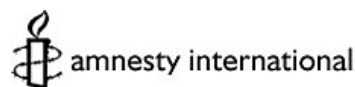


- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2016/17 - The State of the World's Human Rights - Tunisia
- **Publication date:**
22 February 2017
- **ecoinet summary:** Annual report 2016/17 (covering 2016) [ID 336537]
- **Countries:**
Tunisia
- [Original link](#)

Recommended citation:

AI - Amnesty International: Amnesty International Report 2016/17 - The State of the World's Human Rights - Tunisia, 22 February 2017 (available at ecoinet)

http://www.ecoi.net/local_link/336537/466176_en.html (accessed 07 March 2017)



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The authorities continued to restrict the rights to freedom of expression and of assembly, and used emergency powers and anti-terrorism laws to impose arbitrary restrictions on liberty and freedom of movement. There were new reports of torture and other ill-treatment of detainees. Women remained subject to discrimination in law and practice and were inadequately protected against gender-based violence. Same-sex sexual relations remained criminalized, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people faced arrest and imprisonment. Courts continued to impose death sentences; there were no executions.

Background

The authorities renewed the nationwide state of emergency in force since November 2015 and announced in February that they had completed the construction of a security wall along Tunisia's border with Libya. Despite this, armed clashes between government forces and Libya-based members of the armed group Islamic State (IS) continued in border areas. On 7 March, at least 68 people were killed, including seven civilians, in clashes that ensued when government forces repulsed an IS attack on military bases and a police station in Ben Guerdane, a southern border town. Clashes between armed groups and the security forces continued on the border with Algeria with fatalities on both sides.

New members of the Supreme Judicial Council, which is responsible for the selection, appointment, transfer, removal, discipline and training of judges and prosecutors, were announced in October. The establishment of the Supreme Judicial Council finally allowed for the creation of the Constitutional Court, as it is responsible for appointing a third of the Court's members.

Parliament approved a proposed law criminalizing racial and other discrimination; it had still to be enacted at the end of the year.

The UN Committee against Torture and the UN Committee on Economic, Social and Cultural Rights reviewed Tunisia's human rights record in May and September respectively. The UN Subcommittee on Prevention of Torture visited Tunisia in April.

Transitional justice

The Truth and Dignity Commission, created to address political, social and economic crimes and investigate human rights violations committed between 1 July 1955 and December 2013, reported in June that it had received more than 62,000 complaints concerning a wide range of human rights violations, including arbitrary detentions, torture, unfair trials, sexual violence and religious and ethnic discrimination. The Commission's first public hearings were held on 17 November.

Parliament resumed consideration of a controversial draft law in June that would offer immunity for some financial crimes. Discussion of the proposed law, first proposed by President Essebsi, was suspended in 2015 following protests led by the popular movement Manich Msameh ("I will not forgive"). If adopted, the proposed law would offer officials and business executives accused of corruption and embezzlement under the administration of former President Zine El 'Abidine Ben 'Ali an amnesty and immunity from further prosecution if they return the proceeds of their crimes. Its immunity provisions would also undermine investigations under the transitional justice process. The draft law had not been enacted at the end of the year.

Arbitrary arrests and detentions, and freedom of movement

The authorities used their powers under the state of emergency to conduct thousands of arrests and house searches, in many cases without judicial warrants. The authorities subjected hundreds of people to administrative house arrest, assigned places of residence, travel bans or restrictions on movement – measures that curtailed their social and economic rights, including the right to work.

Counter-terror and security

Security officials harassed and intimidated many families of people they suspected of joining or supporting armed groups, repeatedly raiding and searching their homes, threatening and interrogating them, harassing them at their places of work and restricting their freedom of movement. Security officials also harassed and intimidated dozens of former prisoners sentenced under repressive laws during the former Ben 'Ali administration and other people on account of their appearance, including men with beards and men and women dressed in what officials deemed to be religious clothing.

Torture and other ill-treatment

There were new reports of torture and other ill-treatment of detainees, mostly during arrest and in pre-charge detention. Several of those detained following the attack in Ben Guerdane in March alleged that police and counter-terrorism officers tortured them during interrogation in both Ben Guerdane and the capital, Tunis. They said officers subjected them to the "roast chicken" method of torture – rotating them on a pole inserted between their handcuffed

wrists and feet – as well as beatings, sexual assault and prolonged solitary confinement. While some were released, others remained in detention at the end of the year.

Parliament approved changes to the Code of Criminal Procedures in February, strengthening safeguards against torture and other ill-treatment, which took effect in June. The reforms cut the maximum period that a detainee can be held without charge from six to four days and gave those detained the rights of immediate access to a lawyer and their family and to have their lawyer present at their interrogation. The new provisions also required that detentions be authorized by prosecutors and that prosecutors and judicial police must allow detainees access to medical care and doctors if they or their lawyers or families request it. The reforms did not, however, affect the authorities' powers to detain without charge suspects arrested for terrorism-related offences for up to 15 days, and allowed authorities to deny them access to a lawyer for 48 hours and interrogate them without the presence of their lawyer. In March, the government appointed the 16 members of the National Body for the Prevention of Torture, which was created under a 2013 law and was a requirement for Tunisia as a party to the Optional Protocol to the UN Convention against Torture. A lack of clarity regarding its function and financing hampered its ability to operate fully.

Freedoms of expression and assembly

The authorities used their powers under the state of emergency to ban strikes and demonstrations, forcibly disperse gatherings deemed to threaten public order, and control and censor print, broadcast and other media and publications. Despite this, there were new protests against unemployment, underdevelopment particularly in Tunisia's interior regions, and poor living conditions. The police dispersed such protests, reportedly using excessive force in some cases.

In January, protests against unemployment erupted in Kasserine after an unemployed graduate was electrocuted while climbing a utility pole in protest at being rejected for a government job. The protests quickly spread to other cities. The authorities arrested hundreds of protesters and bystanders, some of whom were prosecuted and sentenced to prison terms. They included 37 men who were arrested in Gabès on 22 January and sentenced to prison terms of between one and three years on charges of "breaking the curfew".

In April, demonstrators in El Kef protesting against unemployment said the police used excessive force to disperse them.

The authorities continued to restrict freedom of expression under criminal defamation laws enacted by the Ben 'Ali administration. In August, police arrested blogger Salwa Ayyari, her husband and four of her children outside the Presidential Palace in Tunis. They were held without food or water and denied access to a lawyer for several hours during which police officers insulted and ill-treated Salwa Ayyari, beating her and fracturing her arm. They were then moved to another police station where she was accused of attacking the officer who fractured her arm. Salwa Ayyari and her family were released after 13 hours' detention, but she was charged with insulting the President, which carries a penalty of imprisonment for up to two years, and assaulting a police officer. In December, she was acquitted of insulting the President and fined 200 Tunisian Dinar (US\$86) for the charge of assaulting an officer.

Women's rights

Women continued to face discrimination in law and in practice and were inadequately protected against sexual and gender-based violence. The Penal Code failed to explicitly criminalize marital rape and allowed men who raped women aged 15 to 20, or who abducted girls under the age of 18, to escape prosecution if their victim consented to marry them.

Existing social and health services for survivors of sexual and gender-based violence were limited and inadequate. Among other necessary aspects of care, survivors of rape faced particular difficulties in accessing pregnancy prevention and psychological support. In addition, lack of protection mechanisms, including shelters for women and girl survivors of violence, left survivors vulnerable to further abuse.

In July the Council of Ministers approved a draft law to combat violence against women and girls, and submitted it for parliamentary consideration. The draft law focused on addressing shortcomings in existing law and practice and improving access to protection and services for survivors. It had not been enacted at the end of the year.

Rights of lesbian, gay, bisexual, transgender and intersex people

LGBTI people continued to face arrest under Article 230 of the Penal Code, which criminalized consensual same-sex sexual relations. They also faced violence, exploitation and sexual and other abuse by police. Transgender people faced arrest and prosecution under laws that criminalize "indecent" and acts deemed offensive to public morals.

The authorities subjected men accused of same-sex sexual relations to forced anal examinations, in violation of the prohibition of torture.

In March, the Sousse Court of Appeal confirmed the guilty verdict of six men on sodomy charges under Article 230 but reduced their three-year prison sentence to time already served and overturned their five-year banishment order from Kairouan. The men had been arrested and sentenced in December 2015 by the Kairouan Court of First Instance. In April, a court in Tunis acquitted eight men who were arrested in March and charged under Article 230. They were acquitted due to lack of evidence as they had not been subjected to forced anal examinations.

LGBTI rights activists also faced harassment and abuse. In January, the Court of First Instance in Tunis ordered the suspension of the LGBTI rights group Shams for 30 days in response to a government allegation that Shams had breached the law on associations by stating that it aimed to "defend homosexuals". Shams won an appeal against the Court's ruling in February.

In April, a televised verbal attack against LGBTI people by a leading Tunisian actor sparked an outbreak of homophobia that saw restaurants, internet cafés, grocery stores and taxis display posters barring LGBTI people. In May, the UN Committee against Torture criticized the criminalization of consensual same-sex sexual relations, urged the authorities to repeal Article 230 of the Penal Code, and condemned forced anal examinations.

Death penalty

Courts continued to hand down death sentences; no executions have been carried out since 1991.

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