



## » Tunisia

### EMHRN Factsheet: ENP Progress Report 2013

EMHRN summary of ENP Tunisia Progress Report and recommendations for the next report.

Credit: Terdjman/Cosmos Photo Agency

Three years after the revolution, Tunisia continued to face many challenges in pursuing its transition to democracy. In its Progress Report, the European Union (EU) sets out a number of priority recommendations on human rights and consolidation of democracy, particularly the respect for freedom of expression, the effective establishment of the Independent High Commission for Elections, the adoption of the new electoral law and the organisation of free, transparent and inclusive elections in 2014. The EU's recommendations on human rights reflect the main concerns raised by Tunisian NGOs.

#### Freedom of Association and Assembly

While the Progress Report notes the excessive use of force by law enforcement bodies and some extremist groups during demonstrations, no reference is made to the issue in its recommendations. In addition, the EU fails to highlight the need to put an end to political violence and impunity.

*The Euro-Mediterranean Human Rights Network (EMHRN) calls on the EU to address the following issues and recommendations in its next report:*

- *Combating political violence, which entails expediting and completing effective, independent, and impartial investigations;*
- *Prosecute those responsible and providing redress to victims, as well as guarantees of non-repetition;*
- *Set up an independent mechanism for monitoring and investigating the actions of the security forces, reform the security sector, define clear lines of responsibility, bring the different security forces under control and improve their training and disband parallel forces and militias such as the “the Leagues for the Protection of the Revolution”;*
- *Guarantee freedom of association, expression and assembly and put an end to practices likely to curtail them, including prosecution and police harassment of artists and journalists;*
- *Reform law No. 69-4 dated 24/01/1969 relating to public meetings and demonstrations and ensure its conformity with international law and the principles of legality, necessity and proportionality.*



## Gender

The report addresses violence against women and lifting the reservations to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). However, the EU overlooks the campaign of disinformation pursued by the representatives of the government, and elected members of the Ennahda Party who challenge the CEDAW provisions. In addition, the report's recommendations do not tackle the general declaration issued by Tunisia to the CEDAW stating that the government will not, under the Convention, adopt any legislative or administrative decisions that could contravene the provisions of Chapter 1 of the constitution, which risks rendering all the provisions of convention meaningless.

*Thus, EMHRN recommends that the next EU Progress Report include a recommendation to bring Tunisia's national legislation in line with the CEDAW.*

## Justice

The EU recommends the adoption of constitutional, legislative and regulatory reforms to strengthen the rule of law. In particular, these reforms should be designed to guarantee the independence, professionalism and effectiveness of the justice system, the rehabilitation of courts, access to justice, respect for fair trial standards, as well as the establishment of mechanisms regarding transitional justice.

*In its next report, EU should call for:*

- *An end to civilian trials in military courts;*
- *Bringing national legislation in line with the international conventions on human rights, ratified by Tunisia, and a revision of the penal code, criminal procedure and the personal status code to ensure their compliance with international standards on human rights.*

## Migration

The EU takes note of the absence of an effective asylum system and the lack of available data on trafficking of migrants, and therefore recommends the adoption of a legislative framework creating a recognised legal status and guaranteeing the protection of refugees, migrants and asylum seekers. The EU fails to grasp the scale of violations of the rights of refugees and migrants, in contradiction with Tunisia's international obligations, particularly the principle of non-refoulement. No reference to the difficulties facing migrants and refugees in accessing their economic and social rights. The extreme vulnerability in which the people who refused to leave the camp at Choucha are left is a blatant example of the legal vacuum surrounding the status of many people not recognized by UNHCR. These persons are left without any prospect of integration in Tunisia, in spite of the announcement of the Tunisian authorities that these people would be given resident permits. The report does not focus on the persistence of the criminalisation of those who "illegally" enter the country on the basis of law No.2004-6 of 3/02/2004, which is still in force.

*In this context, EMHRN requests that the next Progress Report include recommendations towards:*

- *Ending the confinement and expulsion of migrants in violation of the relevant provisions of international human rights law;*
- *Abolishing penalties for in unauthorised entry, stay or exit, and immediately repealing the law of 3/02/2004 which criminalizes migrants in violation of international treaties;*
- *Granting residents permits to persons who are not recognised by UNHCR and who have no possibility of returning to their countries of origin, giving them full access to economic and social rights, in compliance with the International Covenant for Economic, Social and Cultural Rights to which Tunisia is signatory.*

The **Euro-Mediterranean Human Rights Network** is a network of more than 80 human rights organisations, institutions and individuals based in 30 countries in the Euromed region. The Network is deeply attached to universal human rights principles and convinced of the value of cooperation and dialogue across and within borders.



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