

HUMAN RIGHTS COUNCIL

36th session - September 21, 2017
UPR Outcomes: Tunisia

Oral statement delivered by the World Organisation Against Torture (OMCT)

Mister /Madam President,

The OMCT welcomes the report of the working group on the UPR of Tunisia, in a context where the democratic transition requires continued and strong engagement from the Tunisian authorities. We particularly would like to thank all the countries that have raised the concerns and recommendations of civil society organizations, including OMCT.

Bringing Tunisian legislation in line with the Constitution and the State's international obligations, ensuring the effective establishment and implementation of all constitutional and independent bodies such as the National preventive mechanism on torture and demonstrating a strong will to put an end to recurrent practices of the former regime are – among many others – current challenges.

Indeed the inherent systematic and institutionalized practice of torture and all other forms of cruel, degrading and inhuman treatment during the old regime gave way to an arbitrary and persistent practice of such violations. We welcome the government support to recommendations calling on Tunisia to ensure that allegations of torture and ill-treatment are systematically investigated, that perpetrators are prosecuted and punished and that victims are compensated in an adequate and equitable manner. However, we regret that until today, there has been no single judgment proportional to the gravity of those crimes. The silent custom to not condemn perpetrators reinforces an overall impunity.

We welcome recommendations that stipulate the importance of improving conditions of detention as well as of intelligent criminal policies, as action against overcrowding in prison facilities is equally important for the prevention of torture and ill-treatment. Stringent sanctions (for minor offenses or the use of drugs), the excessive use of preliminary detention and the absence of alternative punishment explain the significant overcrowding in prisons, which consequently leads to poor sanitary conditions and difficulties in management of prison sites.

In the general geo-political context, the fight against terrorism is a particularly worrying “niche” for the persistence of torture and ill-treatment in Tunisia. The adoption of a new counter-terrorism law in 2015 and the extended powers granted to the authorities in the framework of the state of emergency have facilitated a debate that justifies the use of torture and ill treatment in public opinion and resulted in the increase of torture cases throughout the country. We share the view of several states that Tunisia must “ensure respect for human rights while combating terrorism” by ensuring the strict prohibition of torture, the right to a fair trial and due process and freedom of expression.

Finally, the OMCT welcomes Tunisia to immediately agree on ceasing the practice of forced anal examinations of LGBT persons, and ensure their protection from all forms of stigmatization, discrimination and violence. However, we deeply regrets that Tunisia rejected all 14 recommendations to abolish article 230 of the Criminal Code criminalizing homosexuality, and we encourage Tunisia to reconsider its position on all the recommendations it rejected.

We thank you Mister / Madam President.