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Tunisia*

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and the Office of the High Commissioner for Human Rights (OHCHR), and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* Late submission.

I. Background and framework

1. The United Nations High Commissioner for Human Rights dispatched a team of experienced senior officials to the country following the historic events triggered by the people of Tunisia that led to the departure of former President Ben Ali on 14 January 2011, and was concerned that the human rights aspirations of the Tunisian people were achieved and their sacrifices were not in vain. The purpose of the mission was, inter alia, to discuss how the Office of the High Commissioner for Human Rights (OHCHR) could assist the people of Tunisia in strengthening respect for all human rights in the country.¹

2. The OHCHR Assessment Mission to Tunisia (OHCHR AM) indicated that the root causes of the spontaneous protests which began in mid-December 2010 were decades of repression, corruption, exclusion, denial of rights, and a deep sense of injustice.² It added that the subjugation of human rights by former President Ben Ali and his entourage lay at the heart of the upheaval.³ In 2011, the Committee on the Rights of Persons with Disabilities (CRPD) noted the far-reaching institutional changes taking place in the previous months, and viewed those changes as a unique opportunity for persons with disabilities to take part in the building of a new country.⁴

A. Scope of international obligations⁵

Universal human rights treaties⁶

	<i>Status during previous cycle</i>	<i>Action after review⁷</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1967) ICESCR (1969) ICCPR (1969) CEDAW (1985) CAT (1988) CRC (1992) OP-CRC-SC (2002) OP-CRC-AC (2003)	CRPD (2008) OP-CAT (2011) CED (2011)	ICCPR-OP 2 ICRMW
<i>Reservations, declarations and/or understandings</i>	CEDAW (Declaration: general and art. 15, para. 4). Reservation: arts. 9, paragraph 2; 16, paragraph 1 (c), (d), (f), (g) and (h); and 29, paragraph 1) CRC (Declaration: general and arts. 2, 6 and 7)	Withdrawal of declaration and reservation to CRC (arts. 2 and 7)	-
<i>Complaint procedures⁸</i>	ICCPR, art. 41 (1993) CAT, art. 22 (1998)	OP-CRPD (2008) ICCPR-OP 1 (2011) OP-CEDAW (2008)	OP-ICESCR ICERD, art. 14 CED, art. 31 ICRMW, arts. 76 and 77

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review⁹</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	Rome Statute of the International Criminal Court	Additional Protocol III to the 1949 Geneva Conventions ¹⁴
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto ¹⁰		ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries
	ILO fundamental conventions ¹¹		
	UNESCO Convention against Discrimination in Education		ILO Convention No. 189 concerning Decent Work for Domestic Workers
	Refugees and stateless persons ¹²		
	Palermo Protocol ¹³		

3. In 2011, the Human Rights Council noted the ongoing ratification process of OP-CAT, the first Optional Protocol to ICCPR, the Rome Statute of the International Criminal Court and CED.¹⁵ The High Commissioner for Human Rights commended Tunisia for the ratification of those major international instruments.¹⁶

4. In 2010, the Committee on the Elimination of Discrimination against Women (CEDAW) welcomed the commitment made by Tunisia during its review under the UPR mechanism to withdraw its reservations, as well as the progress made in order to align its legislation with the Convention.¹⁷

5. In 2009, the Committee on the Elimination of Racial Discrimination (CERD),¹⁸ as well as the Committee on the Rights of the Child (CRC)¹⁹ and CEDAW²⁰ in 2010, encouraged Tunisia to accede to ICRMW.

B. Constitutional and legislative framework

6. The OHCHR AM stated that there was a need for the State to redefine its relationship with its people. A new legal framework creating a clear separation of powers and protecting the rights of all people was needed. It added that the constitution and a wide array of laws would need to undergo reform, in line with international human rights standards.²¹

7. CEDAW called upon Tunisia to fully incorporate into the Constitution the principle of equality between women and men, as well as a definition of discrimination in line with the Convention.²²

8. CEDAW called upon Tunisia to give priority to reforming or repealing discriminatory legislation. It also encouraged Tunisia to increase support for law reform through partnership and collaboration with civil society organizations, including women's NGOs.²³

C. Institutional and human rights infrastructure and policy measures

<i>National human rights institution</i> ^{24, 25}	<i>Status during previous cycle</i>	<i>Status during present cycle</i>
Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales (SCHRFF)	-	B (2009)

9. In 2009, the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights expressed a series of concerns relating to the SCHRFF. It encouraged the SCHRFF to interact actively with the international human rights system.²⁶

10. CRC recommended that a special unit for children be set up within the High Committee on Human Rights and Fundamental Freedoms.²⁷

11. The High Commissioner for Human Rights indicated that wide public participation in shaping the reforms and policies in Tunisia must be ensured, so that all institutions of governance, including the security and justice sectors, become truly respectful of and responsive to the rights of all Tunisians.²⁸

12. In the context of the transition period the country is currently going through, the United Nations Children's Fund (UNICEF) joined various stakeholders in expressing concern at the absence of children's rights from public debate in recent months.²⁹

13. UNICEF stated that a cooperation agreement to incorporate a culture of human rights into school syllabi had been signed in October 2011 between the Ministry of Education and the Arab Institute for Human Rights for the period 2011–2015. The agreement is aimed at promoting the role of schools in this area.³⁰

14. In 2011, CRPD took note of the existence of specialized institutions mandated to protect the rights of persons with disabilities. However, it was concerned by the low participation of persons with disabilities in those institutions.³¹

15. CRPD urged Tunisia to ensure that persons with disabilities were consulted and actively involved in the drafting of the new Constitution.³²

II. Cooperation with human rights mechanisms

16. The Human Rights Committee (HR Committee) noted that Tunisia intended to establish a body responsible for follow-up to the recommendations of treaty bodies.³³

A. Cooperation with treaty bodies³⁴

1. Status of reporting

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	June 2003	2007	March 2009	Twentieth to twenty-second reports due in 2012
CESCR	May 1999	n/a	n/a	Third report overdue since 2000
HR Committee	November 1994	2006	March 2008	Sixth report due in 2012

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CEDAW	June 2002	2009	October 2010	Seventh report due in 2014
CAT	November 1998	2009	-	Pending consideration
CRC	June 2002	2008	June 2010	Fourth to sixth reports due in 2017 Initial OP-CRC-SC report overdue since 2004, initial OP-CRC-AC report received in 2007
CRPD	-	2010	April 2011	Second report due in 2014
CED	-	-	-	Initial report due in 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2009	Investigation of allegations of torture; death penalty; harassment and intimidation of human rights defenders; registration of independent organizations	2010
CERD	2010	Legislation on racial discrimination; Amazigh names in the civil registry; social and cultural Amazigh organizations	Overdue
CEDAW	2012	Withdrawal of reservations; violence against women and girls	-

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
CAT	1 ³⁵	Dialogue is ongoing

17. CRC called upon Tunisia to promptly submit its initial report under the OP-CRC-SC³⁶ and an updated core document.³⁷

B. Cooperation with special procedures³⁸

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	Yes ³⁹
<i>Visits undertaken</i>	December 1999 by the Special Rapporteur on freedom of expression	Special Rapporteur on Terrorism (22–26 January 2010) ⁴⁰ Special Rapporteur on torture (15–22 May 2011) ⁴¹ Special Rapporteur on terrorism (23–26 May 2011) ⁴² (follow-up mission)

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Visits agreed to in principle</i>		Special Rapporteur on the freedoms of peaceful assembly and of association, Special Rapporteur on human rights defenders, Working Group on discrimination against women in law and in practice
<i>Visits requested</i>	The Special Representative of the Secretary-General on human rights defenders requested a visit on 21 August 2002 and reiterated it on 2 December 2004. The Special Rapporteur on the independence of judges and lawyers requested a visit on 4 December 1997 and reiterated it on 15 April 2002 and 20 January 2004. The Special Rapporteur on terrorism requested a visit on 9 December 2005. The Special Rapporteur on torture requested a visit in 1998 and reiterated it on 2 May 2005, 17 July 2006 and 9 May 2007.	Special Rapporteur on freedom of expression in 2009
<i>Responses to letters of allegations and urgent appeals</i>		During the period under review, 25 communications were sent. The Government replied to 12 of these communications.

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

18. In 2011, the Human Rights Council encouraged the transitional Government to continue to implement the recommendations, contained in the OHCHR AM report that it had accepted.⁴³

19. In July 2011, the High Commissioner signed with Tunisian authorities an agreement establishing an OHCHR office in Tunis.⁴⁴ The major focus of the office would be to assist with the implementation of transitional justice programmes, cooperating with the Tunisian authorities and civil society in building institutions to enact rule of law and ensure accountability for past abuses.⁴⁵

III. Implementation of international human rights obligations

A. Equality and non-discrimination

20. CEDAW acknowledged the firm determination of Tunisia to achieve gender equality.⁴⁶ Nevertheless, it urged Tunisia to put in place a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminated against women. It called upon Tunisia to protect media pluralism and guarantee freedom of speech and access to information in order to get to the root causes of gender discrimination and promote a non-stereotypical and non-discriminatory portrayal of women.⁴⁷

21. CEDAW remained concerned about the persistence of discrimination against women with regard to personal status, in particular concerning marriage, child custody and guardianship, as well as inheritance.⁴⁸ UNHCR reported that the 2010 reform of the Nationality Code allowed Tunisian women to transfer nationality to their children, even if the father was not Tunisian and regardless of their location inside or outside the country,

thus eliminating discrimination against women as regards conferral of nationality to their children.⁴⁹ UNHCR recommended that Tunisia consider amending article 16 of the Nationality Code in order to introduce a safeguard against statelessness in case of annulment of marriage.⁵⁰

22. CEDAW was concerned that disadvantaged groups of women and girls often suffered from multiple forms of discrimination, especially with regard to access to education, employment and health care, protection from violence and access to justice.⁵¹ CRC had expressed similar concerns.⁵²

23. CRPD was concerned by the negative perception of women with disabilities within the family and society, and the reported cultural, traditional and family pressures that favoured the concealment of women with disabilities.⁵³

24. CERD recommended that Tunisia adopt separate legislation on the offence of racial discrimination and the propagation of racial hatred meeting all the requirements of the Convention.⁵⁴

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

25. The HR Committee welcomed the moratorium on the death penalty, applied since 1991,⁵⁵ and the progress Tunisia had made towards abolishing the death penalty and commuting the death sentences of certain prisoners. Tunisia should consider abolishing the death penalty and ratifying the second Optional Protocol to the Covenant.⁵⁶

26. According to the OHCHR AM, the Ministry of Justice indicated that 147 persons had died during the 2010–2011 demonstrations, while another 510 had been injured. Several security forces attached to the Presidency and to the Ministry of the Interior were seen to be at the heart of the serious violations of human rights that had taken place during that period.⁵⁷

27. The OHCHR AM reported that the Transitional Government had established two fact-finding commissions — one on human rights abuses and one on corruption — in addition to a commission on political reform.⁵⁸ The High Commissioner acknowledged those important steps.⁵⁹ The OHCHR AM recommended that Tunisia: strengthen the guarantees of independence of those commissions by giving them, *inter alia*, an adequate legal basis, adequate powers, and an independent and adequate budget; and build their approaches and recommendations on fully inclusive and participatory processes.⁶⁰ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment also recommended that the fact-finding commission established to investigate abuses committed during the revolution and its aftermath complete its work as soon as possible and that its findings be followed by investigations, prosecutions and adequate reparation and rehabilitation for victims.⁶¹

28. The OHCHR AM also referred to the death of 72 prisoners during the 2010–2011 uprising and to reported allegations of serious violations of human rights.⁶² It recommended that Tunisia establish a full and independent account of the events that took place in the prisons during the period of unrest.⁶³

29. In 2011, the Special Rapporteur on the question of torture indicated that, given the legacy of torture from the past regime and the lack of sufficiently timely investigations into allegations of torture, it could not be said that a culture of impunity no longer prevailed. Although the mistreatment of detainees appeared to be essentially inflicted in the initial period of detention, situations of mistreatment in later stages of detention had also been detected.⁶⁴

30. The Special Rapporteur on the question of torture identified two overarching issues critical to effectively combating torture and ill-treatment that needed the urgent attention of the Government in order to ensure justice in the transition period: first, prompt and thorough investigations into all cases of torture and ill-treatment, prosecution of the perpetrators, and the provision of effective remedies and reparations for all victims; second, the establishment of solid safeguards against torture and ill-treatment through constitutional, legislative and administrative reforms.⁶⁵

31. The Special Rapporteur on the question of torture recommended that Tunisia, *inter alia*, establish an effective national preventive mechanism (NPM) in full compliance with the Paris Principles by either designating the national human rights institution as an NPM or establishing a separate independent NPM in accordance with OP-CAT; complete the ongoing reform and restructuring of the State security apparatus; and publicly announce the break with the previous regime by ensuring a comprehensive vetting process encompassing the Ministry of the Interior and the Ministry of Justice.⁶⁶

32. CRPD recommended that Tunisia repeal legislative provisions which allow for the deprivation of liberty on the basis of disability, including psychosocial or intellectual disability.⁶⁷

33. The OHCHR AM recommended that Tunisia address the dire situation in prisons by adopting a new penitentiary policy that assures humane conditions, and that it pay particular attention to the rehabilitation and social reinsertion of detainees.⁶⁸ The Special Rapporteur on the question of torture recommended that the Government strengthen its efforts to improve detention conditions with a view to ensuring the separation of minors from adults and of pretrial prisoners from convicts, introduce independent and effective complaints mechanisms within all places of detention, and ensure that all detainees have unimpeded and unsupervised access to the enforcement judge upon request.⁶⁹

34. In 2011, the Human Rights Council welcomed the efforts of the transitional Government to release all political prisoners through a general amnesty and to bring transparency to the prison system, in particular by granting access to international and non-governmental organizations.⁷⁰

35. CEDAW remained concerned at the high prevalence of violence against women and girls and regretted the absence of a law on violence against women, including domestic violence and marital rape.⁷¹ CEDAW remained concerned at allegations of harassment against women wearing the hijab (veil) in public.⁷²

36. CEDAW urged Tunisia to take all necessary measures to protect women domestic workers from economic exploitation and sexual violence.⁷³

37. CEDAW noted the bill on human trafficking under consideration. It was however concerned at the apparent lack of a clear understanding of the concept of trafficking, which negatively impacted on the ability of the State to address the phenomenon. CEDAW urged Tunisia to expedite the adoption of the bill on human trafficking.⁷⁴

38. UNICEF⁷⁵ and CRPD⁷⁶ noted the amendment of the Penal Code in 2010, which prohibited all forms of violence against children, regardless of who the perpetrator — including parents or tutors — might be. CRC recommended that Tunisia take all necessary measures in order to address and prevent violence against and abuse of children.⁷⁷

39. UNICEF highlighted the persistence of certain attitudes affecting child protection, including the tolerance of practices such as corporal punishment as a means of reprimanding or punishing a child and the employment of underage children.⁷⁸

40. On the subject of domestic violence, UNICEF referred to the results of the 2006 multiple indicator cluster survey (MICS 3), which showed that 94 per cent of children aged

between 2 and 14 were subjected to various forms of verbal, physical and psychological abuse. Almost three quarters (73 per cent) were beaten, 26 per cent were verbally abused and 30 per cent were deprived of a right, virtually regardless of their backgrounds or regions. According to the survey on violence in schools, 58.2 per cent of students stated that they had been the victims of all sorts of violence; 3.3 per cent stated that they had been the victims of sexual violence and 11.5 per cent complained of parental negligence, which they viewed as a form of violence. Furthermore, in 2011, there had been reports of acts of violence perpetrated against children participating in protest movements (such as demonstrations and riots).⁷⁹

41. CRC reiterated its previous recommendations that Tunisia take all necessary measures to effectively prevent and combat child labour.⁸⁰ It also recommended that Tunisia undertake a systematic assessment of the situation of children in street situations.⁸¹ CEDAW recommended that Tunisia increase the number of Labour Inspectorates to ensure that under-age children are not exploited.⁸²

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

42. The OHCHR AM stated that the role of the judiciary was critical in upholding the rights of Tunisians. Under the Government of former President Ben Ali, the independence and impartiality of the judiciary had been constantly undermined through the use of executive powers to intimidate and pressure independent judges. The judicial system required comprehensive reform. Gaps that permitted the influence of the executive power over the judiciary, including through the Ministry of Justice, should be closed.⁸³

43. The Special Rapporteur on the question of torture recognized that the severe shortfall of professional human resources and technical capacity posed obstacles to completing criminal investigations in complex cases. He believed that silence and lack of transparency about those limitations triggered mistrust of the system.⁸⁴

44. The Special Rapporteur on the question of torture recommended that Tunisia restore the public image of the judiciary by immediately instituting measures against endemic and institutionalized corruption and ensuring judicial independence.⁸⁵ He also recommended that Tunisia ensure adequate legal aid for victims of torture or ill-treatment to enable them to bring complaints and make claims for redress, as well as make available to the victims all evidence concerning acts of torture or ill-treatment upon request.⁸⁶

45. The Special Rapporteur on the question of torture recommended that Tunisia ensure that safeguards during arrest and detention are guaranteed in practice; amend the legislation to reduce the lawful duration of *garde à vue* (police custody) to a maximum of 48 hours, and ensure that access to a lawyer during the *garde à vue* period is provided for in law; ensure that a mandatory independent medical examination is conducted upon a detainee's arrival in prison; and consider video and audiotaping interrogations.⁸⁷

46. The HR Committee was concerned by reports that, in practice, confessions obtained through torture were not excluded as evidence in a trial nor explicitly prohibited by the legislation of Tunisia.⁸⁸

47. CEDAW urged Tunisia to strengthen its legal complaints system to ensure that women have effective access to justice.⁸⁹

48. The OHCHR AM further recommended that Tunisia ensure accountability for all human rights violations by immediately opening judicial investigations into all credible allegations of violations, prosecuting those responsible and awarding reparations to victims.⁹⁰ In the same vein, the High Commissioner stated that the Government should

shine a full, bright light over past crimes and bring the perpetrators of gross human rights violations to justice by, inter alia, activating transitional justice mechanisms.⁹¹

49. The OHCHR AM recommended that Tunisia adopt a comprehensive and inclusive approach to transitional justice, by holding national consultations which explored the most appropriate options for the country, including truth, reconciliation and accountability mechanisms.⁹²

50. UNICEF noted that no special treatment was provided for children at the time of their arrest, in accordance with the rights of the child. A number of children continued to be incarcerated with adults.⁹³

51. CRC was concerned at the failure of Tunisia to monitor the quality of the juvenile justice system, and at the high rate of recidivism of child offenders, especially girls.⁹⁴

D. Right to marriage and family life

52. CRC was concerned at the high rate of children born out of wedlock who were placed in institutions due to the social stigmatization and discrimination faced by single mothers.⁹⁵ It recommended that Tunisia ensure that placement in foster care or in an institution was used only as a measure of last resort.⁹⁶

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

53. The OHCHR AM reported that, during President Ben Ali's rule, freedom of expression and assembly had been severely curtailed. Trade and student unions, human rights defenders, civil society actors, journalists and political activists had been harassed, intimidated, detained, and subjected to torture and cruel, inhuman and degrading treatment.⁹⁷

54. UNESCO noted that after the uprising of January 2011, the situation in terms of freedom of expression evolved rapidly. In the immediate aftermath, journalists enjoyed new-found freedom, Internet censorship was reduced and the Ministry of Information was dissolved. The interim Government proclaimed freedom of information and expression as a fundamental principle.⁹⁸ The Commission for the Achievement of the Objectives of the Revolution, Political Reforms and Democratic Transition was assigned the task of revising regulation and laws.⁹⁹ Also, the National Instance for the Reform of Information and Communication was assigned the role of reforming the media sector.¹⁰⁰ Those new circumstances had, however, been compromised by an increasing number of attacks against media professionals.¹⁰¹

55. UNESCO stated that training on safety for journalists, bloggers and media workers was especially crucial at that point in time.¹⁰² Further support was necessary to establish the necessary legal and regulatory framework to protect freedom of expression, press freedom and freedom of information in accordance with international standards.¹⁰³

56. UNESCO recommended the adoption of a new press code that should explicitly protect freedom of expression and the press, media pluralism and the editorial independence of public and private media.¹⁰⁴ A freedom of information act should also be drafted in compliance with international standards.¹⁰⁵ The HR Committee recommended that Tunisia take steps to put an end to direct and indirect restrictions on freedom of expression. Article 51 of the Press Code should be brought into line with article 19 of the Covenant, so as to ensure a fair balance between protection of a person's reputation and freedom of expression.¹⁰⁶

57. The OHCHR AM indicated that the 2010–2011 demonstrations had been remarkably peaceful, with violence emanating from the brutal response of the security forces and the action of armed militia rather than from protestors.¹⁰⁷

58. The OHCHR AM reported that civil society organizations had resumed operations, and were able to function in an open manner and without the obstruction of their activities that they had suffered in the past. Yet, some activists continued to fear that the old practices had not completely disappeared.¹⁰⁸ The High Commissioner stated that the positive response from the Government to requests for registration of associations and publications, which were previously prohibited, were all steps in the right direction.¹⁰⁹

59. The OHCHR AM recommended that Tunisia sustain progress in ensuring freedom of expression and association and expand space for civil society action to ensure that civil society organizations are able to play their full role in the run-up to elections, in shaping the future of their country, and in providing an effective counterbalance to government.¹¹⁰

60. The OHCHR AM added that the Transitional Government had recognized all political parties, granted passports to Tunisians in exile and allowed the return of exiled Tunisian opposition figures.¹¹¹ The High Commissioner stated that, by July 2011, there were more than 80 officially registered political parties, compared to only seven before the revolution.¹¹²

61. The High Commissioner took note of the establishment of the first independent Electoral Commission in Tunisia and applauded the decision to enshrine gender parity in the electoral rolls for the elections held in October 2001.¹¹³ The Secretary-General congratulated the people and interim authorities of Tunisia for holding a historic Constituent Assembly election on 23 October in a peaceful and orderly manner. He added that the landmark election constituted a key step in the democratic transition of the country and a significant development in the overall democratic transformation in the region.¹¹⁴

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

62. CEDAW urged Tunisia to adopt policies and legislation to accelerate the eradication of employment discrimination against women.¹¹⁵

63. CRPD recommended that Tunisia ensure the implementation of measures of affirmative action provided for in the law for the employment of women and men with disabilities.¹¹⁶

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

64. The OHCHR AM reported that, for decades, a combination of factors had resulted in striking economic and social disparities and denial of basic economic and social rights for very large sectors of the population.¹¹⁷ It recommended that Tunisia take immediate steps to redress disparities in standards of living and access to and quality of health, education, employment and social support structures for women, children, youth and marginalized communities across the country.¹¹⁸

65. The OHCHR AM recalled that the Transitional Government had taken some steps to begin to address economic and social rights, and indicated that extensive reform of the economy and the implementation of policies, guided by international human rights obligations, would be needed in order to make the drastic changes required to ensure that all parts of the country and population would benefit from economic growth and that limited resources would be shared with the poorest and most vulnerable communities.¹¹⁹

66. In 2011, UNICEF reported that higher local food prices had serious consequences for households and economies. At the State level, higher import bills added further pressure on scarce public resources and reduced the availability and quality of key public goods. The adverse impacts of soaring food prices could wreak devastating havoc on societies; the civil unrest that toppled the 23-year reign of President Ben Ali in Tunisia during January 2011, stood as a strident reminder.¹²⁰

67. CEDAW encouraged Tunisia to pursue its policies and programmes aimed at the economic empowerment of rural women and ensuring their access to health-care services, education and social services.¹²¹

H. Right to health

68. UNICEF reported that, despite a visible improvement in the health indicators for mothers and infants, neonatal mortality at present accounted for most cases of child and infant mortality (two thirds), subject to certain regional and social disparities.¹²²

69. CRC recommended that Tunisia ensure that adolescents be provided with gender-sensitive information on sexual and reproductive health, including on family planning and contraceptives. It also recommended that Tunisia provide children with accurate and objective information about substance use, including tobacco use.¹²³

70. The Joint United Nations Programme on HIV/AIDS (UNAIDS) noted that the duality of the Tunisian legal framework remained a major obstacle to achieving universal access in Tunisia, particularly for the populations most at risk from AIDS transmission.¹²⁴ UNAIDS added that the fact that key and vulnerable populations are penalized by a legal system that represses both male and clandestine female sex workers, as well as men who have sex with men, and that severely punishes the use of injection drugs, was a major obstacle to granting those populations access to existing medical and social services.¹²⁵

71. UNAIDS recommended that the national committee for the fight against AIDS be revitalized;¹²⁶ that the legal framework that repressed key populations be revised; that the rights of people with communicable diseases be clearly set out and that rights specific to persons living with HIV be included.¹²⁷

I. Right to education

72. CRC recommended that Tunisia pursue and strengthen its efforts to eliminate regional and urban/rural disparities in education; and pursue and strengthen its policy aimed at preventing school dropout and repetition.¹²⁸ CEDAW remained concerned at the regional and urban/rural disparities in illiteracy rates, which stood in 2008 at 20.1 per cent in urban areas against 42.8 per cent in rural areas.¹²⁹

73. CRPD was concerned that many integrated schools were not equipped to receive children with disabilities.¹³⁰

74. UNESCO encouraged Tunisia to submit a report in the framework of the eighth consultation of UNESCO member States on the application of the Convention and Recommendation against Discrimination in Education.¹³¹

J. Persons with disabilities

75. CRPD recommended that Tunisia include an explicit prohibition of disability-based discrimination in an anti-discrimination law.¹³² It further recommended that Tunisia, in

consultation with persons with disabilities, undertake a review of the implementation of laws on accessibility.¹³³ UNICEF stated that the country was urged to guarantee protection and equal access to children with disabilities.¹³⁴

K. Minorities and indigenous peoples

76. CERD urged Tunisia to review the situation of the Amazigh in the light of international agreements on human rights, with a view to guaranteeing the members of that community the enjoyment of the rights they claim, notably the right to their own culture and the use of their mother tongue and the preservation and development of their identity.¹³⁵

L. Migrants, refugees and asylum-seekers

77. In 2011, the Human Rights Council commended the Tunisian people for the solidarity shown to refugees and the assistance extended to them.¹³⁶

78. UNHCR reported that, as of March 2011, thousands of persons had arrived to Tunisia from a third country as a result of a conflict. Tunisia had adopted a generous open-door policy and granted these persons with de facto temporary protection. However, as of September 2011, Tunisia had resumed the application of its regular immigration rules, by which third country nationals without adequate documentation, including persons holding UNHCR asylum-seeker or refugee certificates, might not be able to access the country.¹³⁷

79. UNHCR reported that in August 2011, the Government of Tunisia had indicated its willingness to have a national law on asylum.¹³⁸ UNHCR was fully committed to assisting the development of an asylum system in compliance with the 1951 Convention.¹³⁹

M. Right to development

80. The OHCHR AM recommended that Tunisia ensure that development policies are the result of consultative and participatory processes that put the interest and rights of all Tunisians at the centre.¹⁴⁰

N. Human rights and counter-terrorism

81. In May 2011, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stated that even though the amnesty law made the 2003 anti-terrorism law de facto obsolete, he was surprised to learn during his follow-up visit to Al Mornaguia prison that at least two recently arrived detainees had been detained on the basis of the 2003 anti-terrorism law. The Special Rapporteur observed that the paradoxical status of the law was highly problematic from a rule of law perspective, given that a law cannot be enforced and not enforced at the same time, and requested the Government of Tunisia to resolve that ambiguous situation with immediacy.¹⁴¹

82. The Special Rapporteur stressed that if the Government decided to prepare special legislation for countering terrorism, it should comply with the international obligations of Tunisia, including the principle of legality enshrined in article 15 of ICCPR.¹⁴²

Notes

- ¹ Report of the OHCHR Assessment Mission to Tunisia, 26 January 2011–2 February 2011, para. 1.
- ² Ibid., para. 14.
- ³ Ibid., para. 16.
- ⁴ CRPD/C/TUN/CO/1, para. 7.
- ⁵ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations Compilation from the previous cycle (A/HRC/WG.6/1/TUN/2).
- ⁶ The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance
- ⁷ See also Human Rights Council resolution 16/19, pp. 1–2; and statement by Ms. Navi Pillay, United Nations High Commissioner for Human Rights on the occasion of the signature of the agreement establishing a country office in Tunisia, 13 July 2011, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11241&LangID=E; and the statement by the High Commissioner for Human Rights to mark the opening of the United Nations Human Rights Office in Tunisia, 14 July 2011; available from: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11239&LangID=E.
- ⁸ In the previous compilation a table contained information on the recognition of specific competences of treaty bodies, namely, Individual complaints: ICERD, art. 14, CAT, art. 22, ICRMW, art. 77, and CED, art. 31; Inquiry procedure: OP-CEDAW, arts. 8 and 9, CAT, art. 20, OP-CRPD, arts. 6 and 7; Inter-State complaints: ICCPR, art. 41, ICRMW, art. 76, and CED, art. 32.
- ⁹ See also Human Rights Council resolution 16/19, pp. 1–2; and statement by Ms. Navi Pillay, United Nations High Commissioner for Human Rights on the occasion of the signature of the agreement establishing a country office in Tunisia, 13 July 2011, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11241&LangID=E; and the statement by the High Commissioner for Human Rights to mark the opening of the United Nations Human Rights Office in Tunisia, 14 July 2011; available from: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11239&LangID=E.
- ¹⁰ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol

Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

- ¹¹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ¹² 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ¹³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ¹⁴ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- ¹⁵ Human Rights Council resolution 16/19, pp. 1–2.
- ¹⁶ Statement by the High Commissioner on establishing a country office in Tunisia (note 7 above); see also statement by the High Commissioner to mark the opening of the Human Rights Office in Tunisia (note 7 above).
- ¹⁷ CEDAW/C/TUN/CO/6, paras. 12–13.
- ¹⁸ CERD/C/TUN/CO/19, para. 21.
- ¹⁹ CRC/C/TUN/CO/3, para. 68.
- ²⁰ CEDAW/C/TUN/CO/6, para. 67.
- ²¹ Report of the OHCHR Assessment Mission (note 1 above), paras. 32–33. See also High Commissioner for Human Rights, “The Tunisian elections”; 21 October 2011; available from: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11521&LangID=E.
- ²² CEDAW/C/TUN/CO/6, para. 15.
- ²³ Ibid., para. 17. See also the UNICEF submission to the UPR on Tunisia, 2010, first page.
- ²⁴ According to article 5 of the rules of procedure for the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (Fully in compliance with each of the Paris Principles), B: Non-Voting Member (Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (Not in compliance with the Paris Principles).
- ²⁵ For the list of national human rights institutions with accreditation status granted by the ICC, see A/HRC/16/77, annex.
- ²⁶ A/HRC/13/45, annex II, para. 7.4.
- ²⁷ CRC/C/TUN/CO/3, paras. 13–14. See also UNICEF submission to the UPR on Tunisia, 2010, third page.
- ²⁸ Statement by the High Commissioner on establishing a country office in Tunisia (note 7 above). See also Report of the OHCHR Assessment Mission (note 1 above), paras. 25, 27 and 55 (I).
- ²⁹ UNICEF submission to the UPR on Tunisia, 2010, second page.
- ³⁰ Ibid., first page.
- ³¹ CRPD/C/TUN/CO/1, paras. 41–42.
- ³² Ibid. para. 10. See also para. 11.
- ³³ CCPR/C/TUN/CO/5, para. 6.
- ³⁴ The following abbreviations have been used for this document:

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

CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearance

- ³⁵ CAT/C/41/D/291/2006.
- ³⁶ CRC/C/TUN/CO/3, para. 68.
- ³⁷ Ibid., para. 72.
- ³⁸ Abbreviations used follow those contained in the communications report of special procedures (A/HRC/18/51 and Corr.1).
- ³⁹ See also Human Rights Council resolution 16/19, p. 1.
- ⁴⁰ A/HRC/16/51/Add.2.
- ⁴¹ A/HRC/19/61/Add.1. See also statement by the High Commissioner for Human Rights, meeting with civil society in the context of the opening of the OHCHR Country Office in Tunisia, 13 July 2011, available from: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11242&LangID=E.
- ⁴² See also the statement by the High Commissioner meeting with civil society (note 41 above).
- ⁴³ Human Rights Council resolution 16/19, p. 2.
- ⁴⁴ Statement by the High Commissioner on establishing a country office in Tunisia (note 7 above).
- ⁴⁵ OHCHR, "The people of Tunisia cast their votes"; 20 October 2011; available from: www.ohchr.org/EN/NewsEvents/Pages/ThepeopleofTunisiacasttheirvotes.aspx; see also the statement by the High Commissioner to mark the opening of the Human Rights Office in Tunisia (note 7 above).
- ⁴⁶ CEDAW/C/TUN/CO/6, para. 4.
- ⁴⁷ Ibid., para. 25.
- ⁴⁸ Ibid., paras. 60–61.
- ⁴⁹ UNHCR submission to the UPR on Tunisia, 2010, p. 3.
- ⁵⁰ Ibid., p. 4.
- ⁵¹ CEDAW/C/TUN/CO/6, para. 56.
- ⁵² CRC/C/TUN/CO/3, para. 25.
- ⁵³ CRPD/C/TUN/CO/1, para. 14.
- ⁵⁴ CERD/C/TUN/CO/19, para. 13.
- ⁵⁵ CCPR/C/TUN/CO/5, para. 5.
- ⁵⁶ Ibid., para. 14.
- ⁵⁷ Report of the OHCHR Assessment Mission (note 1 above), paras. 39–40. See also the statement by the High Commissioner for Human Rights on Tunisia, Geneva, 19 January 2011 (available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10645&LangID=E) and OHCHR, "UN human rights chief calls for investigations into deaths in Tunisia", 12 January 2011, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10628&LangID=E.
- ⁵⁸ Report of the OHCHR Assessment Mission (note 1 above), para. 23.
- ⁵⁹ Statement by the High Commissioner on establishing a country office in Tunisia (note 7 above).
- ⁶⁰ Report of the OHCHR Assessment Mission (note 1 above), para. 55 (V).
- ⁶¹ A/HRC/19/61/Add.1, p. 2.
- ⁶² Report of the OHCHR Assessment Mission (note 1 above), para. 38.
- ⁶³ Ibid., para. 55 (VI).
- ⁶⁴ A/HRC/19/61/Add.1, pp. 1–2. See also CCPR/C/TUN/CO/5, para. 11 and CRC/C/TUN/CO/3, para. 38.
- ⁶⁵ A/HRC/19/61/Add.1, p. 2.
- ⁶⁶ Ibid., para. 102 (f) and (h).
- ⁶⁷ CRPD/C/TUN/CO/1, para. 25.
- ⁶⁸ Report of the OHCHR Assessment Mission (note 1 above), para. 55 (VI). See also CCPR/C/TUN/CO/5, para. 16.
- ⁶⁹ A/HRC/19/61/Add.1, para. 101 (a) and (b).
- ⁷⁰ Human Rights Council resolution 16/19, p. 1.
- ⁷¹ CEDAW/C/TUN/CO/6, para. 26. See also CCPR/C/TUN/CO/5, para. 10.
- ⁷² CEDAW/C/TUN/CO/6, paras. 30–31.
- ⁷³ Ibid., paras. 48–49.
- ⁷⁴ Ibid., paras. 32–33.

- 75 UNICEF submission to the UPR on Tunisia, 2010, second page.
- 76 CRPD/C/TUN/CO/1, para. 6.
- 77 CRC/C/TUN/CO/3, para. 48.
- 78 UNICEF submission to the UPR on Tunisia, 2010, first page.
- 79 Ibid.
- 80 CRC/C/TUN/CO/3, para. 58.
- 81 Ibid., para. 60.
- 82 CEDAW/C/TUN/CO/6, paras. 48–49.
- 83 Report of the OHCHR Assessment Mission to Tunisia (note 1 above), para. 36. See also CCPR/C/TUN/CO/5, para. 17.
- 84 A/HRC/19/61/Add.1, para. 95.
- 85 Ibid., para. 100 (h).
- 86 Ibid., para. 100 (d).
- 87 Ibid., para. 102 (c). See also CCPR/C/TUN/CO/5, para. 13.
- 88 CCPR/C/TUN/CO/5, para. 12.
- 89 CEDAW/C/TUN/CO/6, para. 23.
- 90 Report of the OHCHR Assessment Mission (note 1 above), para. 55 (IV).
- 91 Statement by the High Commissioner on establishing a country office in Tunisia (note 7 above). See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11066&LangID=E.
- 92 Report of the OHCHR Assessment Mission (note 1 above), para. 55 (VII).
- 93 UNICEF submission to the UPR on Tunisia, 2010, third page.
- 94 CRC/C/TUN/CO/3, paras. 65–66.
- 95 Ibid., paras. 43–44. See also UNICEF submission to the UPR on Tunisia, 2010, second page.
- 96 CRC/C/TUN/CO/3, para. 46.
- 97 Report of the OHCHR Assessment Mission (note 1 above), para. 11.
- 98 UNESCO submission to the UPR on Tunisia, 2011, p. 3.
- 99 Ibid.
- 100 Ibid.
- 101 Ibid., p. 4.
- 102 Ibid.
- 103 Ibid.
- 104 Ibid.
- 105 Ibid., pp. 4–5.
- 106 CCPR/C/TUN/CO/5, para. 18.
- 107 Report of the OHCHR Assessment Mission (note 1 above), para. 17; see also “UN human rights chief” (note 57 above).
- 108 Report of the OHCHR Assessment Mission (note 1 above), para. 29.
- 109 Statement by the High Commissioner, meeting with civil society (note 41 above). See also CCPR/C/TUN/CO/5, para. 21.
- 110 Report of the OHCHR Assessment Mission (note 1 above), para. 55 (III).
- 111 Ibid., para. 23.
- 112 Statement by the High Commissioner to mark the opening of the Human Rights Office in Tunisia (note 7 above).
- 113 Statement by the High Commissioner on establishing a country office in Tunisia (note 7 above). See also CEDAW/C/TUN/CO/6, para. 37.
- 114 “Secretary-General says Tunisia elections key step in country’s democratic transition, significant development in region’s transformation”, statement of the Secretary-General (SG/SM/13898 – AFR/2272), 24 October 2011, available from www.un.org/News/Press/docs/2011/sgsm13898.doc.htm.
- 115 CEDAW/C/TUN/CO/6, para. 43.
- 116 CRPD/C/TUN/CO/1, para. 34.
- 117 Report of the OHCHR Assessment Mission (note 1 above), paras. 44–45.
- 118 Ibid., para. 55 (VIII). See also CRC/C/TUN/CO/3, paras. 23–24.
- 119 Report of the OHCHR Assessment Mission (note 1 above), paras. 23 and 46.
- 120 UNICEF, *Escalating Food Prices: The Threat to Poor Households and Policies to Safeguard a Recovery for All* (New York, 2011), p. 11. Available from www.unicef.org/socialpolicy/files/Escalating_Food_Prices.pdf. See also Human Rights Council resolution 16/19, p. 2 and report of the

- OHCHR Assessment Mission (note 1 above), para. 55.
- ¹²¹ CEDAW/C/TUN/CO/6, para. 53.
- ¹²² UNICEF submission to the UPR on Tunisia, 2010, first page.
- ¹²³ CRC/C/TUN/CO/3, para. 54.
- ¹²⁴ UNAIDS submission to the UPR on Tunisia, 2011, first page.
- ¹²⁵ Ibid., second page.
- ¹²⁶ Ibid., p. 5.
- ¹²⁷ Ibid.
- ¹²⁸ CRC/C/TUN/CO/3, para. 56.
- ¹²⁹ CEDAW/C/TUN/CO/6, para. 40.
- ¹³⁰ CRPD/C/TUN/CO/1, paras. 30–31.
- ¹³¹ UNESCO submission to the UPR on Tunisia, 2011, p. 4.
- ¹³² CRPD/C/TUN/CO/1, paras. 12–13.
- ¹³³ Ibid., para. 21.
- ¹³⁴ UNICEF submission to the UPR on Tunisia, 2010, third page. See also CRC/C/TUN/CO/3, para. 50.
- ¹³⁵ CERD/C/TUN/CO/19, para. 11. See also UNHCR submission to the UPR on Tunisia, p. 2 and CERD/C/TUN/CO/19, para. 16.
- ¹³⁶ Human Rights Council resolution 16/19, p. 2.
- ¹³⁷ UNHCR submission to the UPR on Tunisia, 2010, p. 2.
- ¹³⁸ Ibid. See also CERD/C/TUN/CO/19, para. 15.
- ¹³⁹ UNHCR submission to the UPR on Tunisia, 2010, p. 2.
- ¹⁴⁰ Report of the OHCHR Assessment Mission to Tunisia (note 1 above), para. 55 (IX).
- ¹⁴¹ Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his follow-up mission to Tunisia (forthcoming), p. 2.
- ¹⁴² Ibid., para. 41 (b).
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