

**Office of the United Nations
High Commissioner for Human Rights (OHCHR)**

**Report of the OHCHR
Assessment Mission to Tunisia**

26 January – 2 February 2011

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I. INTRODUCTION

1. OHCHR has been following closely the historic events triggered by the people of Tunisia over the past few weeks that led to the departure of former President Ben Ali on 14 January 2011. Concerned that the human rights aspirations of the Tunisian people are achieved and their sacrifices are not in vain, the UN High Commissioner for Human Rights, Navi Pillay, announced on 19 January that she is dispatching a team of experienced senior officials to the country. The purpose of the mission was to:
 - explore possibilities for the advancement of human rights in Tunisia in light of the extraordinary turn of events;
 - gain a first hand understanding of human rights challenges and to discuss with a broad range of actors, including the Transitional Government, civil society groups and the UN Country Team, how OHCHR can assist the people of Tunisia in strengthening respect for all human rights in the country; and
 - report to the HC on its observations and recommendations.

II. MISSION COMPOSITION AND PROGRAMME

2. The mission was composed of 4 senior OHCHR staff:
 - Mr. Bacre Waly Ndiaye, Director of the Human Rights Council and Special Procedures Division - Head of the Mission;
 - Ms. Mona Rishmawi, Chief of the Rule of Law, Equality and Non Discrimination Branch;
 - Ms. Francesca Marotta, Chief of the Methodology, Education and Training Section;
 - Mr. Frej Fenniche, Chief of the Middle East & North Africa Section.

It was accompanied by Ms. Khawla Mattar, Director of the UN Information Center in Cairo, Egypt, and Ms. Sara Hamood, Human Rights Officer in the Middle East and North Africa Section, and supported by logistics and security officers.

3. The mission was undertaken in close collaboration with the UN Resident Coordinator in Tunisia, whose assistance throughout the mission was highly appreciated. The delegation visited Tunisia from 26 January to 2 February 2011 with the head of the delegation, Mr. Ndiaye, arriving on 27 January. The delegation met with a broad range of actors and sought their views on their vision for the future and their concerns about the past. They enjoyed full access to all parties as well as the full cooperation of the Transitional Government. They met with several Ministers (Foreign Affairs, Defence, Justice, Regional and Local Development, and Education who is also the Spokesperson for the

Government), with the Secretary of State for Youth and Sport, with representatives of the Ministry of the Interior, with members of the Higher Committee on Human Rights and Fundamental Freedoms (the national human rights institution), and with the Chairpersons of the three newly-established commissions on political reform, on corruption, and on recent human rights abuses. Discussions with officials were fruitful and reflected a new interest in and attention to human rights issues. The delegation appreciates the cooperation that it received during the visit.

4. The delegation visited Bourj al-Roumi Prison and Bizerte Central Prison in Bizerte, in northern Tunisia. This was the first visit to a prison granted to an international organization, with the exception of the International Committee of the Red Cross (ICRC), for many years. During the visit to Bourj al-Roumi Prison, the delegation visited various sections of the compound, including the areas that were burned during the prison riots. The delegation was able to talk to some prisoners collectively in their cells and others individually without the presence of guards.
5. In addition to meetings with government officials, the delegation held informative and constructive meetings with numerous civil society actors - including human rights and women's organizations, digital activists, lawyers and trade and students unions – and political parties. The delegation expresses its deep appreciation for civil society groups and political activists that endured harassment, intimidation and persecution over many years.
6. The delegation met and heard accounts from a number of victims of violations committed under the rule of former President Ben Ali and during the recent events, as well as members of their families. It salutes the victims and their family members and expresses gratitude for the openness with which they welcomed the delegation.
7. The delegation also met with some members of the diplomatic corps, and with representatives of international human rights organizations and the ICRC. It began and ended the mission with meetings with the UN Resident Coordinator and with the UN Country Team. At the end of their mission, the delegation held a press conference in Tunis.

III. BACKGROUND

8. Today, Tunisia has approximately 10.5 million inhabitants. Prior to the creation of the Republic of Tunisia in 1957, the country took steps towards creating a modern system of governance. In 1857, the Fundamental Covenant, a bill of rights, which incorporated the concepts of liberty and tolerance, was adopted. This was followed, in 1861, by the adoption of a constitution, despite the country still being part of the Ottoman Empire; and in 1881 Tunisia became a

French protectorate. Already in the nineteenth century, women began to enjoy greater freedoms and the beginnings of a modern education system were put in place. Tunisia's trade union movement started to take shape in 1925 with the creation of the General Confederation of Tunisian Workers (CGTT – *Confédération Générale des Travailleurs Tunisiens*). In 1946, the General Tunisian Workers' Union (UGTT - *Union Générale des Ouvriers Tunisiens*) was created with the aim of empowering Tunisian workers to struggle for national liberation and to defend the country's economic and social interests.

9. In 1957, Habib Bourguiba became Tunisia's first president. Despite serious restrictions on freedoms during President Bourguiba's presidency, the first national human rights organization in the Arab world, the Tunisian League for Human Rights (LTDH – *Ligue Tunisienne des Droits de l'Homme*), was established in 1976. Shortly before President Bourguiba was overthrown, several independent political parties were recognized, some independent newspapers were authorised, and the work of the oldest independent women's organisation, the Tunisian Association for Democratic Women (ATFD - *Association Tunisienne des Femmes Démocrates*) was tolerated. Under President Bourguiba's rule, numerous social reforms, including modern state-run education and healthcare systems, were introduced. The steps that he took to enhance the status of women - such as prohibiting polygamy, expanding women's access to divorce, and raising the age at which girls could marry to 17-years-old - continue to shape Tunisia's image internally and globally as a modern state. Nonetheless, serious human rights violations were committed during this time, including restrictions on freedoms of association and expression, and on political party activity, as well as arbitrary detention and torture.
10. Former President Zine El-Abidine Ben Ali ruled Tunisia from 7 November 1986 when he ousted ailing President Bourguiba in a bloodless coup d'état after President Bourguiba was declared medically unfit to rule. While President Ben Ali continued the general path of President Bourguiba, his rule was marred by abuse of power, corruption, and denial of basic freedoms. Political life was stifled with the dominance of his party, the Constitutional Democratic Rally (RCD - *Rassemblement Constitutionnel Démocratique*), over all aspects of public life. Tunisia held its first formally pluralistic legislative elections in 1994. Recognized opposition parties gained very few seats in Parliament, while the RCD enjoyed the lion's share of state resources and several major political parties were banned. In 2002, nearly half of the constitution was amended and provisions that abolished the term limits on the presidency and extended the age of eligibility from 70 to 75 were introduced. Mr. Ben Ali was re-elected in 2004, when he stood as the only presidential candidate, and again in 2009 amid concerns about restrictions and tight controls around the election process.
11. During President Ben Ali's rule, freedom of expression and assembly were severely curtailed. Trade and students unions, human rights defenders, civil

society actors, journalists and political activists were harassed, intimidated, detained, and subjected to torture, cruel, inhuman and degrading treatment. In 1989, the ATFD was recognized; but the gains that women achieved were instrumentalized to perpetuate Tunisia's image as a modern state. In this regard, credible political opposition groups were also crushed. Despite achieving economic growth, many Tunisians did not benefit from the country's prosperity and social and economic disparities increased. Political and social unrest was sparked in Tunisia from time to time, but the strong security apparatus that was created by former President Ben Ali was quick to quell any pursuit of change. A police state, propped up by a vast web of security forces, was reinforced after 11 September 2001 when it established itself as a strong ally in the 'war on terror'.

IV. OBSERVATIONS AND FINDINGS

12. At the outset, the delegation pays tribute to the scores of Tunisians who lost their lives to bring about the dramatic changes for which their fellow citizens craved. The magnitude of the change for ordinary Tunisians, and their desire and determination to achieve change regardless of personal sacrifices and pain, were captured by the accounts of victims and their families. The dignified pain in which one father recounted the loss of his only son illustrated in real terms the huge price Tunisians paid to stand up for dignity, liberty and justice. His 28-year-old son was killed by a gunshot wound to the chest as he gathered with other young men to protect their neighbourhood from armed militias.
13. The phrase that resonated throughout the visit as the underlying cause of the uprising was "the denial of dignity". At the core of restoring that dignity will be redefining the relationship between the state and its people. This relationship must now be built on the rule of law and respect for human rights and place the state at the service of all its people. Governance structures and practices must be made inclusive and consultative, and the generational, regional and gender gaps must be addressed.

a. The quest for dignity

14. It has been commonly acknowledged that the act of self-immolation on 17 December 2010 of Mr. Mohamed Bouazizi sparked the wave of spontaneous protest. The roots for these protests, however, were decades of repression, corruption, exclusion, denial of rights, and a deep sense of injustice. A large number of Tunisian men and women of all social classes, all ages, all regions and all political beliefs identified with the sense of humiliation and lack of recourse, embodied by Mr. Mohamed Bouazizi's drastic act. As one interlocutor

told the delegation, “Mr. Bouazizi did not self-immolate to ask for bread, but for the dignity to work which would in turn give him bread”.¹

15. The protests began in the marginalized regions of Sidi Bouzid and Kassrine, in central and west central Tunisia, as youth and unemployed men and women took to the streets in December 2010. For many years, Tunisians have been calling for their rights to be respected. In 2008, protestors in the Gafsa region called for better living conditions, employment opportunities, and an end to corruption. Their calls for change were ignored and met with repression, excessive use of force, arbitrary arrest, torture and imprisonment. In December 2010, the Sidi Bouzid and Kassrine protests gained impetus, in large part due to the role of digital activists, who used social media networks to disseminate videos and text messages of real-time developments in the protests. In the absence of a free press and in view of the restrictions on and surveillance of internet access, this was invaluable in further mobilizing the population and facilitated a snowball effect of demonstrations in other parts of the country.
16. The subjugation of human rights by former President Ben Ali and his family and entourage lay at the heart of the upheaval. To maintain a monopoly on political and economic life, the authorities systematically denied Tunisians their economic and social rights as well as their civil and political rights. The indivisibility of rights became apparent from the early stages of the protests. Demands for improved and equitable employment opportunities, social security and living conditions, and an end to corruption soon came to include demands for the lifting of severe limitations on freedoms. Early on, trade and student unions (notably the General Tunisian Workers’ Union, UGTT - *Union Générale des Ouvriers Tunisiens*, and the General Union of Students in Tunisia, UGET - *Union Générale des Etudiants Tunisiens*), political activists, lawyers of the Bar Association and human rights activists came on board and transformed the spontaneous character of the early protests into an organized mass action, helping them to spread to all parts of society and territory and to be sustained.
17. Demonstrations were remarkably peaceful, with violence emanating from the brutal response of the security forces and the action of armed militia rather than protestors. However, normal life was interrupted. Schools were closed and some damaged, particularly in the region of Sidi Bouzid, interrupting education for children for several weeks. A few social infrastructures were damaged or looted, including health centres and social services for vulnerable youth and adolescents. Neighbourhood committees were established to protect local property and persons from armed militia.
18. The protests culminated in the departure of former President Ben Ali on 14 January, less than one month after the protests began. During these protests, the army exercised a pivotal function in protecting the demonstrators and prompting

¹ “M Bouazizi ne s’est pas immolé pour demander du pain, mais la dignité du travail qui lui donnera du pain.”

the departure of the then President. The delegation heard a great deal of respect for the army, in contrast with the security forces. Upholding its role as a guardian of the constitution and of the nation and its people will be key to the success of the transition period and the consolidation of democracy.

19. The unprecedented success of the demonstrations created a momentum for Tunisians to continue to express their views and claim their right to influence public affairs by taking to the streets. After the formation of the first ‘national unity government’ on 17 January, protests resumed to call for the removal of the symbols of the former government. Their calls were heeded, prompting the Prime Minister to announce a cabinet reshuffle on 27 January. Meetings with government officials reflected their new awareness of the need to answer to the public.

b. Inclusive participation in public affairs

20. The transformation of Tunisia can already be felt today. After years of being silenced, what has been referred to as the ‘Jasmine Revolution’ has already brought with it new and sudden openings for free expression and association. Local media outlets report openly on events across the country. Public debates are broadcast and a range of views are reflected, with diverse political voices being given the time to air their opinions. In February 2011, large demonstrations continued, with little sign of abating, reflecting the eagerness of people from all walks of life and from all regions of the country to have a say in the running of their country after years of being denied a voice.
21. The delegation found that there is agreement among Tunisians that their state institutions must continue to function. However, there are high expectations that these institutions will dramatically transform, will operate in full respect of human rights and will not employ the policies and tactics of the former administration. Above all, Tunisians expect their government, starting from the interim period, to represent the will of the people.
22. Following demands by the people, Tunisia has seen the formation of two transitional governments since the departure of former President Ben Ali. The first transitional government was strongly rejected by many Tunisians, who resumed their protests in objection to the large presence of the *Rassemblement Constitutionnel Démocratique* (RCD - Constitutional Democratic Rally), who continued to occupy all the key ministries. The second transitional government, formed on 27 January while the mission was on the ground, appears to enjoy greater acceptance from many parts of society as it has more technocrats and fewer members of the RCD on board. However, some mixed feelings, if not mistrust, persist with some voices calling for a constituent assembly to replace the government in the interim period. The appetite for a genuine break with the

past is huge and people are impatient to see results quickly. Concerns were expressed that a rupture with past policies may be compromised by the fact that the Transitional Government continues to be advised and supported by key senior civil servants that shaped policies under former President Ben Ali.

23. In response to public demand, the Transitional Government has taken a number of positive decisions with an impact on the enjoyment of human rights; these include steps taken in the following areas:
 - freedom of expression and association: recognizing all political parties; granting passports to Tunisians in exile and allowing the return of exiled Tunisian opposition figures; allowing the media to report freely on current and past events;
 - accountability and long-term reform: establishing a commission on political reform, and two fact-finding commissions on human rights abuses since 17 December 2010 and on corruption; replacing senior security officials; providing a symbolic one-off payment to victims of the latest events and their families as a gesture of good will;
 - prisoners' rights: preparing a general amnesty law and conditionally releasing prisoners;
 - economic and social rights: announcements to give a modest grant to unemployed graduates in exchange for part-time work and part-time re-qualification training, and to create jobs in construction sites and other sectors; and
 - ratification of several additional international human rights treaties.
24. The Transitional Government continues to be under pressure to demonstrate its willingness to realize the necessary changes and to respond to persisting mistrust about a genuine democracy replacing the system of dictatorship. In this regard, and in reaction to fears that the overall apparatus remains in place, on 1 February the Ministry of the Interior announced that a considerable number of senior security officials and governors would be replaced. On 3 February, 24 new governors took office, though the appointment of some of them was challenged by thousands of Tunisians, who held sit-ins in several regions, to contest their close relationship to the RCD.
25. The Transitional Government also faces challenges in reaching out across the political spectrum and society segments, notably to young people, women, and those from marginalized regions. Young people expressed pride in their role in bringing about the fall of former President Ben Ali as well as fear of exclusion from paving the way forward. They articulated their aspirations to play an active role in the transition period and their hunger for involvement in shaping the future of their country, including through the creative use of new media.
26. All constituencies aspire to be represented in transitional governing structures, especially in decision-making positions. Amongst the stated primary tasks of the Transitional Government is to prepare for presidential and parliamentary

elections. Elections will not be held before several months, and no political party or non-governmental organization has contested this timeframe. Rather, it is broadly seen as realistic given that political parties need time to organize themselves and to prepare their political programmes. Preparation of the terrain for free and fair elections will entail constitutional, legal and judicial reform, as well as inclusive and participatory national consultations.

27. Ensuring broad participation in the formulation of public policies and choices will also be essential to redress the striking economic and social inequalities in Tunisia. Those who have endured the consequences of unjust policies aimed to favour a few must have the opportunity and avenues to contribute to decisions affecting their life in all spheres.
28. Of particular importance during the transition period and beyond will be Tunisia's strong and capable civil society. The delegation commends human rights and women's rights defenders, lawyers and other civil society activists in Tunisia, whose sacrifices and years of struggle prepared the ground for the recent changes. As noted above, trade and student unions, as well as professional associations of lawyers, journalists, judges and physicians, played a leading role in framing and sustaining the recent protests. As Tunisians move forward, the role of Tunisian civil society actors will be essential in the run-up to elections and as they bring their expertise to shape the reform process. It will also be crucial to sustain the ability of Tunisians at large to claim their rights in the longer term.
29. Civil society organizations have resumed functioning in an open manner and without obstruction of their activities, or of harassment and intimidation of their persons and their families, as suffered in the past. Yet, some activists continued to fear that the old practices had not completely disappeared. Several non-governmental organizations, banned under by the government of former President Ben Ali, were in the process of registering while the delegation was on the ground.
30. In this more open environment, civil society activists expressed their determination to build meaningful links with a cross-section of society and to reach out across the country, particularly to marginalized areas, which the authorities had previously prevented them from doing. There is a solid basis on which to build, with the largest trade union already present in the regions and structures of Tunisia's oldest human rights organization in place and ready to be rejuvenated. For civil society organizations to function to their full potential, they will need substantive and material support, including from international actors.
31. It should be noted that these new freedoms are not without their challenges. The current climate carries with it a risk that people will resort to the court of public opinion instead of due process. Some journalists told the delegation about the

need for a new code of ethics to ensure that those who are exercising their freedom of expression are not infringing on the rights and reputations of others. Also important is managing people's expectations. Victims of human rights violations and their families expect immediate remedy. Those suffering social exclusion expect immediate inclusion. Prisoners expect to be released under the proposed amnesty law. All this emphasizes the need for the Transitional Government to communicate transparent processes for channeling concerns and setting out realistic strategies for addressing issues.

c. Accountability and justice

32. The greatest challenge facing Tunisia today is to put into place a new conception of the state which is fully accountable to its people. This redefinition will require a new legal framework which serves the purpose of creating a clear separation of powers between the executive, legislative and judicial branches and of protecting the rights of all people. Inclusive national consultations are needed to set out this new conception.
33. The constitution, alongside a wide array of laws, will therefore need to undergo reform, in line with international human rights standards. The recently established Higher Commission for Political Reform will be instrumental in achieving progress in these areas. In general terms, its primary focus will be to advise on the legal and institutional reforms necessary for free and fair elections to be held, and to look beyond the moment of elections to ensure long-term change. Its exact mandate, composition, resources and powers are left to its Chairman to define.
34. In the interim period, there is a need to overcome the challenge of how to deal with the current Constitution and Parliament, which are associated with the former Presidency. Additionally, steps must be taken to de-link the RCD party from the state, including by re-directing the considerable number of civil servants and the substantial state budget that were put at the disposition of the RCD. The separation of the RCD from the state will not be easy as the party has become inextricably linked with the state and penetrated every part of society.
35. There are expectations that the state will build structures and put in place mechanisms that ensure accountability in all respects. The accountability of the state should extend to all issues affecting people's lives, from the use of public funds to policy choices by central and local government to regulating the conduct of corporate actors and beyond. In future, those who are in power in Tunisia – ranging from the President of the Republic to the regional governor to the civil servant or the police officer – must be held accountable for their action, without discrimination. Three key aspects to enhance accountability are explored below: a strong and fair justice system, including a prison system that

guarantees humane conditions, and a security apparatus which protects and serves the people rather than abusing them.

36. The role of the judiciary is critical in upholding the rights of Tunisians. Under the government of former President Ben Ali, the independence and impartiality of the judiciary were constantly undermined through the use of executive powers to intimidate and pressure independent judges. In order for judges to exercise their essential functions, without the interference suffered in the past, the judicial system requires comprehensive reform and the roles of structures, such as the High Council of the Judiciary, needs to be reviewed and redefined. Gaps that permitted the influence of the executive power over the judiciary, including through the Ministry of Justice, must be filled. Legislative and institutional reforms to guarantee due process are required. Confidence should also be restored in the judicial system, which is seen by many to lack independence and often associated with corruption.
37. Currently, Tunisia's prisons are overflowing due to its harsh and politicized penal justice system. The Ministry of Justice is taking several measures to reduce the excessive number of prisoners, totaling some 30,000. These include: drafting a general amnesty law aimed to release political prisoners and prisoners of conscience; awarding conditional release on a case by case basis; and working towards introducing community service for minor sentences and vocational training with a view to reducing recidivism. In the prisons of Bourj al-Roumi and Birzerte Central, the delegation spoke to the prison administration and prisoners and found conditions to be of great concern. The delegation hopes that their visit, the first by an independent organization other than the ICRC for many years, will open the door to subsequent visits after the Minister of Justice told the delegation that his ministry would allow visits by non-governmental organizations. In the days that followed, an international human rights organization was authorized to visit two prisons.
38. Prisoners represented a particularly vulnerable group during the recent upheaval. Since 17 December 2010, fires and other incidents in several prisons resulted in the deaths of 72 prisoners, according to the Ministry of Justice. Some 11,000 prisoners reportedly escaped from prison during this period, though a significant number are thought to have returned voluntarily in order to benefit from the proposed general amnesty law. At least some of those prisoners were released by the prison administration and / or the security apparatus. Prison conditions deteriorated significantly during the period of unrest, when prisoners were reportedly neglected, often not being served food or allowed out for exercise for long stretches of time. Allegations of serious violations of human rights, notably killings, mistreatment and deliberate humiliation, as well as acts of sexual violence, were reported. A comprehensive account of what happened in the prisons is yet to be established and data on detention is yet to be made available. Also of concern are allegations of torture and ill-treatment that continued to be reported, including in unacknowledged places of detention. While little

information was available on steps by the government to prevent torture, the Ministry of Justice told the delegation that it is preparing a circular on preventing torture in prisons for all prison administrations.

39. The latest events serve as a stark reminder of the role of the security services. The delegation was able to obtain information on the number of deaths and injuries since 17 December 2010, reportedly as a result of excessive use of force by security forces. Figures obtained from the Ministry of Justice indicate that 147 persons died during or in circumstances surrounding the demonstrations, while another 510 were injured. The delegation heard first-hand accounts from families of people killed and individuals who had been detained during this period, and from individuals who had participated in protests in Tunis and Kasserine and witnessed violence by security forces.
40. Several security forces attached to the Presidency and to the Ministry of the Interior are seen to be at the heart of the serious violations of human rights that took place over the past three months. A sit-in before the Prime Minister's office, which was forcibly dispersed on 28 January while the delegation was on the ground, emphasized the urgent need for the reform of the security services to avoid a relapse into past practices. The measures announced by the Minister of the Interior to remove and replace a significant number of senior security officials, as noted above, are welcome and will need to be consolidated with additional steps to redress their past failure to serve the population whose protection should have been their utmost consideration. Since 14 January, some elements in society, suspected to be loyal to former President Ben Ali, have sought to sow instability, to create chaos, and to discredit the peaceful demonstrations and calls for reform. Their activities continue to jeopardize the gains made in recent weeks.
41. The high death toll at the hands of those security forces since 17 December 2010 generated widespread calls for accountability. The government's decision to establish a National Fact-Finding Commission on Abuses committed in recent events (since 17 December 2010) is a positive step in this direction. Its exact mandate, composition, resources and powers are expected to be decided by a presidential decree, to be elaborated in close consultation with its Chairman.
42. Beyond this, judicial investigations into all credible allegations of violations must be opened immediately, those responsible prosecuted, and remedy and reparations, including compensation, awarded to victims. For effective judicial investigations, evidence must be collected and preserved. The delegation noted, for example, that forensic examinations of those killed during the recent events have not been systematically carried out. Such examinations are essential for the process of accountability as they help to determine criminal responsibility, by identifying the range of fire, the type of bullets used, and the location of the wound, among other things.

43. Besides the recent violations, there are many voices within the country calling for the past legacy of human rights violations committed under former President Ben Ali's rule to be addressed. For this to be realized, comprehensive transitional justice mechanisms will need to be discussed and those appropriate to the Tunisian context put in place. All options should be explored, notably truth, justice and accountability mechanisms, as well as a 'vetting' process to assess the suitability of officials to hold public office. As these mechanisms are being debated and decided, immediate steps need to be taken to ensure that no evidence of human rights abuses is tampered with or destroyed. While on the ground, the delegation heard rumours that some archives had already been burnt or looted.

d. Equity and social justice

44. For decades, economic and political power was concentrated in the hands of a privileged few through the abuse of state power. A combination of factors has resulted in striking economic and social disparities and denial of basic economic and social rights for very large sectors of the population. In the past, policy choices excluded many regions and economic sectors, such as agriculture, from investment and development opportunities. Concurrently, there was an inequitable distribution of resources, widespread corruption and nepotism, and the exclusion of several social groups from the decision-making process.

45. Disparities in standards of living and access to and quality of health, education, food, employment and social support structures between Tunis, certain northern towns and coastal areas, and the south and rural areas are undisputed and lay at the heart of the demands of the protestors; although accurate and reliable statistics are unavailable. Despite an image of stability and prosperity, many Tunisian men, women and children were deprived of their rights to equal access to education, health, water and sanitation services, and work. As early as 2008, Tunisians in the Gafsa region, just south of Sidi Bouzid and Kasserine, protested against high unemployment, discriminatory recruitment practices, poor living conditions, corruption, and the lack of avenues for raising their grievances. Although the hinterlands, including the regions of Sidi Bouzid and Kasserine where the recent protests began, are among the most underprivileged, poor and marginalized areas can also be found within Tunis.

46. While the Tunisian population overall enjoys a high rate of education, equal access to education and the large gap between the number of graduates and job opportunities remain cause for concern. The Transitional Government has taken some steps to begin to address economic and social rights. As noted above, this includes a grant to unemployed graduates to support requalification training and instituting job creation schemes. It has instituted a new Ministry for Regional and Local Development. Extensive reform of the economy and the implementation of policies, guided by international human rights obligations,

will be needed in order to make the drastic changes required to ensure that all parts of the country and population benefit from economic growth and that limited resources are shared with the poorest and most vulnerable communities. The National Fact-Finding Commission on Cases of Embezzlement and Corruption will be instrumental in investigating allegations of widespread corruption, as well as in advising on concrete measures to prevent corrupt practices, which have severely exacerbated economic and social inequalities. It would be important that the mandate, composition, resources and powers of this Commission be clearly defined.

47. Women played an important role in the recent demonstrations, participating in large numbers and helping to maintain peaceful protests. They were at the forefront of resisting oppression during the Ben Ali period and in educating the youth that took to the streets in search of freedom and justice. Despite gains in previous years in the area of women's rights, inequality and discrimination in many areas of women's life persist in practice and to a lesser extent in law. Women were the first to suffer from job cuts and constitute the highest number of unemployed, especially in Tunisia's marginalized and rural areas, where illiteracy remains particularly high among women. Poverty has put heavy constraints and pressures on women to find ways to provide for their families. Inequality in salaries persists in the private sector. Representation in public life is very limited. There was consensus among all actors that the rhetoric of the past on women's rights must be translated into meaningful achievements for women across the country.
48. Tunisian youth have long been excluded, lacking avenues to raise their voice. However, it was the courage and determination of the young generation that enabled the dramatic change in their country. This was unanimously acknowledged by all the interlocutors of the delegation. Despite a good education and high qualifications among many, this generation was faced with bleak prospects for employment, especially for those without connections to the ruling family or the RCD. Moreover, requirements of clearance from the political and security apparatus prevented many individuals from getting jobs. This led many to seek opportunities abroad, including by means of irregular migration.
49. Continued dialogue with trade unions, professional associations, human rights and women's rights organizations, and youth will be crucial to ensuring progress in the Transitional Government's action towards realizing economic, social and cultural rights for all.

e. Engagement with the international human rights system

On 4 February, the UN High Commissioner for Human Rights publicly reiterated her commitment to accompany the Tunisian people during this

momentous period by providing immediate and more long-term support on a range of human rights issues. During the mission, there was great interest in increased engagement with the UN human rights system. Diverse voices called on OHCHR to install a permanent presence, and, in a meeting on 31 January, the Minister of Foreign Affairs told the delegation that the government would invite OHCHR to open a country office for Tunisia. On 10 February, the Ministry of Foreign Affairs wrote to the High Commissioner with a request for the opening of an OHCHR office in Tunisia. In this letter, the Ministry conveyed the *“determination of the Transitional Government, whose essential task is to organize free, democratic and transparent elections, to place human rights at the centre of its daily action and its future programmes”*.

50. There were also calls for international human rights mechanisms to be more visible, particularly through visits by Special Rapporteurs and for the government to issue a standing invitation to Special Rapporteurs.
51. On 2 February, the Transitional Government announced that it would ratify a number of international human rights treaties. They included: the Optional Protocol to the Convention against Torture (which authorizes the UN Subcommittee on the Prevention of Torture to visit places of detention and examine the treatment of individuals held there); the First and Second Optional Protocols to the International Covenant on Civil and Political Rights (which enables the examination of individual complaints and on the abolition of the death penalty respectively); the Convention on Enforced Disappearances; and the Rome Statute of the International Criminal Court.

V. CONCLUSIONS AND RECOMMENDATIONS

52. Human rights were at the root of the Tunisian people’s calls for freedom, dignity and social justice and for an epoch marked by respect for human rights and freedom from fear and want. The OHCHR mission confirmed how integral human rights will be for the construction of Tunisia’s future. Destabilising forces must not be allowed to reverse the situation. The majority of Tunisians are eager to see calm restored to their country and for the economy to return to normal functioning, notably to see tourism and businesses and foreign investors resume their activities.
53. While the situation remains precarious, the delegation witnessed the beginning of a remarkable new era in Tunisia. There are clear indications of a willingness to put in place the necessary mechanisms to ensure a clear break with past injustices and to elaborate a vision for the new Tunisia. Moves in this direction need to be reinforced and enshrined in law to ensure they become a permanent feature of Tunisian society.

54. The quest for dignity, the attainment of human rights, and the pursuit of justice are all inter-linked. As the Tunisian experience clearly shows, citizens expect their state to work for the benefit of all - not only a few. They expect it to uphold their dignity and worth, and to adopt laws, policies, and strategies that translate these words into tangible results. They expect transparent and inclusive processes that allow their voice to be heard and their views to be taken seriously. They expect public and inclusive debates and a responsible and accountable government that delivers on human rights and social justice. In other words, participation, accountability and justice, and equity are the demands of Tunisians today.
55. Looking ahead, and after discussing with a broad range of interlocutors in Tunisia, including the Transitional Government and civil society, the delegation finds that the following ten areas require the attention of national and international actors, in particular the Tunisian authorities, in the process of democratic transition and of the rebuilding of confidence in the state and its apparatus. Technical, political and financial support by the international community is needed. This support should be in line with and further the human rights aspirations of the Tunisian people and must be aligned with their efforts to build a state that is inclusive, accountable and equitable.
- I. Ensure that the governing structures and decision-making processes are participatory, fully inclusive and representative of the whole political spectrum and all segments of society, including youth and women, and that marginalized groups find a voice in shaping laws and policies in all spheres of life;
 - II. Bring the constitution, laws and institutions, including the judiciary, the National Human Rights Institution, public administration and the security apparatus, in line with international human rights standards; create a clear separation of powers between the executive, judicial and legislative branches; and ensure effective remedies are available for all human rights violations;
 - III. Sustain progress in ensuring freedom of expression and association and expand space for civil society action to ensure that civil society organizations are able to play their full role in the run-up to elections, in shaping the future of their country, and in providing an effective counter-balance to government;
 - IV. Ensure accountability for all human rights violations by immediately opening judicial investigations into all credible allegations of violations, prosecuting those responsible, and awarding reparations, including compensation, to victims; and take measures to secure evidence;

- V. Strengthen the guarantees of independence of the three commissions on political reform, on human rights abuses since 17 December 2010, and on corruption by: giving them an adequate legal basis, clear Terms of Reference, adequate powers, an independent and adequate budget, immunity for their members and guarantees of protection for those who cooperate; and build their approaches and recommendations on fully inclusive and participatory processes;
- VI. Establish a full and independent account of the events in the prisons during the period of unrest and take immediate remedial measures; address the dire situation in prisons by adopting a new penitentiary policy that assures humane conditions; and pay particular attention to rehabilitation and social reinsertion of detainees and former detainees;
- VII. Adopt a comprehensive and inclusive approach to transitional justice, by holding national consultations which explore the most appropriate options for Tunisia, including truth, reconciliation and accountability mechanisms;
- VIII. Take immediate and concrete steps to redress disparities in standards of living and access to and quality of health, education, employment and social support structures for women, children, youth and marginalized communities across the country;
- IX. Ensure that development policies are the result of consultative and participatory processes putting the interest and rights of all Tunisians at the centre;
- X. Enhance Tunisia's cooperation with the UN human rights system, including collaboration with OHCHR; issue an open invitation to Special Rapporteurs; and ratify and review reservations of human rights treaties.