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Tunisia: Dignity, Liberty and Equality

8 key recommendations for the Constituent Assembly!

<http://www.fidh.org/Tunisia-Dignity-Liberty-and>

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FIDH - Worldwide Human Rights Movement

On October 23, 2011, for the first time in their history, Tunisians will be free to elect their representatives. The Tunisian revolution which led to the fall of President Ben Ali's regime was carried out under the slogan of Dignity, Liberty and Equality. Members who will be elected to the Constituent Assembly will have the responsibility of translating these aspirations into actions that will build a democratic Tunisia that respects liberty and basic human rights.

The challenges that the elected will face the day after elections are numerous. Those who helped pave the way to a democratic regime and the rule of law should be the first to become engaged. It will be the role of the Constituent Assembly representatives to be clearly involved in this endeavour, as they will be mandated to draft the Constitution and/or draft and adopt the laws that will govern Tunisia. The International Federation of Human Rights (FIDH) calls on them, in particular, to guarantee:

Dignity

An independent and impartial justice system is a central pillar to creating and establishing laws. Guarantees of independence and impartiality must accompany all clear, constitutional and legal provisions of law and meet international standards.

Since January 14, 2011, Tunisia has taken important steps to help end the most serious human rights violations. It has ratified the International Convention against Forced Disappearances, the Optional Protocol to the Convention against Torture, and the Statute of Rome of the International Criminal Court (ICC). However, even though a moratorium against the death penalty exists, it has not been abolished. The ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights must also be a priority of the Constituent Assembly.

The fight against impunity to guarantee against the repetition of the most serious violations must remain central to the work of the Constituent Assembly, and it must adopt the necessary legal provisions to make this happen. One way to do this would be to guarantee the dominant presence of international instruments in the national legislation in the Constitution.

The right to live in dignity was one of the major demands made by the Tunisian people during the revolution, and it remains one of their main demands today. Protection and promotion of economic, social and cultural rights (ESCR) must be a priority of all political players, especially the Constituent Assembly, involved with the Transition. Incorporating ESCR in the Constitution and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights would send a strong signal that the government is willing to guarantee the protection of basic human rights.

Liberty

The basic liberties of expression, association, freedom of speech, and freedom of religion were the motto of the opposition and protesters against the repressive regime of the deposed President. Tunisians have forcefully indicated what these liberties mean to them, not only during their movement for freedom, but also since the beginning of the transition process. These basic liberties must also be fully guaranteed in the Constitution and in the laws that pertain to the exercise of these liberties. Since the new law on the right to association has been adopted and promulgated, the Press Code, which is intended to replace the still existing Liberticide Code, is still waiting to be promulgated. Its rapid adoption by the Constituent Assembly would be an important action in favour of the liberties of expression and

the press.

Equality

The principles of equality between the sexes and of non-discrimination, whatever their basis, must be affirmed without ambiguity and then integrated in the constitutional provisions.

Since the beginning of the transition, Tunisia has led the way in the promotion of equality between men and women. The Tunisian government must be given credit for its parity on electoral lists and the announcement of the lifting of reservations of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Important as they are, these measures have not been completed. The lifting of reservations of the CEDAW must quickly be translated into the national legislation in order to eliminate all discrimination against women. The incorporation of parity for men and women in policies must be embedded in the new Constitution.

The Constituent Assembly must take the necessary steps to protect the rights of migrants, whether these are Tunisians working out of country or migrants from other countries. In this regard, it should ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. Tunisia is the only Maghreb State that has not yet ratified this convention. The Assembly must also ensure that bilateral accords signed by Tunisia, especially those concluded with the European Unions, be full protectors of migrant rights. It will then have to do away with the former policy of participating with the external border policy of the E.U.