



UPR COMPILATION OF GOVERNMENT PLEDGES – Tunisia

What is the UPR?

The Universal Periodic Review (UPR) is a new UN human rights process which involves a review of the human rights records of all 192 UN Member States once every four years by the Human Rights Council, the UN's main Human Rights body. The stated objectives of this new mechanism include "the improvement of the human rights situation on the ground" and "[t]he fulfillment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State." (Human Rights Council Institution Building package (A/HRC/RES/5/1) at § 4(a) and (b)).

What are Alkarama's UPR Compilations and who are they for?

Alkarama has tried to make user-friendly compilations of the undertakings made by the Arab States examined under the Universal Periodic Review to try to make the UPR process meaningful in improving the human rights situation 'on the ground'. These compilations are designed to assist in the follow-up and monitoring of the Governments' undertakings and promises to the UN Human Rights Council.

Themes considered in this compilation for Tunisia:

- A. General Human Rights policy
- B. International Human Rights conventions
 - (a) Ratifications/Accessions
 - (b) Measures taken to implement Human Rights instruments
 - (c) Mechanisms established to ensure the primacy of international human rights over domestic law
- C. National Human Rights protection mechanisms
 - (a) National oversight and monitoring bodies
 - (b) Coordination
- D. National Human Rights Institutions
- E. Freedom of expression, opinion, assembly and association
- F. Independence of media
- G. NGOs/Civil society
- H. Judicial system
- I. Torture and other cruel, inhuman or degrading treatment or punishment
- J. Conditions of detention
- K. Death penalty
- L. Universal Periodic Review Process/Human Rights Council
- M. Special procedures of the Human Rights Council
- N. Protection of Human Rights while combating terrorism

Types of Government pledges (note, all made within the UPR process):

Affirmations: made by the State under Review during the 2008 UPR process

Voluntary Commitments: undertaken by Tunisia to the UN HRC and the UN GA (made between 2006 and 2008)

Recommendations: made on 8 April 2008 by Member and Observer States on the HRC's UPR Working Group and accepted by Tunisia

Source documents - UPR Documentation:

Tunisian National report (A/HRC/WG.6/1/TUN/1), dated 11 March 2008

Working Group report (A/HRC/8/21), dated 22 May 2008

Final report of the Human Rights Council on its 8th Session (A/HRC/8/52), dated 1st September 2008

Tunisian voluntary pledges made in view of the 2006 Human Rights Council elections (emitted as verbal notes by the Permanent Mission of Tunisia to the UN, New-York), dated 8 May 2006 (only available in French)

CHECKLIST OF GOVERNMENT PLEDGES MADE DURING THE UPR PROCESS 2008

A. General Human Rights policy:

		Affirmation(s) made by the State under Review during the 2008 UPR process	Source
		NIL	
		Voluntary commitment(s) undertaken by Tunisia to the UN HRC and the UN GA (made between 2006 and 2008)	
1.	<input type="checkbox"/>	<p><i>Tunisia will not fail to participate actively in international efforts to achieve this goal [reform of the UN] and for which the need is now increasingly urgent.</i></p> <p><u>Original version:</u> <i>La Tunisie ne manquera pas de prendre part activement aux efforts internationaux visant à atteindre cet objectif (reform the UN) et dont la nécessité s'avère aujourd'hui de plus en plus urgente.</i></p>	Para. 6, Page 12, Tunisian voluntary pledges made in view of the 2006 Human Rights Council elections
2.	<input type="checkbox"/>	Lastly, as it submits this report, Tunisia gives every assurance that 2008 will provide further evidence of its commitment to continuing its efforts to promote and observe human rights and expand its cooperation with all stakeholders at the national, regional and international levels.	Para. 9, Page 5, Tunisian National report, A/HRC/WG.6/1/TUN/1
3.	<input type="checkbox"/>	In the introduction of its report, Tunisia asserted that (...) "(...) In addition to the measures and initiatives mentioned in the report, Tunisia will shortly announce new decisions". By this announcement, the Minister indicated that Tunisia meets its commitments.	Para. 6, Pages 3 and 4, Working Group report, A/HRC/8/21
4.	<input type="checkbox"/>	Tunisia will resolutely continue to implement (...) an active, sustained policy on promotion and protection of all human rights at the national, regional and international levels.	Para. 76, Page 23, Tunisian National report, A/HRC/WG.6/1/TUN/1
5.	<input type="checkbox"/>	Tunisia is firmly committed to the promotion and protection of all human rights while being aware that the progress achieved needs to be further consolidated within a continuing dynamic resulting from the constant balance between two divergent concerns: on the one hand, the political will and firm commitment of the State and all members of civil society to work together to maintain and further build on all the progress made in the implementation of all human rights using a comprehensive approach that accepts human rights as universal, complementary, interdependent and interrelated.	Para 80, Page 24, Tunisian National report, A/HRC/WG.6/1/TUN/1
6.	<input type="checkbox"/>	Tunisia confirms that it is committed to this path. Above all it rejects any sense of self-satisfaction because in this area nothing is ever finally attained. The State's efforts are thus geared towards promoting as widely as possible a human rights culture and human rights education, and their underlying universal values: On the other hand, the real challenges associated with the major threats posed by the rise of all forms of terrorism, extremism, fanaticism, intolerance, racism, xenophobia and religious defamation, which have a deadly impact on the efforts of the State and the international community as a whole to promote and protect all human rights	Para. 81, Page 24, Tunisian National report, A/HRC/WG.6/1/TUN/1

7.	<input type="checkbox"/>	The Minister reiterated Tunisia's willingness to cooperate in the area of human rights with all mechanisms (...) For Tunisia, the promotion and protection of human rights is an ongoing process which requires consolidated efforts.	Para. 5, Page 3, Working Group report, A/HRC/8/21
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		Recommendation(s) made (on 8 April 2008) by Member and Observer States of the HRC's UPR Working Group and accepted by Tunisia	
		NIL	

B. International Human Rights conventions:

(a) Ratifications:

		Affirmation(s) made by the State under Review during the 2008 UPR process	Source
8.	<input type="checkbox"/>	Having nearly ratified all the international human rights instruments...Tunisia has also ratified the African Charter on Human and People's Rights and its Protocol on the Establishment of an African Court on Human and People's Rights...	Para. 10 and 11, Page 5, Tunisian National report, A/HRC/WG.6/1/TUN/1

		Voluntary commitment(s) undertaken by Tunisia to the UN HRC and the UN GA (made between 2006 and 2008)	
9.	<input type="checkbox"/>	Tunisia (...) is in the process of ratifying the Arab Charter on Human Rights.	Para. 11, Page 5, Tunisian National report, A/HRC/WG.6/1/TUN/1

		Recommendation(s) made (on 8 April 2008) by Member and Observer States of the HRC's UPR Working Group and accepted by Tunisia	
10.	<input type="checkbox"/>	Recommends Tunisia to consider ratifying the Optional Protocol to CAT (Canada) as soon as possible (United Kingdom)	Para. 83, Page 19, Working Group report, A/HRC/8/21

(b) Measures taken to implement international human rights instruments:

		Affirmation(s)	Source
11.	<input type="checkbox"/>	In this context, mention should be made of the promulgation, following a referendum, of Constitutional Act No. 51 of 1 June 2002, amending and supplementing certain provisions of the Constitution, notably: <ul style="list-style-type: none"> • New paragraphs 1, 2 and 3 of article 5 of the Constitution, stating that "the Republic of Tunisia is founded on the principles of the rule of law and pluralism. It strives [to achieve] the dignity and personal development of human beings ... [and] to entrench the values of solidarity, mutual assistance and tolerance among individuals, groups and generations" • New article 5 of the Constitution, which states that "the Republic of Tunisia guarantees fundamental freedoms and human rights in the universal, comprehensive, complementary and interdependent 	Para. 13, Page 6, Tunisian National report, A/HRC/WG.6/1/TUN/1

		<p>sense”</p> <ul style="list-style-type: none"> • An amendment to article 9 of the Constitution specifying more closely the inviolability of the home, the confidentiality of correspondence and the protection of personal data • New paragraph 1 of article 12 of the Constitution, stating that “police custody shall be subject to judicial supervision and pretrial detention subject to court order” and that “no one shall be arbitrarily placed in police custody or detention” • An amendment to article 13 of the Constitution explicitly stating that “anyone deprived of their liberty shall be treated humanely and their dignity respected (...)” 	
12.	<input type="checkbox"/>	<p>Many other legislative measures have been adopted in recent years to ensure closer compatibility of domestic law with the provisions of international instruments ratified by Tunisia. The main ones - on strengthening press freedom, judicial guarantees and the independence of the judiciary, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the consolidation of the rights of women, children and persons with disabilities - will be described in part II of this report, in the sections dealing with the status of the various categories of human rights.</p>	Para. 14, Page 6, Tunisian National report, A/HRC/WG.6/1/TUN/1
13.	<input type="checkbox"/>	<p>Meanwhile, under this heading the following main measures may be mentioned by way of illustration:</p> <ul style="list-style-type: none"> • Act No. 63 of 27 July 2004 on the protection of personal data, which guarantees that personal information will be handled in full transparency and honesty and with respect for human dignity • Act No. 2005-81 of 4 August 2005, amending and supplementing Act No. 67-29 of 14 July 1967 on the organization of the judiciary, the High Council of the Judiciary and the special status of the judiciary • Organization Act No. 2006-1 of 9 January 2006, amending the Press Code, in particular the final paragraph of article 3, and abolishing the statutory deposit for all daily newspapers and periodicals, including magazines • Act No. 2007-32 of 22 March 2007 supplementing certain provisions of the Code of Criminal Procedure, which obliges judicial police officers, at hearings pursuant to letters rogatory, to inform suspects “of their right to be assisted by counsel of their choice, and to note this in the police report” and establishing the right to prior transmission to the lawyer of the record of proceedings 	Para. 15, Pages 6 and 7, Tunisian National report, A/HRC/WG.6/1/TUN/1
14.	<input type="checkbox"/>	<p>Most recently, on 19 February 2008, the Chamber of Deputies adopted three bills (...) the third requiring a reasoned decision for any extension of the period of police custody or pretrial detention in order to prevent automatic extensions.</p>	Para. 17, Page 7, Tunisian National report, A/HRC/WG.6/1/TUN/1
15.	<input type="checkbox"/>	<p>The Minister reiterated Tunisia’s willingness to cooperate in the area of human rights with all mechanisms and recalled</p>	Para. 5, Page 3, Working Group report, A/HRC/8/21

		that since its independence, Tunisia has put great efforts in the area of human rights.	
16.	<input type="checkbox"/>	Tunisia decided to create an institution related to the General Human Rights Coordinator in charge of the follow-up to treaty bodies' recommendations in order to promote their effective implementation.	Para. 6(i), Page 5, Working Group report, A/HRC/8/21
17.	<input type="checkbox"/>	(...) He also indicated that the Constitutional Court is taking into account international treaties and human rights documents and instruments for its decisions (...)	Para. 81, Page 18, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
18.	<input type="checkbox"/>	Tunisia [...] wishes to reaffirm its willingness to actively cooperate with [...] all institutional and treaty mechanisms of the United Nations - including by working wholeheartedly for the success of the universal periodic review - in exchanging and building on experience gained in the promotion and protection of all human rights.	Para. 7, Page 5, Tunisian National report, A/HRC/WG.6/1/TUN/1
19.	<input type="checkbox"/>	With regard to the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [...] the Tunisian Government consistently endeavours to put into practice all the mechanisms required to address violations.	Para. 39, Page 13, Tunisian National report, A/HRC/WG.6/1/TUN/1
20.	<input type="checkbox"/>	He [the Minister of Justice and Human Rights of Tunisia]also informed the Working Group on new measures that have been adopted to enhance the process of human rights protection and promotion, and to consolidate cooperation with the United Nations and regional bodies: (...)Tunisia's decision to submit, in 2008, eight reports to United Nations bodies, of which seven to treaty bodies: (i) Fifth and sixth periodic reports on the implementation of the International Covenant on Civil and Political Rights. (ICCPR)	Para. 6, Page 4, Working Group report, A/HRC/8/21
21.	<input type="checkbox"/>	He [the Minister of Justice and Human Rights of Tunisia]also informed the Working Group on new measures that have been adopted to enhance the process of human rights protection and promotion, and to consolidate cooperation with the United Nations and regional bodies: (...)Tunisia's decision to submit, in 2008, eight reports to United Nations bodies, of which seven to treaty bodies: (...) (ii) Third periodic report on the implementation of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT).	Para. 6, Page 4, Working Group report, A/HRC/8/21

		Accepted recommendation(s)	
22.	<input type="checkbox"/>	Recommends that the mandate of the Higher Committee on Human Rights and Fundamental Freedoms be in line with the Paris Principles (Saudi Arabia)	Para. 83, Page 19, Working Group report, A/HRC/8/21

(c) **Mechanisms established to ensure the primacy of international human rights over domestic law:**

		Affirmation(s)	Source
23.	<input type="checkbox"/>	Article 32 of the Tunisian Constitution provides in paragraph 4: "The treaties ratified by the President and approved by the Chamber of Deputies have a higher authority than laws. "	Para. 18, Page 7, Tunisian National report, A/HRC/WG.6/1/TUN/1
24.	<input type="checkbox"/>	As part of its follow-up to various recommendations by the treaty-monitoring bodies, Tunisia has in recent years developed mechanisms to ensure the primacy of ratified international human rights instruments over domestic laws, notably mandatory referral to the Constitutional Council for an opinion and direct applicability of international human rights instruments by the courts.	Para. 19, Page 7, Tunisian National report, A/HRC/WG.6/1/TUN/1
25.	<input type="checkbox"/>	Role of the Constitutional Council (mandatory referral) The Constitutional Council is expressly instructed, under the Constitutional Acts of 27 October 1997 and 1 June 2002, to ascertain the conformity and compatibility of all draft laws with the Constitution, and in particular with its provisions concerning human rights. This supervision is a precaution intended to ensure the conformity of a given text with the provisions of the Constitution, as well as the domestic legal system's compliance with ratified international treaties. The Council then issues a binding reasoned opinion which is published in the Official Journal.	Para. 20, Page 7, Tunisian National report, A/HRC/WG.6/1/TUN/1
26.	<input type="checkbox"/>	Role of the courts (direct applicability) The incorporation of international instruments into the internal legal order has given rise to numerous debates in Tunisian courts. Contrary to the traditional position - namely that the provisions of international conventions that have been ratified and approved create obligations only for the States parties, the courts have decided in several cases that international instruments, including human rights instruments, may be directly invoked before the domestic courts.	Para. 21, Page 8, Tunisian National report, A/HRC/WG.6/1/TUN/1
27.	<input type="checkbox"/>	The Administrative Tribunal has also played a crucial role in this respect since the adoption of, inter alia, Act No. 39 of 3 June 1996 establishing the right of appeal in cases of challenges on grounds of illegality or unconstitutionality, Act No. 79 of 24 July 2001 establishing a cassation chamber at the Administrative Tribunal and Act No. 11 of 24 February 2002 establishing the right to challenge the constitutionality of regulatory decrees, thereby lifting the immunity that applied to such decrees under the previous system.	Para. 22, Page 9, Tunisian National report, A/HRC/WG.6/1/TUN/1
28.	<input type="checkbox"/>	All these reforms have made it possible for the Administrative Tribunal to effectively ensure respect for the rights of the public and strengthen basic principles related to human rights, not least by referring expressly to the principles set forth in international instruments on the subject	Para. 23, Page 9, Tunisian National report, A/HRC/WG.6/1/TUN/1

		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

C. National Human Rights protection mechanisms:

(a) National oversight and monitoring bodies:

		Affirmation(s)	Source
29.	<input type="checkbox"/>	As part of its follow-up to various recommendations by treaty-monitoring bodies after their consideration of Tunisia's periodic reports, the powers of the High Committee on Human Rights and Fundamental Freedoms established by Decree No. 54 of 7 January 1991 have been substantially consolidated in recent years by the promulgation of, inter alia, Decree No. 2,846 of 8 November 2006 and Decree No. 886 of 10 April 2007, to bring the High Committee into line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134).	Para. 24, Pages 9 and 10, Tunisian National report, A/HRC/WG.6/1/TUN/1

		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

(b) Coordination:

		Affirmation(s)	Source
30.	<input type="checkbox"/>	In order to ensure better coordination of action to promote and protect human rights, human rights have their own ministry, the Ministry of Justice and Human Rights. The Minister is assisted by a Human Rights Coordinator whose task is to monitor the promotion of human rights, receive complaints and carry out studies on the subject, in cooperation with the High Committee on Human Rights and Fundamental Freedoms and the human rights units in other departments, i.e., the Ministries of the Interior, Foreign Affairs and Social Affairs.	Para. 26, Page 10, Tunisian National report, A/HRC/WG.6/1/TUN/1
31.	<input type="checkbox"/>	In an effort to further strengthen the mechanisms for the protection of human rights, a National Commission on International Humanitarian Law was established on 20 April 2006 in order to confirm Tunisia's participation in the international process to protect and develop human rights, contribute actively to peace building in the world and reaffirm its commitment to ensuring full compliance with all relevant international instruments.	Para. 28, Page 10, Tunisian National report, A/HRC/WG.6/1/TUN/1

	Voluntary commitment(s)	
	NIL	
	Accepted recommendation(s)	
	NIL	

D. National Human Rights Institutions:

	Affirmation(s)	Source
32.	<input type="checkbox"/> <p>The Tunisian State is aware of the need to establish the best possible partnership with NGOs, which it assists in case of difficulties. Thus, with regard to the problems of the Tunisian Human Rights League (LTDH), Africa's first human rights league and one of Tunisia's national assets, the approach consistently adopted by the Tunisian authorities has been to respect the organization's independence and give it a proper chance to overcome its internal difficulties. The authorities encourage the League to hold its Congress as soon as possible and to adopt transparent rules of procedure that will better permit it to serve the cause of human rights.</p>	Para. 30, Page 11, Tunisian National report, A/HRC/WG.6/1/TUN/1
33.	<input type="checkbox"/> <p>On the issue of Higher Committee on Human Rights and Fundamental Freedoms and the Paris Principles, the Minister noted the paradox that the Human Rights Committee was set up 1991 and has not yet the accreditation by the ICC, while being a pioneer institution in Africa and in the Arab world. He indicated that the President Ben Ali announced that the legal status of the Human Rights Committee was no longer depending on a presidential decree and include several branches and high capable representatives as well as representatives of civil society. A bill is currently under consideration, which will further strengthen the role of the Human Rights Committee, including the possibility by the chair of the Human Rights Committee to visit prisons and engage in developing programmes to take stock of the human rights situation.</p>	Para. 36, Page 11, Working Group report, A/HRC/WG.6/1/TUN/1

	Voluntary commitment(s)	
34.	<input type="checkbox"/> <p>As the President announced in Tunis on Thursday, 24 January 2008, [...] a bill will shortly be put before the Chamber of Deputies to "raise the status of the High Committee for Human Rights and Fundamental Freedoms by giving the provisions governing it legislative rank and endowing it, as a national human rights institution, with administrative and financial autonomy; the Committee's membership will also be adjusted with a view to strengthening communication between the State and civil society and consolidating its powers so as to reinforce its role in the promotion and protection of human rights".</p>	Para. 25, Page 10, Tunisian National report, A/HRC/WG.6/1/TUN/1
35.	<input type="checkbox"/> <p>He [the Minister of Justice and Human Rights of Tunisia]also informed the Working Group on new measures that have been adopted to enhance the process of human rights protection and promotion, and to consolidate cooperation with the United Nations and regional bodies:</p>	Para. 6, Page 4, Working Group report, A/HRC/8/21

		(...)Tunisia's decision to submit, in 2008, eight reports to United Nations bodies, of which seven to treaty bodies: (...) (c) [the] consolidation of the Higher Committee on Human Rights and Fundamental Freedoms, in line with the Paris Principles, by giving it legislative status , reinforcing its administrative and financial autonomy, expanding its prerogatives (self-referral, impromptu visits to prisons, individual appeals...) and developing its means of action to stand against all forms of human rights violations.	
36.	<input type="checkbox"/>	A bill is currently under consideration, which will further strengthen the role of the Human Rights Committee, including the possibility by the chair of the Human Rights Committee to visit prisons and engage in developing programmes to take stock of the human rights situation.	Para. 36, Page 11, Working Group report, A/HRC/8/21

		Accepted recommendation(s)	
		NIL	

E. Freedom of expression, opinion, assembly and association:

		Affirmation(s)	Source
37.	<input type="checkbox"/>	As part of its follow-up to recommendations made by the Human Rights Committee (CCPR/C/79/Add.43, para. 18-20), Tunisia has taken steps to strengthen freedom of opinion and expression by introducing various procedures and measures, including amendments to the Press Code aimed at consolidating public freedoms . In this respect, under Act No. 2006-1 of 9 January 2006 amending the Press Code (art. 3, final para.), "Daily newspapers, periodicals and magazines shall no longer be subject to any statutory deposit".	Para. 35, Page 12, Tunisian National report, A/HRC/WG.6/1/TUN/1
38.	<input type="checkbox"/>	On the question put by the United Kingdom, Denmark, Canada, and Sweden on freedom of expression and opinion, including measures to eliminate restrictions to establish political parties and civil organization, the Minister recalled that there are nine political parties in Tunisia, six of which are represented in the Chamber of Deputies, participate in its legislative work and play a role of parliamentary control . The Minister further noted that some parties were not recognized simply because they have yet to be registered.	Para. 8, Page 5, Working Group report, A/HRC/8/21
39.	<input type="checkbox"/>	With regard to the follow-up on previous recommendations concerning the freedom of expression and opinion made by the Human Rights Committee, the Minister announced that the Press Code has been amended to ensure a greater liberty and greater freedom. In particular, some of the requirements and need for review have been withdrawn, allowing newspapers to publish without legal registration. The Minister also highlighted the high number of newspapers currently circulating in the country, which demonstrates to what extent freedom of expression, is applied in Tunisia.	Para. 9, Page 6, Working Group report, A/HRC/8/21
40.	<input type="checkbox"/>	With regard to the rights of association , the Minister stressed that association is not submitted to an authorization regime and some 10,000 associations	Para. 34, Page 10, Working Group report, A/HRC/8/21

		enjoy the support of the Government. In addition, associations considered as public utility receive subsidies from the State (...)	
41.	<input type="checkbox"/>	With regard to freedom of expression, the Minister noted that certain Internet sites have been closed down in accordance with article 19 of ICCPR. While recalling the principle of freedom of expression, the Minister stressed that the sites that have been closed were advocating terrorism and inciting to behead innocent people.	Para. 34, Page 10, Working Group report, A/HRC/8/21
42.	<input type="checkbox"/>	The Minister added that it had made an important amendment on 4 May 2008 to its press law by abolishing the punishment of imprisonment of journalists and abolishing censorship on publications.	Para. 210, Page 105, Report of the Human Rights Council on its 8 th Session, A/HRC/8/52

		Voluntary commitment(s)	
		NIL	

		Accepted recommendation(s)	
43.	<input type="checkbox"/>	Encourages the reinforcement of freedom of expression and assembly in particular through the revision of article 51 of the Press Code. (Belgium, Sweden and United States of America)	Para. 83, Page 19, Working Group report, A/HRC/8/21

F. Independence of media:

		Affirmation(s)	Source
44.	<input type="checkbox"/>	The Minister [of Justice and Human Rights] welcomed the interest shown for the Tunisian process toward freedom of press and free access to sources of information and mentioned the progress made. He indicated that the press code was amended four times to further promote and liberalize press activities and the removal of imprisonment penalties from the press code. The Minister also mentioned two types of reforms, the reform of prison penalties and the abolition of legal submission of copies press. He also indicated that besides legal guarantees, there are a number of important developments on the ground, for example, there is not one single journalist in jail and for the past 20 years this has been the case. He also stressed that Tunisian media organizations elect their own leaders and that recently, the Tunisian Association of Journalists elected a syndicate. The Tunisian Government does not try to influence the media, and the independence of the media is noted by journalists themselves. The Minister emphasized that the Government respects the independence of the media and does not try to influence or intimidate the media.	Para. 35, Page 11, Working Group report, A/HRC/8/21
45.	<input type="checkbox"/>	The Minister also noted that 90 per cent of the media is private and freely available. Opposition parties participate readily in public television and material support is provided by the Government with no strings attached, and one cursory look shows the variety of media outlet. He also noted that there is no longer	Para. 36, Page 11, Working Group report, A/HRC/8/21

		administrative authorization required to distribute books, and stressed that there is no restrictions on electronic media...	
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		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

G. NGOs/Civil society:

		Affirmation(s)	Source
46.	<input type="checkbox"/>	A large number of national bodies and NGOs were involved in the extensive consultations held at the national level in preparing this report. They stressed the need to forge ahead to consolidate the progress made. [Followed by a list of recommendations made by civil society]	Para. 74, Page 22, Tunisian National report, A/HRC/WG.6/1/TUN/1
47.	<input type="checkbox"/>	The Minister recalled Tunisia's full commitment to the promotion and protection of all human rights and its awareness of the progress required to further consolidate its ongoing efforts and constant balance between political will and a resolved civil society and the real challenges that result from increasing terrorism, fanaticism and extremism.	Para. 10, Page 6, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
48.	<input type="checkbox"/>	The Tunisian authorities strive to reinforce the partnership with the NGO community and especially those working in the field of human rights.	Para. 29, Page 10, Tunisian National report, A/HRC/WG.6/1/TUN/1
49.	<input type="checkbox"/>	With regard to cooperation with international NGOs, by providing such NGOs with an appropriate legal framework, Tunisia tries to establish regular partnerships in order to develop lasting cooperation. [...] Tunisia remains open to dialogue with all NGOs working in the area of human rights.	Para. 31, Page 11, Tunisian National report, A/HRC/WG.6/1/TUN/1
50.	<input type="checkbox"/>	Tunisia receives with interest and notes all the concerns voiced by the actors involved in the national dialogue who are dedicated to giving further impetus to its progress in developing the rule of law, the establishment of the democratic ideal and the participation of all citizens, including young people, and policy definition and implementation, within the framework of a development model that enables society to gradually take responsibility for itself.	Para. 75, Page 23, Tunisian National report, A/HRC/WG.6/1/TUN/1
51.	<input type="checkbox"/>	The Minister said that, at the domestic level, Tunisia would pursue and strengthen its positive collaboration with civil society, which must play a role in the promotion of human rights.	Para. 268, Page 120, Report of the Human Rights Council on its 8 th session, A/HRC/8/52

		Accepted recommendation(s)	
52.	<input type="checkbox"/>	Encourages the facilitation of the registration of civil society, unions and political parties (Belgium, Sweden, United States of America and United Kingdom)	Para. 83, Page 19, Working Group report, A/HRC/8/21

H. Judicial system:

	Affirmation(s)	Source
53.	<p>With regard to judicial safeguards and the independence of the judiciary, this report refers only to the adoption of the following legislation:</p> <ul style="list-style-type: none"> • Act No. 1999-90 of 2 August 1999 amending and supplementing certain provisions of the Code of Criminal Procedure and introducing additional guarantees for persons temporarily deprived of their liberty, for example by reducing the duration of police custody, providing information to the families of arrested persons, explaining the reasons and legal grounds for the arrest, ensuring the right to a medical examination, and maintaining arrest registers under the oversight of the State prosecutor. • Act No. 2000-43 of 17 April 2000 amending and supplementing the Code of Criminal Procedure and instituting the right of appeal in criminal cases. • Act No. 2000-77 of 31 July 2000 amending and supplementing the Code of Criminal Procedure, establishing the post of sentence enforcement judge. • Act No. 2001-51 of 3 May 2001 concerning the transfer of the Prisons Department to the Ministry of Justice and Human Rights. • Act No. 2001-52 of 14 May 2001 on the organization of prisons. This is the first law of its kind in the history of the prison system to govern the respective rights and duties of prisoners and the prison administration. It grants exclusive authority to the Disciplinary Council, which includes representatives of prisoners, to apply disciplinary penalties against an offending party. • Act No. 2002-92 of 29 October 2002 amending and supplementing the Code of Criminal procedure so as to strengthen the powers of sentence enforcement judges by allowing them, for instance, to grant parole to a convicted person whose sentence does not exceed eight months. • Act No. 2002-93 of 29 October 2002 amending and supplementing the Code of Criminal Procedure and establishing a mediation procedure in criminal cases through the introduction of alternatives to criminal legal proceedings in order to strengthen the spirit of cooperation among citizens and facilitate the amicable settlement of disputes. • Act No. 2002-94 of 29 October 2002 amending and supplementing the Code of Criminal Procedure and providing that all persons who have been held in pretrial detention or who have served a sentence and whose innocence has subsequently been proven may demand material and moral compensation from the 	Para. 36, Pages 12 and 13, Tunisian National report, A/HRC/WG.6/1/TUN/1

		<p>State for this detention.</p> <ul style="list-style-type: none"> Organization Act No. 2005-81 of 4 August 2005, amending and supplementing the Act of 14 July 1967 on the organization of the judiciary, the High Council of the Judiciary and the special status of the judiciary. Act No. 2007-32 of 22 March 2007 supplementing certain provisions of the Code of Criminal Procedure, which oblige judicial police officers, at hearings pursuant to letters rogatory, to inform suspects "of their right to be assisted by counsel of their choice, and to note this in the police report", and establishing the right to prior transmission to the lawyer of the record of proceedings. 	
54.	<input type="checkbox"/>	In this regard, it should be recalled that the independence of the judiciary is guaranteed by article 65 of the Constitution which explicitly states that "the judicial authority is independent. In exercising their functions, judges are subject only to the authority of the law" . The independence of the judiciary is further guaranteed under the Act governing the membership of the High Council of the Judiciary. It is likewise safeguarded by the Council's power not merely to give opinions but to take enforceable decisions concerning appointment, promotion, transfer and discipline.	Para. 37, Page 13, Tunisian National report, A/HRC/WG.6/1/TUN/1
55.	<input type="checkbox"/>	It should be recalled, moreover, that in order to strengthen the independence of the judiciary, the above-mentioned Organization Act of 4 August 2005 modified the composition of the High Council of the Judiciary, increasing the number of members elected by the various levels of judges. The Act, in its (new) article 60, also strengthened disciplinary guarantees by providing for appeals against disciplinary decisions.	Para. 38, Page 13, Tunisian National report, A/HRC/WG.6/1/TUN/1
56.	<input type="checkbox"/>	On the issue of the use of forced confession, the Tunisian delegation noted that a ruling says that if force has been used to achieve a confession than that evidence cannot be used in the judiciary system	Para. 81, Page 18, Working Group report, A/HRC/8/21
57.	<input type="checkbox"/>	He [the Minister of Justice and Human Rights] also mentioned that the Human Rights Committee did not cast doubt on the independence of the judiciary, but only pointed out that the 2005 reforms are positive but further reforms are needed. The Minister further stated that Tunisia has increased the number of judges and the current make up of the Constitutional Council is very much in line with similar councils in other countries	Para. 81, Page 18, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
58.	<input type="checkbox"/>	This report emphasised the new prospects announced by the Head of State on 7 November 2007. As far as the judiciary is concerned, a number of decisions were also announced, including: <ul style="list-style-type: none"> To develop the penal system in order to increase the number of alternatives to prison. 	Para. 77 and 78, Pages 23 and 24, Tunisian National report, A/HRC/WG.6/1/TUN/1
59.	<input type="checkbox"/>	As far as the judiciary is concerned, a number of decisions were also announced, including: (...)	Para. 78, Page 24, Tunisian National report,

		<ul style="list-style-type: none"> To prepare a bill revising the conditions for erasing a person's criminal record, reducing the time-limits for a judicial decision or automatic rehabilitation. 	A/HRC/WG.6/1/TUN/1
60.	<input type="checkbox"/>	<p>As far as the judiciary is concerned, a number of decisions were also announced, including: (...)</p> <ul style="list-style-type: none"> To create an advanced IT system connecting the courts, tax offices and the judicial registry in order to ensure that criminal records are updated as quickly as possible and cleared as soon as applicants meet the legal conditions, so that those who have erred have a better chance of finding employment and avoid falling back into crime. 	Para. 78, Page 24, Tunisian National report, A/HRC/WG.6/1/TUN/1
61.	<input type="checkbox"/>	<p>In its report to the Council's Working Group on the Universal Periodic Review (A/HRC/26.6/1/TUN/1), Tunisia described some of the commitments it had undertaken to give new impetus to the protection and promotion of human rights. Since the submission of the country's report, new measures had been taken to consolidate the effective enjoyment of human rights in daily life, including: (...) (d)The adoption by the Council of Ministers of a bill aimed at strengthening jurisdictional guarantees during pretrial detention and at making conditions of automatic release and rehabilitation procedures more flexible.</p>	Para. 239, Page 113, Report of the human Rights Council on its 8 th session, A/HCR/8/52

		Accepted recommendation(s)	
		NIL	

I. Torture and other cruel, inhuman or degrading treatment or punishment:

		Affirmation(s)	Source
62.	<input type="checkbox"/>	<p>With regard to the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified without reservations by Tunisia, which further made the declarations under articles 21 and 22 on the competence of the Committee against Torture to consider communications, the Tunisian Government consistently endeavours to put into practice all the mechanisms required to address violations:</p> <ul style="list-style-type: none"> In the context of the follow-up to the conclusions and recommendations of the Committee against Torture following its consideration of the second periodic report of Tunisia (see A/54/44, paras. 88-105), in which the Committee recommends the State party in particular "to bring the relevant articles of the Criminal Code into line with the definition of torture as contained in article 1 of the Convention", Act No. 1999-89 of 2 August 1999 amended article 101 of the Criminal Code by reproducing verbatim the definition of torture contained in article 1 of the Convention. The Government also endeavours to develop supervision and inspection mechanisms and 	Para. 39, Page 13, Tunisian National report, A/HRC/WG.6/1/TUN/1

		to facilitate victims' access to the justice system, so as to make it possible to record all forms of abuse of authority, gather evidence and bring the perpetrators before the competent judicial authorities. Domestic proceedings against law-enforcement officers who are guilty of such offences are speedy and effective.	
63.	<input type="checkbox"/>	With regard to the question by Germany on the prohibition of torture, the Minister stressed the fact that Tunisian law expressly prohibits any acts of torture or other cruel and inhuman treatments and punishes anyone involved in such acts. He further stated that law enforcement agents have been sentenced to prison terms if convicted for involvement in acts of torture. The Minister also indicated that redress has been made available to people who demonstrated that they have been victims of torture. In addition, he stated that such efforts are always made to ensure that law enforcement agents who commit acts of torture are brought to justice.	Para. 9, Page 6, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

J. Conditions of detention:

		Affirmation(s)	Source
64.	<input type="checkbox"/>	(...) The Tunisian authorities do not hesitate to prosecute abuse of authority by law enforcement officials, in particular acts of violence and ill-treatment of which they are guilty, and to impose severe penalties where guilt is established (...)	Para. 40, Page 13, Tunisian National report, A/HRC/WG.6/1/TUN/1
65.	<input type="checkbox"/>	Criminal prosecution, moreover, does not affect the administration's right to take disciplinary action against its officials in accordance with the principle of the duality of criminal and disciplinary offences. In this respect, the perpetrators of such offences are generally liable to disciplinary proceedings for dismissal.	Para. 41, Page 14, Tunisian National report, A/HRC/WG.6/1/TUN/1
66.	<input type="checkbox"/>	In addition, among the latest initiatives taken by the State in the field of cooperation with international organizations active in the field of human rights, mention is made in particular of the agreement concluded in April 2005 between the Tunisian authorities and the International Committee of the Red Cross (ICRC) authorizing ICRC to inspect all prisons and places of custody and note conditions of detention, interview the prisoners of its choosing in the absence of a representative of the prison authorities and submit its observations and suggestions to the competent authorities. Between June 2005 and 31 December 2006, ICRC made 61 visits to 18 police stations, 9 National Guard	Para. 42, Page 14, Tunisian National report, A/HRC/WG.6/1/TUN/1

		stations and Tunisia's 28 prisons. In the course of these visits, the ICRC representatives conducted thousands of interviews without witnesses. Between January 2006 and May 2007, it made 32 prison visits. This cooperation with ICRC also takes the form of training programmes for judges, prosecutors and prison officials.	
67.	<input type="checkbox"/>	(h) Tunisia has agreed in principle to allow Human Rights Watch to visit prisons. This is part of its cooperation with international human rights organizations, particularly the International Committee of the Red Cross (ICRC), following an agreement signed in April 2005...	Para. 6(h), Page 5, Working Group report, A/HRC/8/21
68.	<input type="checkbox"/>	(...) Concerning prison management, the Minister recalled that a collection of all relevant texts will be available in English (...)	Para. 33, Page 10, Working Group report, A/HRC/8/21
69.	<input type="checkbox"/>	Concerning the cooperation with ICRC, the Minister stressed that this is extremely helpful and underlined its assistance for the improvement of prison conditions. It was in this spirit that Tunisia initiated contacts with Human Rights Watch, allowing it to visit Tunisian prisons...	Para. 34, Page 10, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
		NIL	
		Accepted recommendation(s)	
		NIL	

K. Death penalty:

		Affirmation(s)	Source
70.	<input type="checkbox"/>	(g) Tunisia does not execute persons sentenced to death. The Head of State has publicly announced that he will never sign a decision of death penalty. The files of those sentenced to death are periodically submitted to the procedure of death penalty commutation.	Para. 6(g), Page 5, Working Group report, A/HRC/8/21
71.	<input type="checkbox"/>	In reference to the death penalty issue, the Minister highlighted the de facto abolition of capital punishment. He further noted that there has been no death penalty sentence since 1999 and underlined the Head of State's commitment to continue on this path.	Para. 8, Page 5, Working Group report, A/HRC/8/21
72.	<input type="checkbox"/>	Regarding the issue of death penalty, the Minister indicated that Tunisia has de facto abolished the death penalty and this has led to a debate on abolishment within the society and Tunisia hope to make further progress along this path and to abolish the death penalty once and for all.	Para. 81, Page 18, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
		NIL	

		Accepted recommendation(s)	
73.	<input type="checkbox"/>	Recommends a follow-up on the decision to not carry out the	Para. 83, Page 19,

	death penalty (Netherlands)	Working Group report, A/HRC/8/21
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L. Universal Periodic Review:

	Affirmation(s)	Source
74.	<input type="checkbox"/> The Minister also noted that the national report has been drafted following a broad consultation and involvement of all relevant stakeholders and various NGOs, including lawyers, journalists as well as others representatives of the civil society. In reply to questions that were put in advance, the Minister indicated, on the question raised by the United Kingdom on the contribution of civil society to the drafting of the report, that the list of relevant NGOs consulted was annexed to the State report...	Para. 7, Page 5, Working Group report, A/HRC/8/21
75.	<input type="checkbox"/> Regarding the monitoring of Human Rights Council recommendations that emerge from the UPR, the Minister informed that a special body to ensure the follow-up arising from all United Nations treaty bodies has been set up.	Para. 81, Page 18, Working Group report, A/HRC/8/21

	Voluntary commitment(s)	
76.	<input type="checkbox"/> The Minister also highlighted Tunisia's commitment to objectively and constructively contribute, at the level of examination and follow-up to its report, to promoting the UPR mechanism's modalities and objectives, as contained in General Assembly resolution 60/251, which includes "ensuring universality, objectivity and non-selectivity in the consideration of human rights issues" and making sure that "the promotion and protection of human rights [are] based on the principles of cooperation and genuine dialogue".	Para. 6, Page 3, Working Group report, A/HRC/8/21

	Accepted recommendation(s)	
77.	<input type="checkbox"/> Encourages Tunisia to work closely with international human rights bodies particularly with relation to the follow-up of UPR recommendations. (Qatar, United Kingdom)	Para. 83, Page 19, Working Group report, A/HRC/8/21

M. Special Procedures:

	Affirmation(s)	Source
78.	<input type="checkbox"/> (...)The Minister also stated Tunisia's openness in inviting special rapporteurs as part of its effective cooperation with all treaty bodies and special procedures (...)	Para. 81, Page 18, Working Group report, A/HRC/8/21

	Voluntary commitment(s)	
79.	<input type="checkbox"/> He [the Minister of Justice and Human Rights of Tunisia] also informed the Working on new measures that have been adopted to enhance the process of human rights protection and promotion, and to consolidate cooperation with the United Nations and regional bodies: Tunisia's decision to receive special rapporteurs from	Para. 6, Page 4, Working Group report, A/HRC/8/21

		the Human Rights Council	
80.	<input type="checkbox"/>	He [the Minister of Justice and Human Rights of Tunisia] also informed the Working on new measures that have been adopted to enhance the process of human rights protection and promotion, and to consolidate cooperation with the United Nations and regional bodies: Tunisia's decision to receive special rapporteurs from (...) the African Commission on Human Rights	Para. 6, Page 4, Working Group report, A/HRC/8/21

		Accepted recommendation(s)	
81.	<input type="checkbox"/>	Recommends Tunisia to consider cooperation with, for example, the Special Rapporteur on the question of torture (...) (Mexico)	Para. 83, Page 20, Working Group report, A/HRC/8/21

N. Protection of Human Rights while combating terrorism:

		Affirmation(s)	Source
82.	<input type="checkbox"/>	The Minister also noted that Tunisia combats terrorism through eradication of poverty, through education, and lastly by punishment through the law...	Para. 34, Page 10, Working Group report, A/HRC/8/21
83.	<input type="checkbox"/>	Regarding the issue of terrorism and the right to life, the Minister also indicated that a working group has been set up and supported the suggestion made by Algeria to hold a seminar within the framework of the Council	Para. 81, Page 18, Working Group report, A/HRC/8/21

		Voluntary commitment(s)	
		NIL	

		Accepted recommendation(s)	
84.	<input type="checkbox"/>	Recommends Tunisia to consider cooperation with, for example, (...) the Special Rapporteur on the promotion and protection of human rights while countering terrorism (Mexico)	Para. 83, Page 20, Working Group report, A/HRC/8/21