



NON OFFICIAL TRANSLATION

TUNISIA

Mid-Term Report

on the progress in the implementation
of the recommendations of the 2nd cycle of
of the **Universal Periodic Review**

27th session of the Human Rights Council
September 2014

Recommendations	Follow-up/Implementation
<p>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; 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 ;</p> <p>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.</p>	<p>* Tunisia have been for several years implementing programs aiming at contributing to the elimination of patriarchal attitudes and stereotypes regarding the role and the place of women within the family and in society. Programs aiming at assisting parents in the process of socialization of their children are also being designed and executed and popularization and awareness raising campaigns on the sharing of roles within the family have also been conducted.</p> <p>* A commission in charge of reviewing the legal framework in order to identify the discriminatory provisions has been established and will provide reports to the concerned authorities in order to bring the necessary reforms, in particular in light of the adoption of the 2014 Constitution, which insists on equality between men and women and on the preservation and the consolidation of the existing women's rights. In addition :</p> <ul style="list-style-type: none"> - 44 family judges will benefit in 2014 from an in-depth and targeted training to ensure the reduction of the number of divorces in Tunisia and to protect children against any danger due to the disruption of family relationships. - In the framework of the project named "for a better social and professional integration of single mothers in the Maghreb 2013 – 2015", a survey on the promotion of single mothers' access to fundamental rights in order to develop their economic and social empowerment was conducted with the support of the NGO "Santé Sud" and in partnership with the network "Amen childhood Tunisia" which brings together associations working for children without family support. - Thanks to the several reforms of the education system, the enrolment rate of girls reached 92.2% and their percentage in higher education exceeded 62 % (2012-2013).The school dropout rate remains a concern, despite the voluntarist education policy (11.9% in 2011 for both sexes for secondary education). Same for the illiteracy rate affecting women (10 years and more) reaching 25.9%.
<p>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; 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;</p> <p>114.4. Include women's rights in the new Constitution, including legislation on measures to eliminate all forms of violence against women</p>	<p>* The constitutionalization of women's rights is the result of the active participation of Tunisian women in the revolutionary process in Tunisia. Claims by the civil society and the latter's dynamics has accompanied all stages of the adoption of the new constitution to enshrine the principles of anchoring women's rights and their consolidation.</p> <p>* Equality between men and women is guaranteed in the new Constitution, as follows:</p> <ul style="list-style-type: none"> - equality of citizens men and women in rights and duties (art. 21); - the representation of women in the elected assemblies (art. 34); - the right of every men and women citizen to work in decent conditions and against fair wages (art.40). - the protection of the women's existing rights; equality of opportunities between women and men to assume different responsibilities in all areas; the parity between women and men in elected councils; and the eradication of violence against women (art. 46). <p>* Efforts are made by the various stakeholders for the concrete implementation of the provisions of the Constitution relating to the rights of women, including its political participation: the consecration of parity in the new electoral code by the adoption of poll mode favorable to women's access to the next Parliament and other elective bodies, the struggle against political violence, the popularization of the civil and political rights of women, and the fight against vote abstention of women and young people, particularly in rural areas.</p>

<p>114.5. Integrate into the new Constitution the Personal Statute Law, in order to uphold women's rights.</p>	<p>Tunisia's approach was, through the adoption of the new Constitution, to insist on the protection of existing women's rights without constitutionalizing the Code du Statut Personnel (CSP), bearing in mind in particular that the Tunisian legal system in favour women goes well beyond this Code. In addition, in its 1st paragraph, article 46 of the Constitution stipulates that "the State undertakes to protect the existing rights of women, to support them and to work for their improvement".</p>
<p>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; Put in place the necessary legislation to eliminate gender-based violence; Consider the adoption of policies and laws to prevent and combat violence against women.</p>	<ul style="list-style-type: none"> * As part of the national strategy to combat violence against women, the Tunisian women association for research on development (AFTURD) organized, on June 13, 2014 in Tunis, a seminar on "violence against women: experiences and best practices in the collection of data" to reflect on setting up a database and a unified strategy to combat the phenomenon of violence against women. * Several measures have been adopted to protect women against violence, such as 'SOS women victims of violence' Centre which opened in November 2012. * The institutionalization of the gender approach and the creation of a network of focal points within the Government structures. * Civil society also organizes awareness-raising campaigns to combat all forms of discrimination and violence against women.
<p>114.7. Continue cooperation with civil society organizations to reduce the phenomena of violence against women.</p>	<ul style="list-style-type: none"> * The national strategy to combat violence against women throughout life cycles relies widely on the cooperation and partnership with different governmental and non-governmental structures involved in this field. This strategy was put in place through a consultative and participatory approach in its development and in its implementation. * Several partnerships have been established with NGOs to combat violence against women, such as : <ul style="list-style-type: none"> - In 2014, the National Office of Family and Population (ONFP) launched in partnership with the NGO "Women and Citizenship of the Kef" a project on the prevention of gender based violence and the accompaniment of women victims of violence in North-Western Tunisia. - Cooperation with the Association 'Beity' which aims to provide assistance and support to marginalized women, often without family support. - Cooperation with AFTURD in the fields of research and studies on combating violence against women.
<p>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.</p>	<ul style="list-style-type: none"> * The Tunisian Constitution states in article 47 that Children are guaranteed the rights to dignity, health, care, education, and teaching from their parents and the State. It also states that the State must provide all types of protection to all children without discrimination and in accordance with their best interests. * A national plan to combat violence against children and the dissemination of the culture of non-violence through executive programs has been developed. In this context, a national symposium on "violence against children" was organized in December 2013 for the benefit of associations and other components of civil society with the participation of a group of children. * 10 training sessions on the theme of violence against children were organized for the benefit of 189 managing staff: 02 sessions for the benefit of organizations working in the field of childhood and 8 sessions for the benefit of the childhood professionals working in children's institutions. * In 2014, (03) training sessions will be organized for the benefit of associations to strengthen the skills of new entrants in the field of combating violence against children. They will be organized for the benefit of 37 representatives of associations involved in actions that combat violence against children during the year 2013 in order to : <ul style="list-style-type: none"> -Involve children and young people in reflection and debate on the evaluation and planning of work against all forms of violence or abuse against children/youth. -Encourage the associations working in the field of children to contribute to the national effort to combat violence

	<p>against children/youth.</p> <p>-Underline the importance of networking to ensure a positive impact on the ground.</p> <p>* On the issue of human trafficking, an exploratory study was undertaken in June 2013 with IOM on trafficking in persons in Tunisia. It was designed to identify the characteristics of trafficking in Tunisia, to check whether Tunisia meets the requirements of the Palermo Protocol, and to identify the needs in the fields of prevention, suppression and punishment of trafficking in persons and protection of victims, national and international cooperation/coordination, as well as to analyze the role of the private sector and the media with regard to the trafficking in persons.</p> <p>* A draft law on the fight against trafficking is being prepared in collaboration with IOM.</p>
<p>114.9. Continue to take measures necessary to achieve the full and effective participation of woman in the political, social and economic fields; Continue its efforts to further promote participation of women in decision-making in all spheres of public life; 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</p>	<p>* Several measures have been taken or are being developed to increase the level of participation of women in political, social and economic life:</p> <p>* A strategy is being developed for the empowerment and participation of rural women.</p> <p>* The National union of Tunisian women (UNFT) has launched, in cooperation with relevant ministries, a national program to combat illiteracy, in order to give women equal access to employment. It also opened dedicated training centres.</p> <p>* Gender mainstreaming has been incorporated into the planning at the level of all ministries, and focal points have been established in each of them.</p> <p>* A project for encouraging female private initiatives and entrepreneurship of young graduates in the less-favoured areas is being developed.</p> <p>* A plan of action being prepared to encourage, coach and supervise women for greater participation in the next elections not only as voters but also as potential candidates.</p> <p>* Actions remain though of ad hoc nature and do not allow the achievement of the expected objectives in this field, which requires the establishment of a national mechanism to support the economic empowerment of women.</p>
<p>114.10. Adopt the concept of discrimination in line with CEDAW for the definition of fundamental rights related to gender equality.</p>	<p>* The fundamental rights relating to equality between men and women have been defined in the new Constitution adopted in January 2014.</p> <p>* The organic law on transitional justice takes into account the needs of women and children, and provides for gender parity.</p> <p>* The electoral law adopted by the National Constituent Assembly on May 1, 2014, provides in article 23, the obligation for parties to submit men/women equal lists for the legislative elections.</p> <p>* Tunisia lifted its reservations on CEDAW as of October 24, 2011 and the Secretary General of the United Nations was informed officially in accordance with the relevant procedures.</p>
<p>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</p>	<ul style="list-style-type: none"> • In November 2012, a Forum on vocational training was organized and its findings should be translated into a series of plans of action related to the major areas of reform on employment and vocational training. • A national strategy for employment 2013-2017 has been approved in December 2012.
<p>114.12. Enact legislative provisions prohibiting discrimination against women and persons with disabilities.</p>	<ul style="list-style-type: none"> • Article 48 of the Constitution has explicitly provided for the protection of persons with disabilities against all forms of discrimination, as follows: "The state shall protect persons with disabilities from all forms of discrimination. Every disabled citizen shall have the right to benefit, according to the nature of the disability, from all measures that will assure their full integration into society, and the state shall take all necessary measures to achieve this". • A Committee was established in 2014 to review the legal arsenal in order to identify discriminatory provisions and submit reports to the concerned bodies to make the necessary reforms.
<p>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.</p>	<p>* Efforts have been made to identify strategies for the promotion of women in rural areas, as follows:</p> <ul style="list-style-type: none"> - A study on the conditions of women in rural areas and access to the services available to them has been prepared by the Women's and Family Affairs Ministry in the framework of the Tunisian-Spanish cooperation. - A study was also undertaken, in December 2013, on the situation of women in rural areas and access to public services in eleven governorates of Tunisia (out of 23), to improve access to basic services and quality of life, as well as the

	development of a public service ethics. This study will be repeated for the remaining governorates
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	The personal status Code (promulgated on 13 August 1956) remains in force. It abolished polygamy, established judicial process for divorce, set the minimum age for marriage at 17 years for the girl, and gave the right to guardianship to women on her under 18 children. With regard to the custody of the children, the best interests of the child always prevail.
114.15. Further pursue its efforts to ensure the increased participation of all citizens in public life	<ul style="list-style-type: none"> * The participation of all citizens in public life has increased significantly through: <ul style="list-style-type: none"> - Public awareness campaigns to encourage the participation in the 2014 elections. - The participation of civil society organizations in the development of the Constitution, its dissemination and its translation in Tunisian dialect; - The participation of citizens in social and economic dialogue, and in the process of transitional justice; - The participation in the national consultation entitled "The Tunisia we want" organized by government departments, regional actors, civil society and academics and aiming at developing ambitious post 2015 development programs based on the foundation laid down by the Millennium Development Goals (MDGs). - The adoption of a new legal framework allowing the establishment and restructuring of many organizations of civil society. - The significant increase in the number of political parties; - National consultations on several themes such as: employment strategies, reform of the justice and transitional justice. * A pilot project on civic education for illiterate people in voting age entitled " Educational suitcase for the Simulation of the electoral Operation for illiterate and uneducated people ", was developed in partnership with the Tunis offices of the US State Department Middle East Partnership Initiative, the International Federation of Electoral Systems, the Embassy of the Swiss Confederation in Tunisia and the United Nations Development Programme. * The objective of this project is to increase the level of information received by illiterate persons on political processes (democracy, Elections, good governance etc...) before the next election, to encourage their active and effective participation in them, to make them aware of the need to contribute to the success of the electoral process and of the importance of their voice in the definition of the political and social future of the post-revolution Tunisia, and to underline the place of Tunisian women in this process. (See also response to recommendation 114.9)
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; Consider early ratification of the Third Optional Protocol to the CRC on a communication procedure; Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communication procedure; Sign the Optional Protocol to the Convention on the Rights of the Child on Communication Procedure;	<ul style="list-style-type: none"> * The child protection Code have been harmonized with international standards (creation of special pavilions for children; priority given to rehabilitation for children and adolescents under 18 years of age; centres for rehabilitation and reintegration; professional training for minors in detention and the right to visits from their families). * Concerning article 37 paragraph c of the Convention on the Rights of the Child (CRC) reforms are underway as part of the program of improvement of the system of juvenile justice in collaboration with the European Union and UNICEF. * Regarding the 3rd Protocol optional to the Convention on the Rights of the Child on communications, a draft decree is being prepared.
114.17. Take measures and develop appropriate mechanisms to enable the development of legislation and policies for the protection of children in all fields	<p>Several measures have been taken for the protection of children, including:</p> <ul style="list-style-type: none"> - The reform of the juvenile justice in collaboration with the European Union and UNICEF; - The strengthening of public intervention in rural areas for the introduction of the voluntary preparatory class in primary schools (45% only are covered by this class). - The amendment of the penal code to improve the right to defense for children under custody; - The preparation of a study on multidimensional poverty of children.
114.18. Continue its efforts to improve the situation of children in different aspects	* The 3 rd national Plan of action on children is being developed after the evaluation of the 2 nd one taking into account a national consultation of stakeholders in the field of children and the Millennium Development Goals.

<p>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</p>	<ul style="list-style-type: none"> * In 2010, section 319 of the criminal code has been amended to remove the criminal provision that justifies the application of corporal punishment in the education of children. * In cases of violence against children, Child Protection Delegates are compulsorily required, under article 31 of the Code for the protection of the child, to intervene in reported cases and in the situations provided for by article 20 of the said Code. * The "Observatory for information, training, documentation and studies for the protection of the rights of the child" has developed a national strategy of popularization of the culture of the rights of the child to change the attitudes and behaviors in this regard. * Training Workshops dealing with the culture of the rights of the child and the prevention of violence against children were held in favour of childhood professionals.
<p>114.20. Follow up efforts to strengthen the legal framework and policies designed to promote and protect child rights; 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</p>	<ul style="list-style-type: none"> * Elaboration of a draft law on the creation of a human rights institution which will in charge, among others, of monitoring violations of the rights of the child and ensuring the promotion and protection of his rights. It will have the prerogative to receive complaints against any excesses involving the rights of the child on the part of any public or private institution. * Article 47 of the Constitution consolidates the 2002 Orientation Law on the educational system and various other legal texts relating to education. It emphasizes the right of the child to education without discrimination of any kind. Indeed this article States "Children are guaranteed the rights to dignity, health, care, education and teaching from their parents and the state. The state must provide all types of protection to all children without discrimination and in accordance with their best interests". * In November 2014, a workshop will be organized on the harmonization of national legislation with the contents of the Constitution and international treaties in the field of child rights, in cooperation between the Ministry of higher education and UNICEF
<p>114.22. Make efforts to strengthen the rights of persons with disabilities</p>	<ul style="list-style-type: none"> * Persons with disability have the right to access to elections and political life; the Decree of the High Instance of Elections developed in its articles the principles and measures which facilitate access by the persons with disability to the polling stations during the elections. * The Tunisian Government continues to support the civil society working in the field of disability and provides equipment, logistics, and training plans (development and upgrading capacities of specialized personnel supporting persons with disabilities). * Specialized centres were created to support children with severe disabilities in all regions of the country.
<p>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; Eradicate all forms of discrimination against people with disabilities and encourage their full integration in society; Guarantee the rights of persons with disabilities and aim to integrate them in development programmes to ensure their effective participation in society;</p>	<ul style="list-style-type: none"> • In article 29 of Orientation Law 2005-83 of 15 August 2005 on the promotion and the protection of persons with disabilities, the State undertakes to reserve 1% of recruitment in the public service for persons with disabilities. Pursuant to this law, a hiring competition opened in June 2013 and allowed the recruitment of 217 persons with disabilities in different areas. • In June 2013, a draft decree was submitted in order to increase the amounts of financial assistance to the students with disabilities. • Draft agreements with several companies are ongoing in the framework of the twinning project with the EU to support the socio-economic integration of persons with disabilities. Civil society and of persons with disabilities participated in the formulation of the national strategy for the promotion of persons with disabilities. They took part in the debates, discussions, reflections and television talk shows dealing with the issues in relation to disability.
<p>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</p>	<ul style="list-style-type: none"> • In accordance with the objectives of the national strategy of scholar integration, and in collaboration with the Ministry of National Education, it was decided that from the school year 2013-2014 all schools will be inclusive. • Training programs are developed for students with disabilities (blind) in the field of physical therapy in the High School of Health. • Cooperation programme for the period 2012-2014 between Tunisia and the Council of Europe concerning democratic governance by education and the integration of people with disabilities in schools is being implemented.
<p>114.25. Promote community awareness and enact laws to curb violence against people with disabilities and special needs.</p>	<ul style="list-style-type: none"> • Training sessions on the fight against violence in specialized centres were organized in collaboration with UNICEF with the aim of raising awareness of the staff working in the field and helping all stakeholders to adopt good reflexes and appropriate attitudes in the workplace.

	<ul style="list-style-type: none"> • In the context of democratic transition, Handicap International supports a Tunisian young NGOs network campaigning for the rights of persons with disabilities, named the Tunisian Organization for the defense of the rights of persons with disabilities. Their members receive training on the Convention on the rights of persons with disabilities, sensitize media and campaign for the accessibility to polling stations and the full participation of persons with disabilities in the social and political life. • On the occasion of the international day of the rights of persons with disabilities, seminars are held on topics such as: the new Constitution, the Convention on the rights of the persons with disabilities, access for people with disabilities to services, and thus educates the public on the rights of persons with disabilities.
<p>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; Continue its endeavours aimed at an independent judiciary, in accordance with accepted international standards and criteria; Continue the reform of its judicial system leading to an independent judiciary, in compliance with established international standards; 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; Continue to strengthen measures to reform the judicial system, in line with applicable international standards; Accelerate the reforms aimed at ensuring the independence of the judiciary.</p> <p>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.</p> <p>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</p>	<ul style="list-style-type: none"> • The new Constitution provides that the judiciary is independent and guarantees the establishment of the administration of justice, the supremacy of the Constitution, the sovereignty of the law and the protection of rights and freedoms. • The Constitution also stipulated that the magistrate is independent and is subject in the exercise of its functions only to the law. It enjoys judicial immunity and cannot be prosecuted or arrested as long as this immunity has not been waived. • The independence and impartiality of the judiciary are guaranteed by articles 102, 103, 104 and 109 of the Constitution which prohibit any interference in the functioning of justice • With regard to the reform of the justice system, the following measures have been taken: <ul style="list-style-type: none"> - A national consultation on the question of the reform of the judicial system was conducted with the support of UNDP, and a action plan is in study phase (2013). - The program SPRING (aid for the partnership, reforms and inclusive growth) of the European Union aims at providing support for the improvement of the judicial system both on structural level and on human resources level and at creating an independent judicial system. - The programme conducted by the European Union and the Council of Europe for a period of 2 years (2012-2014) aims at strengthening the independence and efficiency of the judiciary; - The cooperation between the Ministry of Justice and the European Council on the Efficiency of Justice (CEPEJ) aims at ensuring the upgrading and rehabilitation of the Court of cassation and other courts. - "Supporting judicial reforms in the southern neighbourhood countries" is the title of the cooperation programme run jointly by the European Union and the Council of Europe for a period of two years (2012-2014) with an overall budget of 4.8 Million Euro (EU Contribution). Its main objective is to strengthen the process of democratic and political reform in the partner countries of the southern neighbourhood in accordance with European and international standards. More specifically, it seeks to strengthen the independence and efficiency of the judiciary. Concretely, it essentially deals with needs assessment and with the analysis of the legal and institutional frameworks concerning the independence of the judiciary and the fight against corruption and money laundering. Tunisia and Morocco are the first two beneficiaries of this program. - In this general context, cooperation between Tunisia and the European Commission for the Efficiency of Justice (CEPEJ), is currently underway for its first operational phase. A group of experts of CEPEJ recently conducted a visit to Tunisia to meet among others officials from the Ministry of Justice and representatives of the judiciary professions as well as to visit courts of various degrees.
<p>114.27. Continue to implement the human rights plans and training programs for the judiciary and the police;</p> <p>114.36. Continue to support training programs for the police;</p> <p>114.36. Continue to support training programs for the police.</p>	<p>The following actions have been taken in the context of international cooperation:</p> <p>Cooperation with OHCHR:</p> <ul style="list-style-type: none"> * Several training sessions and workshops have been organized for the benefit of executives and officers of the internal security forces. The themes covered during these courses are the international human rights standards, the mechanisms of national and international protection of human rights, principles of the human rights-based approach, fight against torture, the protection of the rights of refugees and transitional Justice. * Training seminars organized in collaboration with OHCHR and the Arab Institute of Human Rights for the benefit of managers and officials of local and regional authorities in order to integrate the human rights based approach in the exercise of their functions and in the execution of the programs they supervise. <p>Cooperation with UNESCO:</p> <ul style="list-style-type: none"> * Training of the security forces on the human rights, freedom of expression and the security of journalists was conducted in

	<p>cooperation with UNESCO.</p> <p>Cooperation with ICRC:</p> <ul style="list-style-type: none"> * Signing of a memorandum of understanding with the office of the ICRC in Tunis in the context of the project "improvement of the treatment of persons in police custody", which covers the period 2013-2016. * In this context, several training sessions for trainers and sectorial training were conducted for officers and executives of the national security forces and the National Guard on the treatment of persons during the period of police custody.
<p>114.28. Undertake reform of the judiciary by revising the law on the statute of the Magistrates</p>	<p>The following actions have been taken relating to the status of judges:</p> <ul style="list-style-type: none"> * A temporary instance of the judiciary was created by organic law No. 2013-13 of May 2, 2013, to replace the former Supreme Council of the Magistracy which was subordinated to the Executive and lacked independence. The instance can submit by its own initiative any proposal and recommendation that it deems necessary to promote the judicial action. It deals with the professional career of judges concerning their appointment, promotion, transfer and discipline (art. 2) and issues an advisory opinion on the draft laws relating to the functioning of the judiciary and the ways of reform of the system of judicial justice. It has been installed since the month of July 2013 and has decided the judiciary movement (designations) for the year 2013-2014. * The mandate of this instance will terminate six months after the parliamentary elections in October 2014. The 2014 Constitution stipulates that the future Supreme Council of the Magistracy shall elect a President among its members who have the quality of magistrates of the highest grade (previously, the President of this Council was the Head of State).
<p>114.30. Expeditiously conclude and approve the draft law for moral and material reparations to victims of violations of human rights.</p> <p>114.39. Continue its efforts in seeking accountability for the past human rights violations and providing redress to their victims;</p> <p>114.40. Establish a mechanism for transitional justice;</p> <p>114.41. Strengthen measures in the area of transitional justice related to justice, truth, reparations and guarantees, to prevent a repetition;</p> <p>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;</p> <p>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.</p> <p>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.</p> <p>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</p>	<ul style="list-style-type: none"> * The National Constituent Assembly adopted the text relating to transitional justice (organic law No. 2013-53 of 24 December 2013 on the establishment of transitional justice and its organization). * The aforementioned organic law provides in its 1st article that "transitional justice, in the meaning of this Act, is an integrated process of mechanisms and means used to identify the human rights violations committed in the past and remedy them, and this, by revealing the truth, holding those responsible of these violations to account for their actions, ensuring reparation to the victims and restoring their dignity in order to achieve national reconciliation, preserving and archiving the collective memory, to establish safeguards to ensure that such violations do not recur again, and thus allow the transition from a dictatorship to a democratic system contributing to the consecration of the human rights". * This Act provides in particular for the creation of an independent body responsible for transitional justice referred to as 'the Instance of the truth and dignity' with a mandate covering the period from the 1st July 1955 until the date of enactment of the Act (December 2013). On 17 January 2014, a call for candidatures was published and then the National Constituent Assembly adopted on May 19, 2014 the list of the members of the Instance. * Pursuant to art. 8 of the said Act, a decree on the creation of specialized chambers within the courts of first instance to address the cases of serious human rights violations is being drafted. * Prior to the establishment of the Instance of the truth and dignity, the national authorities gave various compensations to victims of violations under the former regime, including: <ul style="list-style-type: none"> -The payment of compensation in respect of damage to natural persons victims of abuses which resulted in death or injury on the occasion of the events of the Revolution (the Decree-Law No. 2011-40 of May 19, 2011, on reparations for damage resulting from riots and popular movement that occurred in the country). -The allocation of monthly pensions for the wounded and the families of the martyrs of the Revolution (Decree-Law No. 2011-97 of 24 October 2011, on compensations for the martyrs and wounded from the Revolution of January 14, 2011). -The granting of advance payments for the persons who benefited from the General Amnesty and whose claims are of urgent nature (Decree No. 2013-2799 of July 9, 2013, on the examination of the modalities and procedures of considering requests of reparation of urgent character submitted by persons who have benefited from the General Amnesty); the right of these persons to reparation requests being recognized by Decree-Law No. 2011-1 of February 19, 2011 on amnesty. -Reimbursement of care expenses that were paid by the persons wounded because of the events of the Revolution (the decree of the Minister of Human Rights of and Transitional Justice of February 26, 2013, establishing a medical commission to examine the records of the reimbursement of expenses for care and follow-up of urgent cases of casualties of the Revolution and of its composition and functioning).

<p>perpetrators of gross human rights violations to justice by, inter alia, activating transnational justice mechanisms.</p> <p>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.</p> <p>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;</p> <p>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</p>	
<p>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.</p>	<ul style="list-style-type: none"> • The independence of the judiciary is guaranteed by the new Constitution of January 27, 2014. • The following actions aiming at strengthening the independence of the judiciary were taken : <ul style="list-style-type: none"> - Justice reform project (strategy and action plan); - Support of the European Union for the reform of justice (PART I and II); - Removal of the control of the Executive over the judiciary.
<p>114.32. Provide better guarantees for the independence of the judiciary, including by reforming the Magistrates' High Council.</p>	<p>The following actions have been taken relating to the status of judges:</p> <ul style="list-style-type: none"> * A temporary instance of the judiciary was created by organic law No. 2013-13 of May 2, 2013, to replace the former Supreme Council of the Magistracy which was subordinated to the Executive and lacked independence. The instance can submit by its own initiative any proposal and recommendation that it deems necessary to promote the judicial action. It deals with the professional career of judges concerning their appointment, promotion, transfer and discipline (art. 2) and issues an advisory opinion on the draft laws relating to the functioning of the judiciary and the ways of reform of the system of judicial justice. It has been installed since the month of July 2013 and has decided the judiciary movement (designations) for the year 2013-2014. * The mandate of this instance will terminate six months after the parliamentary elections in October 2014. The 2014 Constitution stipulates that the future Supreme Council of the Magistracy shall elect a President among its members who have the quality of magistrates of the highest grade (previously, the President of this Council was the Head of State).
<p>114.33. Continue the institutional and judicial reforms aimed at strengthening the rule of law.</p>	<p>The rule of law has been strengthened by:</p> <ul style="list-style-type: none"> * The adoption of the Constitution of 2014, which strengthens the rule of law; * The creation by the Constitution of the Instance of control of the constitutionality of draft laws for a provisional period (pending the establishment of the Constitutional Court after the 2014 elections), to control the constitutionality of laws; * The creation of an independent high instance for the elections by the organic law n ° 2012-23 of December 20, 2012. It was established in January 2014 and is preparing a free, neutral and transparent electoral process for the forthcoming elections scheduled for October and November 2014. * The adoption of an electoral law in may 2014.
<p>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.</p>	<p>With regard to the reform of the security sector, several actions have been implemented:</p> <ul style="list-style-type: none"> - Cooperation between Tunisia and the European Union witnessed a dense, diverse and mutually beneficial partnership at the bilateral and multilateral levels, particularly in the security field (programs Euromed-police and Euromed-migration, Peer Review security, civil protection, mobility...), - Since may 2012, a programme for the reform of the security sector in Tunisia using the "peer-review" technique was set

	<p>up to analyze the situation of the sector so that national authorities can identify the main axes to promote sustainable institutional reform (more specifically, it is to analyze the situation of the security sector in Tunisia, its relationship with the rule of law, the functioning of the judiciary, public finances, national defence, democratic control mechanisms and the national priorities of reform).</p> <ul style="list-style-type: none"> -The creation of the bureau of strategic planning within the Ministry of the Interior entrusted with developing a strategy of reform of the various structures of the Ministry. -The setting up of a magazine that summarizes the set of activities carried out by the various structures of the Ministry of the Interior (in cooperation with DCAF). <p>-In the framework of the reform of the sector of security, the Tunisian Government cooperates with UNDP to define a new approach to service delivery (a community police model) in which security forces are expected to integrate into their strategic and operational plans communities security concerns.</p>
<p>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.</p>	<ul style="list-style-type: none"> * Under article 23 of the Constitution, the State protects the dignity and the physical integrity of the person, and prohibits physical and moral torture. The crime of torture is imprescriptible. * The adoption of the organic law 43 on the National Instance on the prevention of torture and other cruel, inhuman or degrading treatment or punishment on 21 October 2013. * Tunisia cooperates with several international organizations to promote and develop standards for the protection of persons held in police custody in the context of respect for international humanitarian law. * The Tunisian authorities responded favourably to several requests to visit places of custody (on all the Tunisian territory) presented this year by Human Rights Watch and the International Association for the Support of Political Prisoners. * Development of a pocket booklet on "standards for the human rights for homeland security forces in Tunisia " in cooperation between the Ministry of the Interior and the OHCHR and its distribution to the agents of the internal security forces. * The development of a code of "good practices for the protection of the person in custody" for the agents of internal security forces with the support of the office of the regional delegation of the ICRC in Tunis. * The development of a code of "good practices on the relationship of the agents of internal security forces with journalists" with the support of the office of UNESCO in Tunis. * The introduction of training programmes for the agents of the intervention units (maintenance of public order).
<p>114.37. Continue to combat prison overcrowding to ensure the human dignity of detainees.</p>	<p>The measures adopted to combat prison overcrowding are the following :</p> <ul style="list-style-type: none"> - The improvement of the treatment of persons in police custody and in detention centres through a Programme developed with the ICRC - The draft reform of the Code of criminal procedure provides for limiting pre-trial detention and promotes alternative penalties. - A project on "Rehabilitation and equipment of prisons and courts", funded by the European Union, is ongoing and aims to rehabilitate the prisons in accordance with international standards. - A number of seminars have been organized to discuss the reform of the penitentiary system, in particular, a symposium entitled "Prisons: current status and prospects», which took place on 16 and 17 June 2014, and a workshop on" Bangkok Rules: current status, challenges and priorities for Tunisia», organized by DCAF in partnership with the Ministry of Justice in May 2014. - Women are separated in prisons and detention centres, as well as in police custody. In Tunis, there is a women's prison which hosts as of June 2014 400 women for a total capacity of 700. Outside the Capital, in all the prisons in the regions there are sectors reserved for women.
<p>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</p>	<ul style="list-style-type: none"> • A draft law on the revision of the Code of criminal procedure aims to strengthen the legal safeguards for the suspects by reducing the period of custody to 48 hours (renewable once). The detainee is given the right to contact his lawyer from the first hour of detention, and families are informed of the reasons of detention. (in accordance with article 29 of the Constitution).
<p>114.44. Study the possibility to repeal the death penalty</p>	

<p>from its legal system.</p> <p>114.45. Consider to abolish the death penalty in line with the country's new reality;</p> <p>114.46. Commute all death sentences into prison sentences.</p> <p>116.6. Abolish the death penalty (Turkey). Integrate the abolition of the death penalty in the new Constitution (Germany), (Italy);</p> <p>116.7. Sign and ratify the Second Optional Protocol to the ICCPR (Portugal);</p> <p>116.8. Abolish definitively the death penalty and ratify the Second Protocol to ICCPR ; Ratify the Second Optional Protocol to ICCPR and implement its provisions in national legislation through the abolition of the death penalty; Take all necessary measures to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR; Abolish, once and for all, the death penalty in conformity with the Second Optional Protocol to ICCPR;</p> <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;</p> <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;</p> <p>116.11. Ratify the Second Optional Protocol to the ICCPR and the Optional Protocol to the ICESCR .</p>	<p>* The Tunisian penal Code provides for the death penalty for crimes considered most serious by the legislature. In this regard, it is worth noting that various national and international organizations have asked repeatedly the Tunisian authorities to abolish the death penalty. This issue has been the subject of debate at the national level involving the National Constituent Assembly, political parties and the multiple components of Tunisian civil society.</p> <p>* As a follow-up to the dialogue on this issue between all stakeholders, the Human Rights and Transitional Justice Ministry organized a national seminar in August 2012 on 'the death penalty between the abolition and maintenance'. The views expressed at the seminar reflected the deep divergence of views among the participants on this issue.</p> <p>* In the absence of national consensus in this regard, the National Constituent Assembly voted for the maintenance of the death penalty in the new Constitution. Article 22 provides that "the right to life is sacred, it can it be infringed only in extreme cases established by law".</p> <p>* However, it is to be recalled that a de facto moratorium on the application of the death penalty is observed in Tunisia. Indeed no death sentence has been executed since 1991. In this regard, it is also to be noted that Tunisia had voted in favour of recent resolutions of the UN Assembly General on the moratorium on the application of the death penalty (resolution 67/176 of 20 December 2012).</p>
<p>114.47. Continue its efforts to end practices of torture and prosecute effectively all the perpetrators;</p> <p>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;</p> <p>114.49. Consider including provisions against torture in its new Constitution to ensure effective redress for victims of torture;</p> <p>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</p> <p>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;</p> <p>114.52. Investigate in an exhaustive manner all alleged cases of torture and ill-treatment; bring to justice the</p>	<p>* In the context of the implementation of Tunisia's international commitments after the ratification of the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading treatments or punishment, the national prevention mechanism (MNP) has been created under the organic law No. 2013-43 of 21 October 2013 on the National Instance for the Prevention of the Torture. The Instance is entrusted inter alia to conduct regular and unannounced periodic visits to places of detention where there are or might be persons deprived of their liberty, in order to verify the absence of the practice of torture and other ill-treatment in places of detention and to control the compatibility of conditions of detention and of enforcement of sentences with national and international human rights standards.</p> <p>* Tunisian law enshrined the principle of imprescriptibility of crimes of torture. Article 23 of the Constitution provides that "the crime of torture is imprescriptible." Similarly, article 24 of the organic law No. 2013-43 of 21 October 2013 on the National Instance for the Prevention of Torture provides: "public action relating to crimes of torture is imprescriptible". In addition, judicial authorities have created a special register at the level of the Office of the Procurator of the Republic to register and track all investigations on suspected cases of torture and ill-treatment.</p> <p>*It should also be noted that an agreement was signed on December 10, 2012, between the Ministry of Justice and seven Human rights organizations, whereby the latter can visit prisons.</p> <p>* A partnership project between the Ministry of social affairs and the "Danish Institute Against Torture" DIGNITY is being implemented under an agreement which provides for the contribution of the Ministry through an administrative and technical support to the installation of a branch of the said Institute in Tunisia and support the accompaniment and social rehabilitation</p>

<p>perpetrators and ensure moral and material support to the victims;</p> <p>114.53. Continue to take all necessary measures to protect and offer remedy to victims of torture.</p> <p>114.54. Quickly create an independent monitoring body in line with the OP-CAT ratification that, in addition to UNHCHR and ICRC, would allow NGOs access to prisons and contribute to preventing torture in places of detention</p> <p>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;</p> <p>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;</p> <p>115.11. Set up a mechanism or a national authority for the prevention of torture; Expeditiously approve the draft bill to create a national mechanism for the prevention of torture; Establish a national preventative mechanism in compliance with the OP-CAT; Establish a national mechanism to visit places of detention in line with the Optional Protocol to the Convention against Torture; Establish a national preventative mechanism in accordance with its obligations to the OP-CAT; 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;</p> <p>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; 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;</p> <p>115.13. Amend the statute of limitations to be in line with international law as codified in the UN Basic Principles and Guidelines</p>	<p>of victims of torture. Under the same agreement, "DIGNITY" will assist in strengthening the capacities of social workers in the techniques of psychosocial care and rehabilitation of victims of torture and violence.</p>
<p>114.55. Adopt measures to guarantee adequate protection and respect for the right to information, and</p>	<p>* The following measures were taken to promote the right to information, to freedom of expression and freedom of the press: - Articles 31, 35 and 37 of the Constitution guarantees these rights.</p>

<p>freedoms of expression, and the press; Take further steps in order to guarantee freedom of expression, including freedom of expression on the internet; Adopt appropriate legislation to ensure better protection for the freedom of expression, the freedom of the press, and the freedom of information; Guarantee in law and in fact the freedom of expression, freedom of the press and freedom of assembly and association, in conformity with ICCPR.</p> <p>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.</p>	<ul style="list-style-type: none"> - The creation of the Independent High Authority of Audiovisual Communications (HAICA) to ensure compliance with freedom of information. - Decree-Law 41-2011 provides for access to information. - In each Ministry, special commissions are responsible for the concretization of the right of access to information and focal points promote the flow of information. <p>* Moreover, the legal framework has been revised towards the consecration of the freedom to access to all economic and social statistical data, and to administrative records of all public structures and services .</p>
<p>114.56. Include freedom of expression, press freedom and access to information in the Constitution.</p> <p>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</p>	<p>* Articles 31, 32, 35 and 37 of the new Tunisian Constitution guarantee these rights</p>
<p>114.57. Continue pursuing policy measures towards media plurality and independence.</p>	<p>* Under article 127 of the new Constitution, the Independent High Authority of Audiovisual Communications (HAICA) is responsible for guaranteeing freedom of expression and information, the right to access to information and the establishment of a pluralistic media sector that functions with integrity. The HAICA presents recommendations to reform the media in accordance with international standards concerning freedom of expression, and has already made proposals to ensure and promote free, fair and pluralistic media.</p>
<p>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</p>	<p>These provisions were repealed and the old Code of the press has been replaced by Decree 115-2011.</p>
<p>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.</p>	<p>* The new press code facilitates the publication of newspapers, protects the confidentiality of the sources of the journalist and prohibits his prosecution for expressing opinions or disseminating information.</p> <p>* Measures have been taken to protect journalists in the exercise of their functions, including:</p> <ul style="list-style-type: none"> - The Tunisian Organization for the Protection of Journalists (OTPJ) has been established in December 2013. Its Steering Committee formalized its creation on January 9, 2014. This organization is mandated to defend journalists, producers, lawyers, animators, technicians, producers and advocates of freedom of the press in the context of the law. - The OTPJ decided to identify and document all violations against journalists since January 2014, in order to prosecute the perpetrators of these acts. - In the framework of the program for the protection of journalists and human rights defenders in Tunisia, the NGO "ARTICLE 19", organized in May 2013 in Tunis, three meetings to assess the training needs for the protection of journalists and of human rights defenders in Tunisia. The first meeting was addressed to journalists, including those who have received death threats or who have suffered attacks in the exercise of their functions, as well as the organizations defending their rights. The second meeting has targeted representatives of the civil society working in the field of freedom of expression and the third was for judges and lawyers. <p>* In support of institutional reforms, UNESCO and the Ministry of the Interior began in January 2013 a programme of cooperation aimed at training the security forces on human rights, freedom of expression and the security of journalists. This training program aims at the improvement of the relations between security forces and journalists.</p>

<p>114.61. Implement as soon as possible Decree laws 115 and 116 and establish promptly a high independent authority for media and communication.</p>	<p>* Two decrees laws no. 115 and 116-2011 govern the work of information professionals and regulate the media system. * Decree-Law 115 concerning the freedom of the press, printing and publishing enshrines the rights of journalists, prohibits restrictions on the flow of information and protects the sources of journalists. * Decree-Law 116 is implemented since May 2013. It provides for the establishment of an independent high authority of audiovisual communication guaranteeing "freedom of audiovisual communication". According to it, the Independent High Authority of Audiovisual Communications (HAICA) was set up on the occasion of world press freedom day, May 3, 2013.</p>
<p>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.</p>	<p>* The decrees laws No.. 115 and 116 that replaced the Press Code considerably strengthen the rights to freedom of expression such as provided for by international instruments</p>
<p>114.63. Continue the process of political reforms, especially to ensure freedom of expression, freedom of thought and the right to demonstrate.</p>	<p>* The process of political reform in Tunisia saw a surge in the number of political parties and civil society organizations, thus showing greater openness and respect for freedoms of expression and of opinion and the right to peaceful protest. * Moreover, a draft law has been developed aiming at the alignment of Law no 69-4 of 24 January 1969 regulating public meetings, processions, parades, demonstrations and gatherings, with international standards of human rights</p>
<p>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.</p>	<p>* Freedom of religion is guaranteed by the Constitution as follows: The freedom of belief and conscience and the right to free exercise of religion are guaranteed by the State (art. 6)</p>
<p>114.66. Continue its cooperation with the international human rights mechanisms; Continue its cooperation with the UN human rights mechanisms as part of its on-going efforts to promote human rights; 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; 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; 114.68. Follow-up and implement the recommendations made by the United Nations mechanisms; 114.69. Continue efforts to answer queries and questionnaires submitted by Special Procedures mandate holders.</p>	<p>Treaty bodies : * Tunisia has finalized the preparation of the two reports to the Committee against torture (CAT) and the Committee on enforced disappearances (CED). They will be submitted to the Secretariats of the respective committees during the month of September 2014. * The preparation of national reports to the following committees is underway: - Committee on the elimination of discrimination against women (CEDAW); - Committee on economic, social and cultural rights (CESCR); - Committee on the elimination of racial discrimination (CERD);</p> <p>Special procedures : Following the open invitation to special procedures of February 28, 2011, the following country visits reports were submitted to the Human Rights Council: - Report of the special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition, Pablo de Greiff, July 30, 2013, (A/HRC/24/42/Add.1); - Report of the Working Group on the elimination of discrimination against women in legislation and in practice, 30 may 2013 (A/HRC/23/50/Add. 2); - Report of the special Rapporteur on the right to education, Kishore Singh, May 24, 2013, (A/HRC/23/35/Add.1); - Report of the special Rapporteur on the rights of the migrant man, François Crépeau, may 3, 2013 (A/HRC/23/46/Add.1); - Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 25 January 2013 (A/HRC/22/47/Add.2) (joint visit with the Special Rapporteur of the African Commission on human rights defenders). - Report of the Special Rapporteur on the situation of the human rights in Eritrea (refugee Eritreans in Tunisia), May 13, 2014 (A/HRC/26/45). - In addition a visit was made by the special Rapporteur on torture in June 2014, as a follow-up of the recommendations made after his visit in 2011.</p> <p>Technical cooperation : cooperation agreements have been concluded in order to improve the situation in the prisons; enhance the capacities of the security forces; to reform the security system; strengthen the capacities of public officials; promote the transitional justice; provide support to national institutions; promote human rights and institutional reforms;</p>

	<p>undertake cooperation activities in human rights education and citizenship rights; and, ensure the harmonization of the legislation with international standards.</p> <p>Collaboration with OHCHR : the following measures have been taken:</p> <ul style="list-style-type: none"> - Partnership agreement with OHCHR and UNDP on the reform of the justice system and support for transitional justice; - Training sessions for the preparation of reports, in cooperation also with the Danish Institute for Human Rights; - Support to the penitentiary system and the security forces; the development of legal texts for civil society; - A training session was organized on visits to places of detention in partnership with the Ministry of Justice, Human Rights and Transitional Justice (2013), and regular visits without notice were carried out to prisons and detention centres. A report on the situation in the prisons was published by the office of OHCHR in Tunisia in April 2014. - More specifically two seminars have been held with OHCHR, on May 8, 2014, on "recommendations made to Tunisia by the organs of the United Nations human rights system", and the other, on May 29, 2014, on "best practices in terms of national mechanism of coordination, preparation of reports and follow-up to recommendations. <p>Collaboration between Tunisia and the following specialized agencies :</p> <p>UNHCR; IOM; WHO; UNODC; WFP; UNDP; UNESCO; ILO; UNICEF; UN Women, DCAF; ICTJ; and others.</p>
<p>114.70. Continue to seek technical cooperation and assistance in the field of human rights education and training.</p>	<p>* Tunisia signed agreements with the Arab Institute for Human Rights for the organization of training sessions at all educational levels. Several cooperation agreements were also signed with Tunisian and foreign partners such as ERIS (Democracy & governance) and the Center for Societal Development and Empowerment to promote the culture of human rights and streamline Human rights specific content in various learning and school activities (teacher training, clubs of citizenship).</p>
<p>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.</p>	<p>* The Constitution guarantees:</p> <ul style="list-style-type: none"> - Freedom of belief, conscience and the free exercise of religion (art. 6). - Freedom of thought (art. 31). - Art. 49 provides for justified restrictions on freedoms without prejudice to the latter essence.
<p>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; 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;</p> <p>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;</p> <p>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.</p>	<p>* Tunisia guarantees individual and collective rights and freedoms mentioned in the preamble and in article 21 of the new Constitution. The Constitution guarantees fundamental rights in Chapter 2, entitled "rights and freedoms", in particular:</p> <ul style="list-style-type: none"> - Equality of citizens in rights and duties (art. 21); - The right to life (art. 22); - The protection of the dignity of the person and the prohibition of torture (art. 23); - The right to privacy and the confidentiality of correspondence, communications and personal data (art. 24); - The presumption of innocence and the right to a fair trial (art. 27); - The freedoms of opinion, thought, expression, information and publication (art. 31) - The right of access to information and communication networks (art. 32) - The freedom to form political parties, trade unions and associations (art. 35); - The right to trade union (art. 36); - The freedom of assembly and peaceful protest (art. 37); - The right to education (art. 39); - The right to property is guaranteed and is not appealable except in the cases with the guarantees provided for by law.(art. 41); - The right to culture and the freedom of creation are guaranteed (art. 42). - The rights of the child, in particular to dignity, health, care, education and teaching are guaranteed (art. 47). - Furthermore, no constitutional amendment can affect the <i>acquis</i> in the field of rights and freedoms (art. 49).
<p>114.75. Incorporate in the new Constitution articles enshrining human rights and fundamental freedoms as</p>	<p>* In line with the new Constitution, the establishment of rules for the exercise of rights and freedoms is subject to respect for the principles of proportionality and necessity. Indeed article 49 of the Constitution provides that "The limitations that can be</p>

<p>well as legal provisions to effectively guarantee the separation of powers, in particular the independence of the judiciary.</p>	<p>imposed on the exercise of the rights and freedoms guaranteed in this Constitution will be established by law, without compromising their essence. Any such limitations can only be put in place for reasons necessary to a civil and democratic state and with the aim of protecting the rights of others, or based on the requirements of public order, national defence, public health or public morals, and provided that there is proportionality between these restrictions and the objective sought. Judicial authorities ensure that rights and freedoms are protected from all violations".</p> <p>* The new Constitution guarantees the separation of legislative, executive and judicial powers. The independence of the judiciary is guaranteed in articles 102, 103, 104 and 109. In art. 114, the Council of the judiciary guarantees the proper functioning and independence of the judiciary.</p>
<p>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.</p>	<p>* The cooperation programme between Tunisia and UNICEF for 2007-2011 has been extended for the period 2012 to 2014. The goal of this program is to contribute to national efforts to protect, promote and fulfil the rights of children and women by improving the quality of health, education and protection of children and young people with particular emphasis on the vulnerable groups, as well as the promotion and development of participation in public life of children and young people.</p>
<p>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.</p>	<p>* The authorities have carried out actions in order to establish stability of the socio-economic situation in the country through exceptional budgetary support of the State supported by the international community and in particular:</p> <ul style="list-style-type: none"> - Allocation of an important envelope for infrastructure and community facilities including in disadvantaged regions; - Establishment of a social contract between the various socio-economic partners which provides, inter alia, for the promotion of employment and improving labour relations and decent work and the amendment of the law on associations (trade unions); - Opening of a national dialogue on political issues (in 2013), economic issues (in 2014) and social issues (underway) which brings together all stakeholders. - The commitment of Tunisia for human rights is evidenced in the consecration of a number of economic, social and cultural rights in the new Constitution of the country: <p>The rights to health (art. 38), to free public education (art. 39), to work (art. 40), to culture (art. 42), to sport (s. 43), to water (art. 44), to a healthy environment (art. 44), acquired women's rights (art 46), the rights of the child on her parents and the State (art. 47), the protection of persons with disabilities from discrimination (art 48), the right Trade Union (art 36)...</p>
<p>114.78. Formally codify in domestic law its international legal commitments, and repeal or amend incompatible repressive laws.</p>	<p>* The new Constitution integrated all human rights provided for in the international conventions ratified by Tunisia.</p> <p>* Art. 20 of the new Constitution provides that ratified conventions take precedence over the laws.</p> <p>* In addition, there is a will to reform the internal legislative framework and draft laws are being prepared by the concerned ministries to harmonize legislation with international instruments .</p>
<p>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.</p>	<p>* In cooperation between Tunisia, the Arab Institute of Human Rights, OHCHR and UNDP, a project to support taking greater account of the human rights in the process of planning and intervention programs and strategies of the Ministry of Social Affairs will be set up.</p> <p>* The specific objectives of this program are the following:</p> <ul style="list-style-type: none"> - Promote taking account of the human rights in all their dimensions in the Ministry of Social Affairs' strategic planning programs; - Strengthen the capacities of social workers of the Ministry of Social Affairs; - Promote social dialogue from a human rights perspective; - Contribute to the improvement of legislation on labour, health and safety at work and social security; - In this framework, a study is underway on the adoption of the human rights approach in the strategies of the Ministry of Social Affairs .
<p>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; Carry out genuine transformation of institutions in order to fully respect the obligations undertaken by Tunisia in</p>	<p>* The constitutionalization of "the human rights commission" in Chapter 6 of the new Constitution on the "independent constitutional bodies". Article 125 of the constitution, includes the election of these instances by the parliament. Article 128 provides that "the commission of human rights oversees the respect and the promotion of freedoms and human rights and makes proposals to develop the human rights framework. It must be consulted on draft laws that fall within its mandate. The commission conducts investigation into violations of human rights with a view to resolve them or to refer them to the</p>

<p>international human rights instruments; Continue progress in building institutions, considering their importance in protecting and promoting human rights and public freedoms and developing the Tunisian society.</p>	<p>competent authorities. The commission shall be composed of independent and impartial members with competence and integrity who assume their functions for a single six years term.</p> <p>* The Ministry of Justice, Human Rights and Transitional Justice is currently preparing a draft law on the organization of the commission of human rights (and repealing Law No. 2008-37 of June 16, 2008, relating to the higher Committee of human rights and fundamental freedoms), in accordance with international standards (the Paris Principles) and the new constitutional provisions.</p> <p>* The creation of the national mechanism for the prevention of torture under the organic law No. 2013-43 of 21 October 2013 concerning the National Instance for the Prevention of Torture.</p> <p>* National authorities are currently working to the establishment of the National Instance for the Prevention of Torture. Indeed the call for applications was published in November 13, 2013 by Decision of the National Constituent Assembly from, and then on 12/12/2013 and 31/3/2014 to extend the deadline for submission of applications to the Instance</p>
<p>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</p>	<p>* The constitutionalization of "the commission of human rights" in the new constitution.</p> <p>* The Ministry of Justice, Human Rights and Transitional Justice is currently preparing a draft law on the organization of the Commission in accordance with international standards (the Paris Principles) and the new constitutional provisions.</p> <p>* In 2012-2013, round tables were organized on the reform of the Higher Committee on Human Rights and Fundamental Freedoms with the support of the Venice Commission and the OSCE.</p>
<p>114.82. Fully align its national legislation with all obligations arising out of the Rome Statute of the International Criminal Court; Adopt Legislation to implement the Rome Statute; 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.</p>	<p>* The Rome Statute was ratified in 2011 by Decree Law no. 4 of February 19, 2011. The harmonization of domestic legislation is underway with draft laws in finalization stages.</p>
<p>114.83. Speed up its efforts to reduce poverty and unemployment and decrease the economic and social disparities between the regions.</p> <p>114.90. Further explore better ways to address the devolvement of hitherto less developed regions.</p> <p>114.92. Start medium and long-term development projects in the under-develop regions in order to generate employment and promote national harmony;</p> <p>114.93. Bring appropriate solutions to the problems of disparities linked to economic, social and cultural rights, as highlighted in the national report.</p>	<p>* The Tunisian Government has initiated an annual regional program which acts as an instrument of support to needy families, as follows:</p> <ul style="list-style-type: none"> - Increase in the number of families receiving financial assistance provided under the national programme of aid to needy families (PNAFN) of 100 thousand beneficiaries (235 thousand in 2013 against 135 thousand in 2011, ie an increase of 74%). 70% of this increase has been reserved for the regions with the highest levels of poverty. 283 million Dinars were allocated to these programs (against 149.7 million of Dinars in 2011). - Increase the amount of financial assistance served by the PNAFN passing from 70 dinars in 2011 to 110 dinars in July 2013 which currently represents almost 40% of the guaranteed minimum wage. - Enlargement of the recipients of the low tariffs health care cards to new categories by Decree No. 2012-2522 of October 16, 2012, amending Decree No. 98-409 of 18 February 1998 laying down the categories of recipients of the low tariffs health care cards and hospitalization in public health facilities of the Ministry of public health as well as the modalities of their support and the rates to which they are subject. - Several projects are underway in the regions: of the 14.957 public projects of a total cost of 15'800 MD, currently underway, 8.579 projects, for a total cost of 7'030 MD benefit to the regions of the interior, ie priority regions. 208 structural projects with high labour intensity of a total cost of 5'952 MD are also underway. 127 of these projects are launched in the regions of the interior. - Over the medium term, the Tunisian Government has committed to develop a national strategy for employment that builds on all of the recommendations of the National Congress for employment organized by the MFPE on 28, 29 and 30 June 2012. It revolves around six themes: a new development model and employment dynamics, a new regional policy on employment, a new system for training and education, labour relations, the revision of the institutional structure and the informal economy. - Since January 14, 2013, Tunisia has a cooperative framework for social dialogue. This framework is conducive to the

	<p>validation of the substantive reforms related to employment, training and human resources development and was initiated by the Government in consultation with the social partners.</p> <ul style="list-style-type: none"> - In order to ensure a better response to the labour market, and with a view to optimize the employment policy instruments, the Ministry of vocational training and employment conducted a total redesign of the National Fund for Employment programs and their application conditions and modalities through Decree 2012-2369 of October 16, 2012. - Partnership programs with the regions for the promotion of employment is designed to facilitate the integration of various categories of job seekers into working life through support to regional or local initiatives of particular relevance to the creations of jobs and establishment of new enterprises.
<p>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;</p> <p>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.</p> <p>114.89. Implement a health reform based on the principle of universal access to care.</p> <p>114.91. Pursue and strengthen efforts to eradicate differences between the regions and between urban and rural areas in the sphere of education.</p>	<ul style="list-style-type: none"> * The Tunisian Government has started at the end of the year 2012 a societal dialogue including all stakeholders (professionals of health, professional organizations, representatives of civil society, experts..) in order to establish a solid foundation for a reform of Tunisian health system towards a universal health coverage system. In this context, the focus was on the following main areas: <ul style="list-style-type: none"> - The restructuring of the health system - The equitable distribution of available resources - The reform of the financing system. * Measures aiming at promoting access to health services in particular for vulnerable persons are being adopted, acting on the social health determinants, namely poverty, unemployment and illiteracy, in order to bring the care providers as near as possible to citizens throughout the territory. Additional measures include: <ul style="list-style-type: none"> - The implementation in 2012 at the level of the health sector, of a programme of support to health structures in priority areas; - Free education guaranteed by the new Constitution as a necessary condition for universal access to education. * In addition, projects of creation of some institutions of higher education and research including faculties of medicine were put in place. The number of school infirmaries was increased from 183 in 2010 to 197 in 2013 and the number of toilets for students increased from 4.492 to 4.500, and those intended for teachers increased from 2.438 to 2.601 .
<p>114.86. Accelerate the implementation of the 2011 Jasmine Plan on national economic and social programmes in close collaboration with relevant stakeholders</p>	<ul style="list-style-type: none"> * In a context of transition characterized by economic, political and social difficulties, successive interim Governments have opted for short terms programs which, while having immediate effect, fit into a medium-term vision and take into account the main directions of economic and social policy
<p>114.87. Strive to guarantee the right to social security and achieve decent standards of living.</p>	<ul style="list-style-type: none"> * The will to ensure adequate living standards for all the population is a constant policy of the country. This has since 2010 led to: <ul style="list-style-type: none"> - An unprecedented increase of social transfers to represent 25% in 2013 compared with 20% in 2010. Those transfers benefit the poorest segments of population to preserve their purchasing power and to ensure a system of free medical assistance and free education for them; - Improvement of the annual per capita income (USD 7290 in 2013 against USD 6054 in 2010); - Support for social housing for poor and middle classes by the adoption in 2012 of measures providing for the participation of the State in the financing of social housing; - Improvement of 36 popular cities throughout the country in 2012; - The strengthening of actions for the rehabilitation of the suburb districts by setting up in 2012 of a specific program that should benefit 73 cities hosting 430 thousand inhabitants. - Undertake actions for the progressive generalization of the basic infrastructure equipment in all the regions which translated by the increase in the number of households living in rural areas with access to electricity and drinking water, representing respectively 98.9% and 93.5% in 2010 compared with 99% and 94.7% in 2012. - Implementation of a programme for the eradication of the rudimentary habitat currently reduced to 0.3%. - Setting a target for the reduction of households that do not have access to sanitation services (currently 46%). * Social security: Conviction of the indivisibility and the globality of human rights finds its deepest expression in the new Constitution which enshrines in article 38, the constitutional value of the right to health and social protection while introducing

	<p>an obligation of the State to provide prevention and care for every citizen and to mobilize the necessary means to ensure the safety and the quality of care. The same article stipulates the right to free care for the poor and vulnerable categories.</p> <p>* The signing on 14 January 2014 of the social contract by the three social partners (namely: the Government, the General Tunisian Labour Union and the Union of Tunisia's industry, trade and crafts), is considered as 'a social constitution' and provides in the context of its fourth axis dedicated to social protection for the following actions:</p> <ul style="list-style-type: none"> - Adoption of an overall revision of all the social security systems in the light of a study to be carried out to identify the real reasons for the failures recorded on the financial and servicing levels of the social funds, with the aim of adopting adequate reforms while preserving the minimum level provided in the distribution system. - Introduction of a system of good governance in the management of social funds while ensuring a rotation of management boards between the social partners in accordance with the principle of tripartite distribution and equality of the representativeness of the various partners within boards of Directors, while ensuring the independence of their decisions. - The State ensures to vulnerable sections of the society the right to health care, a minimum level of income with an optimization of the targeting of interventions in accordance with objective standards. - The social security sector, which occupies an important place in the social policy of Tunisia as it is a vector of development and a mechanism for preserving human resources, strengthening the values of solidarity and mutual assistance between different social groups and generations, improving the standard of living of citizens and households and consolidating stability and social cohesion, rests on the following pillars: <ul style="list-style-type: none"> o The extension of social security coverage and moving towards universality through the Social Protection Floor; o The preservation of the financial equilibrium of the social security schemes to guarantee the rights of future generations; o Strengthening the rights and guarantees of litigants in the field of social security; o The social protection of workers who have lost their jobs and who require social assistance or support; o Guarantee a right to social security for migrants; o Prohibition of discrimination and strengthening of the rights of women to social security
<p>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.</p> <p>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.</p>	<p>* Social programs regularly developed and reinforced by the Tunisian Government are based on a human rights approach regardless of the specific situation of the targeted beneficiaries:</p> <ul style="list-style-type: none"> - Right to protection against all forms of discrimination or ill-treatment or social exclusion. - Right to education, rehabilitation, training and employment. - Right to identity and belonging. <p>* To realize these rights, the Tunisian Government has implemented a programme of social prevention and integration promoting protection certain categories including children and young people in difficulties, the families threatened by dislocation and those without support.</p> <p>* It is worth noting that the Tunisian Government, in a perspective of equity and improvement of the quality of services with regard to support and accompanying of the most vulnerable categories including those threatened by social disruption, continued to take the necessary measures to strengthen the capacity of the concerned structures by the human and technical resources (equipment, specific training, social workers, psychologists, educators..) :</p> <ul style="list-style-type: none"> - A project of " Social Emergencies" (Samu Social) is being installed in Great Tunis in collaboration with the Ministries of the Interior, Health, Youth, Women and Family and Sports and components of civil society including the Tunisian Red Crescent, the Tunisian Social Solidarity Union and the National union of Tunisian women. - In the context of the prevention of all forms of social exclusion and reducing the vulnerability of minors and young people in illegal migration, the Tunisian Government, with the support of the European Commission and in collaboration with IOM, is implementing since 2013 a solidarity project with Children of Maghreb and Mashreq (SALEMM) in the regions of Great Tunis and Sfax. <p>* In the framework of poverty eradication policy, Tunisia continued and consolidated mechanisms aimed at ensuring in particular the right to enjoy the fundamental dignity and the protection of vulnerable groups affected by poverty, including by providing a sufficient standard of living and improving their access to basic needs, health care, education and housing. Specifically, this is illustrated by the following actions:</p>

	<ul style="list-style-type: none"> - Improvement in the rate of coverage of poor families by the national programme of aid to needy families and free care. - Consolidation of the support system for school children from vulnerable families. - In order to ensure and to allow people in need to have access to social policies, to the public programmes and interventions, the State begun since 2012 the rehabilitation of its information system with the introduction and development of new procedures for management and targeting methods of the persons eligible to direct monetary transfers and programs of health coverage to the poor and limited income based on multidimensional level scoring of life standards. A system of unique identification for beneficiaries will be also implemented to improve targeting and prevent fraud. <p>This project aims particularly at :</p> <ul style="list-style-type: none"> - Increasing the efficiency of the programs providing needy families with direct cash transfers and free or discounted care, - Rationalizing the allocation of resources dedicated to the reduction of poverty, - Allowing the follow-up, evaluation and monitoring of social programmes, - Predicting future needs through the decision support system, - Systemizing the collection of data (demographics, health, education level, employment and capacities for economic empowerment and inclusion in the labour market) from multiple sources (finance, Interior, employment, health, education, etc.) to ensure the adequacy of social policies. - In accordance with its priorities to ensure a decent standard of living for persons with disabilities and the program of investments in care families, the State increased the amount of the pension from 150 DT / month to 200 DT/month (Ministerial Council of 22/04/2013)
<p>114.95. Ratify ILO Convention No. 189 on Decent Work for Domestic Workers.</p>	<p>* Tunisia intends to thoroughly explore the possibility of ratifying this Convention especially in the light of the amendments made to the provisions of Law no. 65-25 of 1st July 1965 by Law no. 2005-32 of 4 April 2005, which governs the domestic work in Tunisia.</p> <p>* This law aims at providing specific protection for this category of workers consisting in particular in fixing a minimum age, imposing a social survey on the family which wants to use a child as a household employee, monitoring of the working conditions of the child employed in households, imposing an insurance against work accidents and occupational diseases, as well as a social coverage of domestic workers and the protection of the domestic worker in case of dismissal and criminal sanctions</p>
<p>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</p>	<p>* In accordance with the provisions of art. 29 of the Constitution, no one may be arrested or detained except in flagrante delicto or on the basis of a court decision. The detainee is immediately informed of his rights and of the charge against him. He is entitled to be represented by a lawyer. The duration of the arrest and detention is defined by law.</p> <p>* Any prisoner has the right, according to article 30 of the Constitution, to a human treatment that preserves their dignity.</p> <p>* In this context, and in order to make the texts governing the matter in conformity with the provisions of the said article 29, a draft reform of the penal code was prepared by the Ministry of justice to consolidate the rights and guarantees granted to the detained persons.</p> <p>* A cooperation programme to improve the conditions of police custody is underway between the Ministry of the Interior and the International Committee of the Red Cross.</p> <p>* The elaboration of a draft law amending Law No. 69-4 of 24 January 1969 on to the regulating public meetings, processions, parades, demonstrations and gatherings in order to ensure the consistency with international standards of human rights and civil liberties.</p> <p>* The promulgation of Law no. 2013-50 of 19 December 2013, on the special regime regarding damages caused to the officers of internal security, by work accidents and occupational diseases.</p> <p>* The development of the «pocket booklet on international standards of human rights for the use homeland security forces in Tunisia» with the support of the office of OHCHR in Tunisia.</p> <p>* The development of the “code of good practices for the protection of the person held in custody” for agents of homeland security forces with the support of the office of the ICRC’s regional delegation in Tunis.</p> <p>* The development of the “code of good practice of the relationship of the agents of homeland security forces with journalists” with the support of the office of UNESCO in Tunis</p>

<p>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</p>	<ul style="list-style-type: none"> * The elaboration of a draft law amending Law No. 69-4 of 24 January 1969 regulating public meetings, processions, parades, demonstrations and gatherings in order to ensure the consistency with international standards of human rights and civil liberties. * The freedoms of opinion, thought, expression, information and publication are guaranteed under article 31 of the Constitution. These freedoms cannot be subject to prior control. * The right of access to information and communication networks is guaranteed by the State under article 32 of the Constitution. * It should be noted in this regard that before the adoption of the Constitution, two law decrees have been enacted in order to devote and govern different aspects of these rights and freedoms as well as their exercise. These are Decree-Law No. 2011-115 of November 2, 2011, on the freedom of the press, printing and publishing, and Decree-Law No. 2011-116 of November 2, 2011 on the freedom of audiovisual communication and on the establishment of a Independent High Authority of Audiovisual Communication (HAICA) which has been entrenched. * In accordance with article 35 of the Constitution, the freedom to form political parties, trade unions and associations is guaranteed. * It should also be noted in this regard that under decrees no. 2011-87 and n ° 2011-88 of September 2011, on the organization of political parties and organization of associations, respectively, the granting of a prior authorization for the establishment of a party or an association is no longer required, a simple declaration is sufficient. * Freedom of Assembly and peaceful demonstration is guaranteed under article 37 of the Constitution. * Service notes have been addressed to the different structures of the Ministry of Interior to abandon the methods and practices of the previous regime. <p>Cooperation with OHCHR:</p> <ul style="list-style-type: none"> - Several training sessions and workshops have been organized for the benefit of executives and officers of the internal security forces. - The themes discussed during these workshops are the international standards of human rights, the mechanisms of national and international protection of human rights, principles of the human rights based approach, fight against torture, protection of the rights of refugees and transitional justice. <p>Cooperation with UNESCO:</p> <ul style="list-style-type: none"> - Training of the security forces on human rights, freedom of expression and security of journalists was conducted in cooperation with UNESCO. <p>Cooperation with ICRC:</p> <ul style="list-style-type: none"> - The signing of a memorandum of understanding with the office of the ICRC in Tunis in the context of the project "improvement of the treatment of persons in custody", this project covers the period 2013-2016. - In this context, several training sessions for trainers and sartorial training were conducted to train officers and executives of the national security forces and the National Guard for treatment of persons during the period of police custody.
<p>115.5. Develop and enact a comprehensive public outreach plan for transitional justice processes, including full participation by all relevant ministries in that outreach</p>	<ul style="list-style-type: none"> * A cooperation agreement signed with the Tunisian Television (TT) on 19/12/2012 includes: <ul style="list-style-type: none"> - Awareness raising spots on transitional justice (these spots has been made in the context of the implementation of the cooperation agreement between the Ministry of Justice, Human Rights and Transitional Justice on the one hand, and UNDP and OHCHR on the other hand); - The production of documentary films - A parlor for the victims * Several seminars and round tables have been organized on transitional justice, allowing an exchange of good practices and experiences with other countries.
<p>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</p>	<ul style="list-style-type: none"> * Measures to promote access to health services including for vulnerable people are being adopted, acting on the social determinants of health, namely poverty, unemployment and illiteracy, in order to make the provision of care as near as possible to citizens throughout the territory. * Additional measures include:

	<ul style="list-style-type: none"> - The implementation in 2012 of a programme of support to health structures in priority areas; - Free education in the new Constitution as a necessary condition for universal access to education. * To strengthen policies and measures aiming at ensuring economic autonomy of rural populations and their access to the health services, education and social services, Tunisia seeks an equitable distribution of the resources available in these areas. * In the context of the strategic directions of public health policy and in particular the objective of achieving an equitable distribution of available public health resources, measures to promote access to health services including for vulnerable persons are being adopted, by acting on the social determinants of health, namely poverty, unemployment, and literacy, in order to make the provision of care as near as possible to citizens throughout the territory.
<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> <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> <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.</p> <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</p>	<ul style="list-style-type: none"> - Inheritance is governed by the Code of personal status. In the event of divorce, the best interests of the child prevail. - Women's rights enshrined in the new Constitution under the following articles: <ul style="list-style-type: none"> - The preamble. - Equality of citizens in rights and duties and before the law without any discrimination (art. 21). - The representation of women in the elected bodies (art. 34). - The right of every man and women citizens to work, in decent conditions and for fair wages (art.40). - The protection of the acquired rights of women: equality of opportunities between women and men to assume different responsibilities and in all areas; the parity between women and men in the elected bodies; and the eradication of violence against women (art. 46). - Regarding the fight against violence against women, the domestic violence and marital rape : <ul style="list-style-type: none"> - The penal Code provides for heavier penalties incurred in the event of domestic violence, considering the matrimonial links as aggravating circumstances. In addition, each of the two spouses must treat his spouse with kindness, live in good relationship with him and avoid harm. The criminal code provides aggravated penalties for rape. - A framework law on the criminalization of all forms of violence against women is being developed.
<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</p>	<ul style="list-style-type: none"> - Following the recommendations made on October 22, 2010 by the Committee on the elimination of discrimination against women, Tunisia has taken a new step by deciding to withdraw its reservations to the CEDAW Convention by Decree Law 2011-103, of October 24, 2011 and Decree 2011-4260 of November 28, 2011. Since then, the withdrawal of reservations was officially notified to the Secretary General of the United Nations on April 17, 2014. Only remains the general statement that "the Tunisian Government declares that it will not adopt under the Convention any administrative or legislative decision which might run counter to the provisions of article 1 of the Constitution.



البعثة الدائمة للجمهورية التونسية بجنيف

MISSION PERMANENTE DE TUNISIE
À GENÈVE