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Tunisia: Amnesty International regrets rejection of recommendations regarding decriminalization of defamation, non-discrimination against women and on the basis of sexual orientation, and abolition of the death penalty

Human Rights Council adopts Universal Periodic Review outcome on Tunisia

Amnesty International welcomes Tunisia's support of many important recommendations, including to uphold freedom of expression, to strengthen transitional justice mechanisms and to implement measures to combat impunity. Amnesty International urges the government to take immediate steps to implement these recommendations.

Amnesty International regrets, however, Tunisia's rejection of a recommendation to decriminalize defamation.¹ This stands in stark contradiction to its commitment to uphold freedom of expression. Amnesty International is deeply concerned about the continued use of repressive legislation, adopted during the Ben Ali era, to criminalize the right to freedom of expression, in particular the repeated use of Articles 121 and 226 of the Penal Code, which provide punishment for charges of "violating sacred values" and "disturbing the public order and morals". Amnesty International is also concerned about the draft bill presented to the National Constituent Assembly in August 2012 which criminalizes defamation of religion and strongly urges that it not be passed.

Amnesty International is also disappointed that Tunisia rejected recommendations to decriminalize same-sex relations.² This undermines Tunisia's commitment to non-discrimination. Current articles in the Penal Code that criminalize same-sex relations between consenting adults stand in the way of the equal enjoyment of human rights by all. Amnesty International urges the government to eliminate discrimination on the basis of sexual orientation and to abolish laws that criminalize same-sex relations.

Amnesty International deeply regrets Tunisia's rejection of recommendations to abolish discrimination against women in law and practice and urges the government to reconsider these.³ Continuing discrimination in law and practice denies women the full enjoyment of their basic rights. Provisions in the Personal Status Code discriminate against women in the areas of inheritance and child custody. Ambiguous wording in the draft Constitution refers to women as "partners" with complementary roles in the family rather than with full equality. This raises concerns about Tunisia's true commitment to full equality and non-discrimination.

Finally, Amnesty International deeply regrets Tunisia's rejection of recommendations to abolish the death penalty.⁴ While there has been a *de facto* moratorium on executions in Tunisia since 1991 and 122 death sentences were commuted to life imprisonment in January 2012, the Penal Code continues to prescribe the death penalty for 21 offences, including some with no lethal consequences. Amnesty International has also received reports that at least one person was sentenced to death in 2012.

¹ A/HRC/21/5, paragraph 117.3 (recommendation by Czech Republic).

² A/HRC/21/5, paragraphs 117.1 and 117.2 (recommendations by Spain and Austria).

³ A/HRC/21/5, paragraphs 116.1-116.4 and A/HRC/21/5/Add.1

⁴ A/HRC/21/5, paragraphs 116.6-116.11 and A/HRC/21/5/Add.1

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Tunisia on 19 September 2012 during its 21st session. Prior to the adoption of the review outcome Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Tunisia:

<http://www.amnesty.org/en/library/info/MDE30/023/2011/en>

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