



Promoting and strengthening  
the Universal Periodic Review

# Recommendations & Pledges

## TUNISIA

### Second Review Session 13

Review in the Working Group: 22 May 2012  
Adoption in the Plenary: 19 September 2012

**Tunisia’s responses to recommendations (as of 25.09.2012):**

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
110 recs. accepted, (15 of which were considered as having already been implemented or being in the process of implementation), 3 rejected and 12 pending	The delegation commented the issues contained in the 12 recs. and took note of those 12 recs.	The delegation stated that it was not in a position to respond to those 12 recs. and will continue to consult	Accepted: 110 Rejected: 3 No clear position: 0 Pending: 12 Total: 125

*Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.*

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/21/5:**

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

A - 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);

A - 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);

A - 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);

A - 114.4. Include women's rights in the new Constitution, including legislation on measures to eliminate all forms of violence against women (Netherlands);

A - 114.5. Integrate into the new Constitution the Personal Statute Law, in order to uphold women's rights (Germany);

A - 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);

A - 114.7. Continue cooperation with civil society organizations to reduce the phenomena of violence against women (Jordan);

A - 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);

A - 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);

A - 114.10. Adopt the concept of discrimination in line with CEDAW for the definition of fundamental rights related to gender equality (Honduras);

A - 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);

A - 114.12. Enact legislative provisions prohibiting discrimination against women and persons with disabilities (Mexico);

A - 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);

A - 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);

A - 114.15. Further pursue its efforts to ensure the increased participation of all citizens in public life (Azerbaijan);

A - 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);

A - 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);

A - 114.18. Continue its efforts to improve the situation of children in different aspects (Palestine);

A - 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);

A - 114.20. Follow up efforts to strengthen the legal framework and policies designed to promote and protect child rights (Jordan);

A - 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);

A - 114.22. Make efforts to strengthen the rights of persons with disabilities (Senegal);

A - 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);

A - 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);

A - 114.25. Promote community awareness and enact laws to curb violence against people with disabilities and special needs (Yemen);

A - 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);

A - 114.27. Continue to implement the human rights plans and training programs for the judiciary and the police (Qatar);

A - 114.28. Undertake reform of the judiciary by revising the law on the statute of the Magistrates (Kyrgyzstan);

A - 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);

A - 114.30. Expeditiously conclude and approve the draft law for moral and material reparations to victims of violations of human rights (Peru);

A - 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);

A - 114.32. Provide better guarantees for the independence of the judiciary, including by reforming the Magistrates' High Council (Belgium);

A - 114.33. Continue the institutional and judicial reforms aimed at strengthening the rule of law (Angola);

A - 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);

A - 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);

A - 114.36. Continue to support training programs for the police (Palestine);

A - 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);

A - 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);

A - 114.39. Continue its efforts in seeking accountability for the past human rights violations and providing redress to their victims (Republic of Korea);

A - 114.40. Establish a mechanism for transitional justice (Togo);

A - 114.41. Strengthen measures in the area of transitional justice related to justice, truth, reparations and guarantees, to prevent a repetition (Chile);

A - 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);

A - 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);

A - 114.44. Study the possibility to repeal the death penalty from its legal system (Argentina);

A - 114.45. Consider to abolish the death penalty in line with the country's new reality (Greece);

A - 114.46. Commute all death sentences into prison sentences (France);

A - 114.47. Continue its efforts to end practices of torture and prosecute effectively all the perpetrators (Greece);

A - 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);

A - 114.49. Consider including provisions against torture in its new Constitution to ensure effective redress for victims of torture (Botswana);

A - 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);

A - 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);

A - 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);

A - 114.53. Continue to take all necessary measures to protect and offer remedy to victims of torture (Japan);

A - 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);

A - 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);

A - 114.56. Include freedom of expression, press freedom and access to information in the Constitution (Netherlands);

A - 114.57. Continue pursuing policy measures towards media plurality and independence (Slovakia);

A - 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);

A - 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);

A - 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);

A - 114.61. Implement as soon as possible Decree laws 115 and 116 and establish promptly a high independent authority for media and communication (Switzerland);

A - 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);

A - 114.63. Continue the process of political reforms, especially to ensure freedom of expression, freedom of thought and the right to demonstrate (Chile);

A - 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);

A - 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);

A - 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);

A - 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);

A - 114.68. Follow-up and implement the recommendations made by the United Nations mechanisms (Qatar);

A - 114.69. Continue efforts to answer queries and questionnaires submitted by Special Procedures mandate holders (Jordan);

A - 114.70. Continue to seek technical cooperation and assistance in the field of human rights education and training (Thailand);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 114.78. Formally codify in domestic law its international legal commitments, and repeal or amend incompatible repressive laws (Australia);

A - 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);

A - 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);

A - 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);

A - 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);

A - 114.83. Speed up its efforts to reduce poverty and unemployment and decrease the economic and social disparities between the regions (Azerbaijan);

A - 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);

A - 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);

A - 114.86. Accelerate the implementation of the 2011 Jasmine Plan on national economic and social programmes in close collaboration with relevant stakeholders (Indonesia);

A - 114.87. Strive to guarantee the right to social security and achieve decent standards of living (Iraq);

A - 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);

A - 114.89. Implement a health reform based on the principle of universal access to care (Monaco);

A - 114.90. Further explore better ways to address the devolvement of hitherto less developed regions (Uganda);

A - 114.91. Pursue and strengthen efforts to eradicate differences between the regions and between urban and rural areas in the sphere of education (Djibouti);

A - 114.92. Start medium and long-term development projects in the under-developed regions in order to generate employment and promote national harmony (Pakistan);

A - 114.93. Bring appropriate solutions to the problems of disparities linked to economic, social and cultural rights, as highlighted in the national report (Senegal);

A - 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);

A - 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:**

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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 inhuman 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);

A - 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);

A - 115.13. Amend the statute of limitations to be in line with international law as codified in the UN Basic Principles and Guidelines (Sweden);

A - 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);

A - 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:**

P - 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);

P - 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);

P - 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);

P - 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);

P - 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);

P - 116.6. Abolish the death penalty (Turkey). Integrate the abolition of the death penalty in the new Constitution (Germany), (Italy);

P - 116.7. Sign and ratify the Second Optional Protocol to the ICCPR (Portugal);

P - 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);

P - 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);

P - 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);

P - 116.11. Ratify the Second Optional Protocol to the ICCPR and the Optional Protocol to the ICESCR (Spain);

P - 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:**

R - 117.1. Eliminate any legislation criminalizing same-sex relations (Spain);

R - 117.2. Modify or repeal Article 230 of the Penal Code in order to decriminalize same-sex relations of consenting adults (Austria);

R - 117.3. Eliminate provisions criminalizing defamation (Czech Republic).

## **Voluntary Pledges & Commitments Made By Tunisia in the Framework of the UPR**

### **Document A/HRC/21/2:**

- The delegation emphasized that Tunisia was committed to abide by its international obligations in the area of human rights, regardless of the major responsibilities which with it was faced at the national level and the expectations that the people had with regard to accountability and transitional justice, which needed to be completed prior to the initiation of the reconciliation process and the compensation of victims.

### **Document A/HRC/WG.6/13/TUN/1:**

- The Tunisian authorities are committed to following up and implementing the recommendations made by the two Special Rapporteurs following their visits in order to benefit from their experience and assistance, especially in reviewing relevant Tunisian legislation.

*Disclaimer: This classification was made by UPR Info based on United Nations documents and webcast. For more information about this document, consult the "Methodology" on our website: [www.upr-info.org](http://www.upr-info.org). For questions, comments and/or corrections, please write to [info@upr-info.org](mailto:info@upr-info.org)*