

Letter from the committee

The Committee for the Respect of Freedoms and Human Rights in Tunisia

C.R.L.D.H.T

May 2014



Summary

• Editorial:

“Prisons in Tunisia; International Standards versus Reality”

• Headings:

1- Increase in violence against women:

2- Controversial articles in new the electoral law:

3- Limits of Tunisian Transitional Justice:

4- The new government: difficulties in implementing the road map

5- The World Bank: “Crony Capitalism in Tunisia”

6- National Institute of Statistics: Unemployment rate first three months: 2014

7- Dissolution of the “Leagues for the Protection of the Revolution”: ending impunity?



Prison of Beja - <http://www.panoramio.com>

EDITO

Prisons in Tunisia: International Standards versus Reality

The UN Human Rights Office in Tunisia has released a report called: “Prisons in Tunisia; International Standards versus Reality.” The report is a result of a two-year work by the office in cooperation with the ministry of justice. It is meant “to support the transition to democracy”, through the promotion of human rights. Its recommendations are also meant to ensure the compliance of Tunisia with the international standards and with the conventions ratified by the country.

a- Absence of daily recording:

The report team noticed the absence of daily reporting of the prisoner’s life: his behavior, his relationship with other prisoners, his transfer from one dormitory to another. That register, the report says, is important to the prisoner’s criminal record.

b- Overcrowding and separating prisoners:

The separation and categorization of prisoners is another issue. While article 6 of the law regulating prisons stipulates that inmates should be separated according to their gender, penal situation and whether their first-time or repeat offenders, that separation is almost inexistent (except for male-female separation). Long-term prisoners are often mixed with those in their pre-trial phase. Idem for those with serious criminal records who are integrated with first offenders.

The survey team observed that prisons are overcrowded and that in some them you could find more than 150% capacity. Overcrowding and the absence of ventilation in the cells could be the cause of contagious diseases, especially scabies. Such crowding is violation of international standards. Besides, there is practically no separation between pre-trial prisoners and those who are sentenced. Crowding and non-separation of prisoners do not only reduce the possibility of rehabilitation, but also make of prisons punishment institutions that help reproduce criminals.



EDITO (Part 2)

Although article one of the law regulating prisons guarantees the physical and moral integrity of inmates and gives them the right to both health and psychological care, the report team observed that the record of the inmate's health state is based on his declarations as soon as he gets in prison, and not on a medical diagnosis by a doctor; and rarely does a prison administration refuse to accept a prisoner because of his being a victim of mistreatment or torture while in custody. Besides, the newly –arrived prisoner is not informed of the possibility to complain about such mistreatment.

c- Discipline: the role of “elkabran”(the chief):

The disciplinary commission is made up of prison officials and a representative of inmates. Most of the time, the representative is “elkabran”, a chamber chief and “supervisor” appointed by the prison administration and, he is usually a repeat offender serving a long sentence, in good terms with the institution and has both the personality and power to establish order inside the room, those “qualifications” have nothing to do with international standards.

d- Summary:

While appreciating the cooperation and the efforts of the ministry of justice that administrates the prisons, the report insists that overcrowding makes it difficult to separate long-term prisoners from those in pre-trial phase and those with serious criminal records from first offenders. It could be, according to some explanations, the result of the often expeditious manner of issuing warrants of arrests and the slow legal proceedings.

e- Tunisia occupies an advanced rank in the number of prisoners:

Tunisia ranks 28 in the world with a rate of 297 prison inmates for every one hundred thousand people. The country comes third in Africa, after Morocco and Algeria. This raises questions about the effectiveness of the country's penal policy.

The survey team observed a great number of female and male prisoners in their twenties, and some of them at their university studies. They are convicted in drug-related offences. Also, there is a mismatch between the high number of inmates and the limited number of skilled officers, which reduces the ability of prison guards to control the situation.

f- Conformity with international standards:

The recommendations to reduce overcrowding include: to review the penal legislations so as to guarantee a fair trial and investigation, review the legislation that deals with pre-trial detention in order to conform with international standards and to reduce short-term prison sentences. Concerning drug offences, the report recommends that the Tunisian authorities consider the possibility of progression in drug-consumption sentences.

g- Improving prisons' infrastructure:

The report stresses the necessity that the Tunisian authorities work together the international community to build new prisons where rehabilitation and conformity with international standards are taken into consideration as the existing ones do not meet those standards.

h- Healthcare:

The report recommends a reconsideration of healthcare in prisons: there should be specialized doctors, a periodic examination of prisoners, especially those who are suffering from chronic diseases, and an ambulance for transport to external consulting services.

i- Torture and mistreatment:

Among other recommendations, the report stresses the importance of alerting judicial authorities as soon as the newly-arrived prisoner has shown signs of torture or violence. To set up the National Commission of Torture without delay would be one of the ways to limit mistreatment.

Letter from the committee

The Committee for the Respect of Freedoms and Human Rights in Tunisia

C.R.L.D.H.T

May 2014



Increase in violence against women:



Aggression Against Women - <http://www.google.com>

In a report entitled “Violence against Women in the context of Political Transformations and Economic Crisis in the Euro-Mediterranean Region,” the Euro-Mediterranean Human Rights Network dealt with the increasing violence against women due to their vulnerable economic situation and also to impunity, although states have committed themselves to preventing and also combating all forms of violence against women and to put an end to impunity for perpetrators.

In Tunisia, for instance, and in the context of the political transition, there has been a dramatic increase in domestic violence, including sexual violence against women. According to data provided by the criminal police, there is a rise in the number of women killed: 46 women were killed out 7861 women assaulted. In 2012 and for the same period, that number was 43 deaths to 7372 women assaulted. Ninety percent of these assaults are committed within the family by a male partner.

Also, and according to a recent study from the International Organization for Migration, Tunisia is a source, destination and transit country of girls subjected to forced labor and sex trafficking. “Tunisian women are found working in Lebanon and forced into prostitution after arrival.” Same fate for Tunisian girls working in Jordanian nightclubs ,who are forced into prostitution, too.

Cases of “sexual jihad” of Tunisian women going to Syria, if confirmed, would be a source of concern, according to the report. Despite ensuring equality between women and men in the new constitution, in front of law and in rights and duties, gender discrimination still persists in the family.

On the other hand, Neila Chaabane, secretary of state for women and the family declared that despite legal progress and achievements, 50% of women in Tunisia are attacked physically or verbally, drawing attention to the fact that sexual assaults on children doubled in the year 2013, compared to 2012. (Maghreb newspaper, 22-05-2014).



Controversial articles in new the electoral law:



Ballot box - <http://www.google.com>

After heated debates and controversies in outside the National Constituent Assembly (NCA), the new electoral law was passed on 1st May 2014 with a large majority. Although a group of deputies from the opposition filed an appeal against some articles, the Provisional Body for Ensuring the Constitutionality of Bills declined to review it, stirring resentment and anger among the protesting deputies.

Article 23, defended by the Democratic Group, and which would give room to horizontal parity between men and women in the voters list was not retained. That rejection, some politicians say is unconstitutional, as article 46 of the voted constitution stipulates that the State works to achieve parity between men and women in all elected councils.

Even if vertical parity was retained, it brought about some teeth grinding: when we have the intention to impose gender parity in lists, we need more than just a fine the amount of which has not been determined for those who do not comply.

The representation of youth is another issue: the first proposal of having a youth under thirty in the first three names of the list was not taken up and was replaced by a “youth” under thirty-five in the first four candidates. Idem for the representation of Tunisians living abroad: they have the same number of electoral divisions as in 2011 elections. And despite their high number (1.2 million), the number of seats assigned to them remains small, which is against the spirit of the constitution that stipulates that all citizens are equal.

The disenfranchisement of the military and the security agents during the next elections brought about, also, controversies. Some believe that it is unfair to deprive a part of the population of their “right to citizenship” whereas others believe that it is wise decision because these official agents have the mission to protect the electoral process. So, they should be kept neutral, away from electoral and partisan struggles.

Letter from the committee

The Committee for the Respect of Freedoms and Human Rights in Tunisia

C.R.L.D.H.T

May 2014



Limits of Tunisian Transitional Justice:

Human Rights Watch (HRW) criticized the transitional justice process in Tunisia, arguing that Tunisia hasn't done much, three years after ousting Ben Ali, to bring to justice those who were responsible of human rights crimes under the former president. "Of the thousands reported torture cases prior to 2011, very few have completed trial."

As for specialized chambers of justice that are going to be established under the law of transitional justice to hear cases of human rights abuses, HRW recommends that they should be independent and conform with the international standards guaranteeing the fair trial.

Just to remember, article 8 of the Truth and Dignity Commission will establish these specialized chambers, that will have the jurisdiction on human rights abuses and crimes, such as deliberate killing, rape, sexual assault, torture, enforced disappearance and execution "without a fair trial."

The above mentioned law gives the chambers to examine cases related to election fraud and forcing people into political exile. However, these cases are not "criminalized under the country's penal code or international law," says HRW. The main concern is that this law seems to be targeting an opponent political party. Besides, it is against international jurisdictions that do not allow prosecuting a person for actions that were not criminalized at the time of their commissions.



<http://www.hrw.org>

More than three months after the appointment of the new government: difficulties in implementing the Road Map

On May 7, 2014, a hundred days passed since the appointment of Jomaa's government, a government which had gathered the consensus of political parties across the spectrum to implement the Road Map. The most important items of that road map were the reexamination of partisan appointments of Ennahda party in the administration, neutrality of mosques from party politics and terrorist acts, and dismantling the Leagues of the Protection of the Revolution, violent groups that had resorted to violence on several occasions.

Observers agree that Mahdi Jomaa's government has made some progress in controlling mosque activities but has done little to reexamine partisan-based appointments, for the latter requires clear-cut decisions, sometimes at the cost of provoking disagreements in party alliances. Observers add that Medhi Jomaa is trading carefully, even too carefully to preserve the precarious consensus around him. Parties involved in this national discussion see that the legitimacy of Jomaa's government stems from its commitment to implement the Road Map, a promise they have yet to live up to.



Mehdi Jomaa's government - AFP

Even new appointments elicited the objections of opposition parties, because they were perceived as a consolidation of the same spirit as the ones which have come into question. The Popular Front as well the National Salvation Front, an alliance of various political parties including Nidaa Tunis, criticized the way appointments were being re-examined, because the process sought to replace known figures



of the previous Troika –and mainly of Ennahda -by less known ones, especially when it comes to governors and leading positions in the Ministry of Interior.

The government has recorded several achievements related to national security, including the dismantling of terrorist cells and facing terrorism in general. But these achievements have shown their limits, especially with the unjustified and unprecedented violence used by security forces to maintain order during peaceful protests and major sports events.

And perhaps most alarming is ascending security approach has not been accompanied by commensurate actions at the economic and social fronts, at a time when the country is going through major difficulties, as reflected in continuous inflation, and discussions about lifting subsidies on essential goods, and increasing unemployment especially among university graduates.

The World Bank: “Crony Capitalism in Tunisia”



<http://www.economie.tn>

The World Bank (WB) issued a working paper entitled “All in the Family, State Capture in Tunisia.” According to the paper, Ben Ali’s extended family capture the astounding 21% of private sector profits until 2010. This rate is based on data emitted by the Commission for the forfeiture of the ousted president’s assets. And the choice of firms was not random: the family used to chose the most lucrative sectors and legislations were often changed in favor of this “crony capitalism.”

Antonio Nucifora, expert in Economy and one of the paper drafter, says that the problem of “crony capitalism” “is not unique to Ben Ali and his family. “It remains one of the key development challenges facing Tunisia today.” Because “the economic policies....that allowed Ben Ali’s corruption still remain in place and prone to abuse.” The expert states that it would be a mistake to assume that “cronyism and rent seeking have disappeared.”

Letter from the committee

The Committee for the Respect of Freedoms and Human Rights in Tunisia

C.R.L.D.H.T

May 2014



National Institute of Statistics: Unemployment rate for first three months: 2014



A woman looking for a job - <http://www.google.com>

According to the National Institute of Statistics (INS), the unemployment rate has known a slight decrease in the first three months of 2014, with a rate of 15.3%. The number of unemployed is 605.800 in a working force of 3.998.300.

According to the source, unemployed rates are higher for women than for men: 21.5% to 12.7%. As regards unemployed graduates, high rates persist and the gender gap is even wider: rates for women nearly double those of men: 40.8% to 21.2%



Letter from the committee

The Committee for the Respect of Freedoms and Human Rights in Tunisia

May 2014

C.R.L.D.H.T

Dissolution of the "Leagues for the Protection of the Revolution": ending impunity?



League for the Protection of the Revolution - <http://www.google.com>

On Monday 26 May 2014, the court of first instance in Tunis ordered to dissolve the Leagues for the Protection of the Revolution, to shut down its headquarters, to freeze its assets and liquidate them because "they violated laws governing associations."

It is important to remember that just after 14 January 2011, Committees for the Protection of the Revolution made of unions, representatives of political parties and human rights activists were set up but, weeks later they dissolved themselves after the creation of the High Commission for the Realization of the Objectives of the Revolution and only the section close to the Islamist party, Ennahda, remained under the name of Leagues for the Protection of the Revolution.

These leagues were known for their violence and for attacking rival party rallies. They were, also, accused of being behind the death of Lotfi Nagadh, an opposition leader in Tataouine in October 2012 and of assaults against the Labor Union (UGTT) headquarters, on the eve of the commemoration of Farhat Hached assassination, 4 December 2012.

In fact, the dissolution of those leagues was one of the demands of civil society and opposition parties and one of the essential points in the road map. That's why the court ruling was welcomed by many Tunisians. On the other hand, the spokesperson of Ennahda, Zied Adheri, said that his party has no comment on the decision of the court and added, "There's always a possibility of appeal" for concerned parties. (Assabah newspaper, 27-05-2014)