction and cooperation with other States.

## II. Conclusions and/or recommendations\*\*

114. The recommendations formulated during the interactive dialogue/listed below enjoy the support of Tunisia:

- 114.1. Put in place a comprehensive strategy to eliminate patriarchal attitudes and negative stereotypes of women in the Tunisian society as well as eliminate discrimination against women that still exists in the national legislation, in particular concerning marriage, child custody, guardianship, as well as effective and equal access to justice (Poland); Put in place a broad strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women in conformity with Articles 2 (f) and 5 (a) of CEDAW (Uruguay);
- 114.2. Introduce a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, protect media pluralism and guarantee freedom of speech and access to information and education (Thailand);
- 114.3. Ensure that the principle of equality between men and women is clearly formulated in the new Constitution and apply it in practice through concrete measures (Switzerland); Consider including provisions to ensure equality of men and women as well as the protection and promotion of women's rights in its new Constitution (Botswana);
- 114.4. Include women's rights in the new Constitution, including legislation on measures to eliminate all forms of violence against women (Netherlands);
- 114.5. Integrate into the new Constitution the Personal Statute Law, in order to uphold women's rights (Germany);
- 114.6. Continue its efforts to develop provisions and mechanisms to ensure the protection of women from violence, and allow them to enjoy fundamental rights and freedoms (Angola); Put in place the necessary legislation to eliminate gender-based violence (Denmark); Consider the adoption of policies and laws to prevent and combat violence against women (Chile);
- 114.7. Continue cooperation with civil society organizations to reduce the phenomena of violence against women (Jordan);
- 114.8. Take all necessary measures in order to eliminate violence against women and children, including through consolidation of the legal system with respect to human trafficking counter-measures. (Japan);
- 114.9. Continue to take measures necessary to achieve the full and effective participation of woman in the political, social and economic fields (Egypt); Continue its efforts to further promote participation of women in decision-making in all spheres of public life (Greece); Continue to support policies for the promotion of the full and equal participation of women in decision-making in all spheres of public, political and professional life (Oman);

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\*\* Conclusions and recommendations have not been edited.

- 114.10. **Adopt the concept of discrimination in line with CEDAW for the definition of fundamental rights related to gender equality (Honduras);**
- 114.11. **Include greater access of women to paid employment, among the measures to be taken to achieve social justice, and resist poverty and marginalization (Slovenia);**
- 114.12. **Enact legislative provisions prohibiting discrimination against women and persons with disabilities (Mexico);**
- 114.13. **Continue efforts to advance the status of women in rural areas, including access to basic services, and study the possibility of introducing a gender-based approach in the national budget. (Morocco);**
- 114.14. **Give due consideration to resolve the issue of discrimination against women with regard to personal legal status, in particular marriage, child custody and guardianship (Kyrgyzstan);**
- 114.15. **Further pursue its efforts to ensure the increased participation of all citizens in public life (Azerbaijan);**
- 114.16. **Adopt measures to align national legislation and practices with the provisions of the CRC, particularly those of article 37 (c), and sign and ratify the Third Optional Protocol to the CRC (Portugal); Consider early ratification of the Third Optional Protocol to the CRC on a communication procedure (Slovakia); Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communication procedure (Slovenia); Sign the Optional Protocol to the Convention on the Rights of the Child on Communication Procedure (Maldives);**
- 114.17. **Take measures and develop appropriate mechanisms to enable the development of legislation and policies for the protection of children in all fields (Oman);**
- 114.18. **Continue its efforts to improve the situation of children in different aspects (Palestine);**
- 114.19. **Enhance measures on public awareness-raising and professional education to support the implementation of the law of 2010 amending article 319 of the Penal Code to remove the clause which provided a legal defence for the use of corporal punishment in child rearing (Indonesia);**
- 114.20. **Follow up efforts to strengthen the legal framework and policies designed to promote and protect child rights (Jordan);**
- 114.21. **Continue its efforts in strengthening the education system and the legal framework to protect the rights of children in accordance with its obligations under the Convention on the Rights of the Child (Singapore);**
- 114.22. **Make efforts to strengthen the rights of persons with disabilities (Senegal);**
- 114.23. **Study the possibility to establish new measures to strengthen respect for the rights of persons with disabilities and fight against the discrimination with which they are faced (Argentina); Eradicate all**



- forms of discrimination against people with disabilities and encourage their full integration in society (Djibouti); Guarantee the rights of persons with disabilities and aim to integrate them in development programmes to ensure their effective participation in society (Iraq);
- 114.24. **Adopt and implement appropriate measures to ensure that persons with disabilities, particularly women and girls, have access to an inclusive education system, and that they can participate effectively and fully in political and public life on an equal basis with others (Portugal);**
- 114.25. **Promote community awareness and enact laws to curb violence against people with disabilities and special needs (Yemen);**
- 114.26. **Embark on a process of reform of the judiciary with a view to ensuring that it has a greater degree of independence and impartiality (Mexico); Continue its endeavours aimed at an independent judiciary, in accordance with accepted international standards and criteria (Azerbaijan); Continue the reform of its judicial system leading to an independent judiciary, in compliance with established international standards (Slovakia); Continue the reform of the judicial system and strengthen legal and material safeguards for the establishment of an independent judiciary, in accordance with the international principles and standards adopted in this area (United Arab Emirates) Continue to strengthen measures to reform the judicial system, in line with applicable international standards (Peru); Accelerate the reforms aimed at ensuring the independence of the judiciary (Turkey);**
- 114.27. **Continue to implement the human rights plans and training programs for the judiciary and the police (Qatar);**
- 114.28. **Undertake reform of the judiciary by revising the law on the statute of the Magistrates (Kyrgyzstan);**
- 114.29. **Increase measures to reform the judicial system, including by expediting efforts to draft new legal provisions to ensure the real independence of the judiciary, in order to protect the rights and freedoms of individuals (Malaysia);**
- 114.30. **Expediently conclude and approve the draft law for moral and material reparations to victims of violations of human rights (Peru);**
- 114.31. **That the Government set out how it intends to guarantee the independence of the judiciary and the transparency of its processes and hierarchy (United Kingdom of Great Britain and Northern Ireland);**
- 114.32. **Provide better guarantees for the independence of the judiciary, including by reforming the Magistrates' High Council (Belgium);**
- 114.33. **Continue the institutional and judicial reforms aimed at strengthening the rule of law (Angola);**
- 114.34. **Prioritize efforts to reform the security sector to ensure appropriate training and oversight mechanisms are in place, and to draft new legal provisions to ensure the independence of the judiciary in line with international standards (Australia);**

- 114.35. **Continue the reforms in the security sector, inter alia to avoid future torture and ill-treatment of demonstrators and detainees in conformity with international human rights standards (Norway);**
- 114.36. **Continue to support training programs for the police (Palestine);**
- 114.37. **Continue to combat prison overcrowding to ensure the human dignity of detainees (Djibouti); Address over-crowding in prisons, and continue to address the special needs of women prisoners (Uganda);**
- 114.38. **Initiate a reform of police custody by considering to reduce its maximum duration to 48 hours, while allowing the presence of a lawyer and making the legal grounds and records of arrest available to the families and the defence (Austria);**
- 114.39. **Continue its efforts in seeking accountability for the past human rights violations and providing redress to their victims (Republic of Korea);**
- 114.40. **Establish a mechanism for transitional justice (Togo);**
- 114.41. **Strengthen measures in the area of transitional justice related to justice, truth, reparations and guarantees, to prevent a repetition (Chile);**
- 114.42. **Implement all measures to combat impunity, initiate proceedings against the perpetrators of human rights violations and provide compensation for victims, as envisaged in the final report of the National Commission to establish the facts on the excesses and abuses committed during the recent event (Belgium);**
- 114.43. **Focus in its transitional justice strategy on reconciliation, truth, justice and reparation, and take the measures which it deems appropriate to ensure that the violations of the past will not be repeated (Morocco);**
- 114.44. **Study the possibility to repeal the death penalty from its legal system (Argentina);**
- 114.45. **Consider to abolish the death penalty in line with the country's new reality (Greece);**
- 114.46. **Commute all death sentences into prison sentences (France);**
- 114.47. **Continue its efforts to end practices of torture and prosecute effectively all the perpetrators (Greece);**
- 114.48. **Further its efforts to effectively prohibit torture and other ill-treatment, and to ensure the independence of the judiciary and respect for due process (Republic of Korea);**
- 114.49. **Consider including provisions against torture in its new Constitution to ensure effective redress for victims of torture (Botswana);**
- 114.50. **In line with international standards, deem torture to be a crime that is not subject to any limitation, and strengthen the capacity for independent investigations into acts of torture (Ireland);**

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- 114.51. Continue to harmonize its national legislation with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Morocco);
- 114.52. Investigate in an exhaustive manner all alleged cases of torture and ill-treatment; bring to justice the perpetrators and ensure moral and material support to the victims (Switzerland);
- 114.53. Continue to take all necessary measures to protect and offer remedy to victims of torture (Japan);
- 114.54. Quickly create an independent monitoring body in line with the OPCAT ratification that, in addition to UNHCHR and ICRC, would allow NGOs access to prisons and contribute to preventing torture in places of detention (United Kingdom of Great Britain and Northern Ireland);
- 114.55. Adopt measures to guarantee adequate protection and respect for the right to information, and freedoms of expression, and the press (Spain); Take further steps in order to guarantee freedom of expression, including freedom of expression on the internet (Greece); Adopt appropriate legislation to ensure better protection for the freedom of expression, the freedom of the press, and the freedom of information (Congo); Guarantee in law and in fact the freedom of expression, freedom of the press and freedom of assembly and association, in conformity with ICCPR (France);
- 114.56. Include freedom of expression, press freedom and access to information in the Constitution (Netherlands);
- 114.57. Continue pursuing policy measures towards media plurality and independence (Slovakia);
- 114.58. Take appropriate measures to ensure that freedoms of assembly and expression are not threatened, and to combat impunity of those identified as responsible for human rights violations (Sweden);
- 114.59. Revise remnants of Ben Ali-era legal code that stifle the freedoms of expression, assembly, and religion so as to fully protect those rights in accordance with international human rights law (United States of America);
- 114.60. Take all measures to protect journalists in the fulfilment of their mission by implementing the provisions of the new Press Code which criminalize aggressions against them (Austria);
- 114.61. Implement as soon as possible Decree laws 115 and 116 and establish promptly a high independent authority for media and communication (Switzerland);
- 114.62. Take measures to ensure that its national legislation is fully aligned with the international human rights obligations undertaken, including laws affecting the realisation of the freedom of expression and assembly (Finland);
- 114.63. Continue the process of political reforms, especially to ensure freedom of expression, freedom of thought and the right to demonstrate (Chile);

- 114.64. **Make further efforts to ensure the freedom of the media, the freedom of expression and the freedoms of thought and belief, continue to lay solid foundations for a democratic system, and strive to achieve economic and social development (Lebanon);**
- 114.65. **Guarantee respect for freedom of religion by everybody, during the transitional period and beyond, according to the well-known tradition and culture prevailing in the country (Italy);**
- 114.66. **Continue its cooperation with the international human rights mechanisms (Togo); Continue its cooperation with the UN human rights mechanisms as part of its on-going efforts to promote human rights (Republic of Korea); Continue to cooperate in a sustained manner with the Special Procedures and the OHCHR field office in order to guarantee universal human rights standards to its people (Uruguay);**
- 114.67. **Continue to engage positively with OHCHR, the treaty bodies, the special procedures and other UN institutions, and continue to pursue its efforts to implement their recommendations (Ghana);**
- 114.68. **Follow-up and implement the recommendations made by the United Nations mechanisms (Qatar);**
- 114.69. **Continue efforts to answer queries and questionnaires submitted by Special Procedures mandate holders (Jordan);**
- 114.70. **Continue to seek technical cooperation and assistance in the field of human rights education and training (Thailand);**
- 114.71. **Ensure that the new Constitution establishes the right to freedom of thought, conscience, religion and belief, as well as the freedom to practise a religion or conviction, except to the extent at which it is necessary to protect the fundamental rights and freedoms of others (Canada);**
- 114.72. **Ensure that the new Constitution fully guarantees, without discrimination, the respect of all human rights enshrined in the international instruments to which Tunisia is a party (France); That the National Constituent Assembly seize the opportunity to incorporate into the new Constitution those fundamental rights and guarantees enshrined in the international treaties which it has ratified (Brazil);**
- 114.73. **Integrate into the new Constitution important human rights guarantees, including the right to non-discrimination, freedom of expression, association and assembly, the independence of the judiciary, protection from torture and other forms of ill-treatment, the protection of the rights of the minorities, the right to life, and the protection of economic, social and cultural rights (Germany);**
- 114.74. **Ensure that the new Constitution protects all fundamental human rights, and that implementing legislation expressly defines the limited grounds on which these rights can be restricted (Australia);**
- 114.75. **Incorporate in the new Constitution articles enshrining human rights and fundamental freedoms as well as legal provisions to effectively guarantee the separation of powers, in particular the independence of the judiciary (Spain);**

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- 114.76. Engage in an all-inclusive and participatory reform process and ensure that all sections of the population, including women, persons with disabilities, minority and indigenous groups and civil society organisations are brought on board (Ghana);
- 114.77. Continue efforts to lay the foundations for stability and development at all levels, particularly with regard to the promotion and protection of human rights (Saudi Arabia);
- 114.78. Formally codify in domestic law its international legal commitments, and repeal or amend incompatible repressive laws (Australia);
- 114.79. Undertake vigorous efforts to ensure effective implementation of key human rights instruments, including human rights training of law enforcement personnel, and further steps to promote gender equality (Republic of Korea);
- 114.80. Continue its efforts to develop and enhance its national institutions to promote and protect the human rights and fundamental freedoms of its people (Singapore); Carry out genuine transformation of institutions in order to fully respect the obligations undertaken by Tunisia in international human rights instruments (Hungary); Continue progress in building institutions, considering their importance in protecting and promoting human rights and public freedoms and developing the Tunisian society (Palestine);
- 114.81. Give concrete shape to the project for the creation of a High Council for human rights and freedoms that has been submitted to the President, so that respect for human rights will be guaranteed in the constitutional reform (Monaco);
- 114.82. Fully align its national legislation with all obligations arising out of the Rome Statute of the International Criminal Court (Slovakia); Adopt Legislation to implement the Rome Statute (Costa Rica); Bring its national legislation in accordance with all obligations under the Rome Statute, including the definition of crimes and general principles, and adopt provisions to enable cooperation with the International Criminal Court (Hungary);
- 114.83. Speed up its efforts to reduce poverty and unemployment and decrease the economic and social disparities between the regions (Azerbaijan);
- 114.84. Continue to promote economic and social development, and to improve educational and medical infrastructure, so that the people can equally enjoy the benefits of development (China);
- 114.85. Continue to pursue current policies to ensure the enjoyment of all human rights by all Tunisians, particularly with regard to health and education (Cuba);
- 114.86. Accelerate the implementation of the 2011 Jasmine Plan on national economic and social programmes in close collaboration with relevant stakeholders (Indonesia);
- 114.87. Strive to guarantee the right to social security and achieve decent standards of living (Iraq);

- 114.88. **Make additional efforts to support the economic and social programmes which it has adopted as part of its national obligations under the International Covenant on Economic, Social and Cultural Rights and general human rights principles (Libya);**
  - 114.89. **Implement a health reform based on the principle of universal access to care (Monaco);**
  - 114.90. **Further explore better ways to address the devolvement of hitherto less developed regions (Uganda);**
  - 114.91. **Pursue and strengthen efforts to eradicate differences between the regions and between urban and rural areas in the sphere of education (Djibouti);**
  - 114.92. **Start medium and long-term development projects in the under-develop regions in order to generate employment and promote national harmony (Pakistan);**
  - 114.93. **Bring appropriate solutions to the problems of disparities linked to economic, social and cultural rights, as highlighted in the national report (Senegal);**
  - 114.94. **Adopt additional positive steps to enhance the economic and social situation of persons with special needs and the poorest segments of the population (Egypt);**
  - 114.95. **Ratify ILO Convention No. 189 on Decent Work for Domestic Workers (Uruguay); (Chad).**
115. **The following recommendations enjoy the support of Tunisia, which considers that they are already implemented or in the process of implementation:**
- 115.1. **Reform the judicial system to establish an independent judicial power in accordance with international standards, and ensure the existence of the rule of law and justice (Sudan);**
  - 115.2. **Launch a judiciary system reform that will ensure accountability for all human rights violations by opening judicial investigations, prosecuting responsible persons as well as awarding reparations to victims, and in particular investigate and judge past crimes and bring the perpetrators of gross human rights violations to justice by, inter alia, activating transnational justice mechanisms (Poland);**
  - 115.3. **Make improvements to the security and justice sectors, including in areas of law, doctrine, training and equipment, that are necessary to protect demonstrators and consistent with international human rights obligations (United States of America);**
  - 115.4. **Ensure that police officers and security personnel receive adequate human rights training and clear instructions with regard to their duty to respect human rights at all times, including the right to freedom of expression, association and peaceful assembly (Canada);**
  - 115.5. **Develop and enact a comprehensive public outreach plan for transitional justice processes, including full participation by all relevant ministries in that outreach (United States of America);**
  - 115.6. **Establish a transitional justice mechanism to determine the responsibilities of perpetrators and ensure their accountability, and**

- provide reparations for the victims of violations and oppression by the previous political regime (Sudan);
- 115.7. Establish transitional justice mechanisms to deal with human rights violations that were committed in the past, based on the results of a broad national consultation (Switzerland);
- 115.8. Ensure accountability for human rights violations by establishing independent and impartial investigations into the violation and abuses committed under the former rule, which in turn should lead to trials of those held accountable, in line with international standards (Finland);
- 115.9. Carry out immediate investigations into all allegations of torture committed during the regime of Ben Ali, and ensure that victims and their families are entitled to rehabilitation and compensation (Austria);
- 115.10. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in line with Tunisia's aspirations to eliminate torture and other maltreatment committed by state agents (Sweden);
- 115.11. Set up a mechanism or a national authority for the prevention of torture (Spain); Expediently approve the draft bill to create a national mechanism for the prevention of torture (Peru); Establish a national preventative mechanism in compliance with the OP-CAT (Maldives); Establish a national mechanism to visit places of detention in line with the Optional Protocol to the Convention against Torture (Costa Rica); Establish a national preventative mechanism in accordance with its obligations to the OP-CAT (Denmark); Set up a national mechanism for the prevention of torture and other cruel inhumane or degrading treatment or punishment, as required by article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Kyrgyz Republic);
- 115.12. Adopt a national mechanism for the prevention of torture, which should have access to all places of detention, and abrogate the law providing for a statutory limitation regarding acts of torture (France); Expedite the establishment of an independent national mechanism for the prevention of torture and bring the law on torture in line with international standards, including by repealing the statute of limitations (Czech Republic);
- 115.13. Amend the statute of limitations to be in line with international law as codified in the UN Basic Principles and Guidelines (Sweden);
- 115.14. Ensure that the fundamental rights to freedom of expression, association and assembly will be guaranteed in the future Constitution, in line with Tunisia's international obligations (Belgium);
- 115.15. Strengthen policies and measures aimed at the economic empowerment of the rural population and ensure their access to health-care services, education and social services (Malaysia).

116. The following recommendations will be examined by Tunisia which will provide responses in due time, but no later than the 21st session of the Human Rights Council in September 2012:

- 116.1. Strengthen equality between men and women, including equality in their rights to an inheritance (Austria); Eliminate discrimination between women and men in inheritance rights (Poland);
- 116.2. Continue to combat all forms of discrimination still faced by women, notably those remaining in the Personal Statute Law in the areas of inheritance and child custody (Belgium);
- 116.3. Abolish discriminatory laws against women, maintain the Personal Statute Law, and ensure that the rights it sets forth for women are enshrined in the new Constitution (Canada);
- 116.4. Remove the remaining reservation to the Convention on the Elimination of All Forms of Discrimination against Women and align its national legislation, including the Civil Code, with this Convention to give women equal rights in matters of inheritance and guardianship of children (Norway);
- 116.5. Abolish legislation discriminating on the basis of sexual orientation, in order to guarantee the same rights to all citizens, including LGBT persons (Spain);
- 116.6. Abolish the death penalty (Turkey). Integrate the abolition of the death penalty in the new Constitution (Germany), (Italy);
- 116.7. Sign and ratify the Second Optional Protocol to the ICCPR (Portugal);
- 116.8. Abolish definitively the death penalty and ratify the Second Protocol to ICCPR (France 4); Ratify the Second Optional Protocol to ICCPR and implement its provisions in national legislation through the abolition of the death penalty (Ireland 1); Take all necessary measures to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR (Norway 2); Abolish, once and for all, the death penalty in conformity with the Second Optional Protocol to ICCPR (Uruguay);
- 116.9. Ratify the Second Optional of the ICCPR aiming at the abolition of the death penalty, as it is an indispensable instrument in furthering the enjoyment of the right to life (Hungary);
- 116.10. Ratify the Second Optional Protocol to the ICCPR aimed at abolition of the death penalty, which has not been applied in Tunisia for the past 20 years (Belgium);
- 116.11. Ratify the Second Optional Protocol to the ICCPR and the Optional Protocol to the ICESCR (Spain);
- 116.12. Establish a time line for incorporating the principle of equality between men and women in the Constitution, and for the adoption of a law and regulations to combat violence against women, including domestic violence and marital rape (Honduras).



117. **The recommendations below did not enjoy the support of Tunisia, which considers that the recommendations below cannot be accepted:**

- 117.1. **Eliminate any legislation criminalizing same-sex relations (Spain);**
- 117.2. **Modify or repeal Article 230 of the Penal Code in order to decriminalize same-sex relations of consenting adults (Austria);**
- 117.3. **Eliminate provisions criminalizing defamation (Czech Republic).**

118. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

*[English/French only]*

### **Composition of the delegation**

The delegation of Tunisia was headed by HE Samir Dilou, Minister of Human Rights and Transitional Justice, Speaker of the Government and composed of the following members:

- SE M. Moncef BAATI, Ambassadeur Représentant Permanent de Tunisie à Genève;
- M. Mohamed Khaled KHIARI, Directeur des Droits de l'Homme à la Direction Générale des Organisations et Conférences Internationales au Ministère des Affaires Etrangères;
- M. Hamadi CHERIF, Chargé des Relations Publiques et de la Coopération Internationales au Cabinet de M. le Ministre des Droits de l'Homme et de la Justice Transitionnelle;
- M. Abdelhamid ABDALLAH, Chargé des Droits de l'Homme au Cabinet de M. le Ministre des Droits de l'Homme et de la Justice Transitionnelle;
- M. Sami BOUGACHA. Conseiller à la Mission Permanente de Tunisie à Genève.

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