

UPR Adoption – Tunisia September 2017

Tunisians now enjoy their human rights to a greater extent than they did under President Zine el-Abidine Ben Ali, whom they ousted in 2011. Since 2011, they have adopted a new constitution, held free and fair legislative and presidential elections, and adopted progressive laws. These steps notwithstanding, serious human rights violations, including torture, lack of accountability for past human rights violations, arbitrary house arrests and travel restrictions under the state of emergency continue.

Human Rights Watch welcomes the acceptance by Tunisia of several key recommendations during the UPR review, such as the recommendation to expedite the establishment of the constitutional court, a key institution that will play a crucial role in ensuring respect for human rights by striking down laws that are inconsistent with the Constitution’s framework on rights and freedoms.

Tunisia has already made several incremental steps to fight discrimination and violence against women, including by adopting a comprehensive legislation to fight domestic violence, and repealing a 1973 ministerial decree that prohibited the marriage between a Tunisian woman and a non-Muslim man. Human Rights Watch urges Tunisia to take further steps to eliminate all other forms of discrimination against women, including by amending its personal status code to grant equal inheritance rights to women.

Numerous delegations noted the need to enhance accountability within the security forces and to ensure that all allegations of abuse are investigated in a prompt, effective and independent manner. Under Ben Ali and during the transition, security forces used torture extensively. However, the authorities have failed in the five years since his overthrow to investigate or hold anyone accountable for the most serious torture cases, despite accepting all 2012 UPR recommendations related to ill-treatment and torture.

Tunisia has also accepted a recommendation to “immediately cease the practice of forced anal examinations of LGBTI persons,” a significant move that could put an end to this practice that tramples the right to dignity and privacy. However, the practice of anal testing continued unabatedly even after the recommendation was accepted, and Tunisia must take more steps to end it. Human Rights Watch also regrets that Tunisia has not accepted other complementary recommendations, such as the one to “ensure protection of the LGBTI community” and to amend or repeal article 230 of the criminal code criminalising same sex relations.