**ADVANCE QUESTIONS TO TUNISIA (SECOND BATCH)**

**UNITED STATES OF AMERICA**

* Tunisian and international civil society report a worrying decline in respect for freedoms of expression and association since July 25, 2021. For 2022, Freedom House downgraded Tunisia’s status from “Free” to “Partly Free.” What steps has the Government of Tunisia taken to reverse this trend and demonstrate commitment to its obligation to protect freedoms of expression and association?
* President Saied issued a new cybercrime and misinformation law (Decree Law 54) on September 16, 2022. We are concerned of the chilling effect this law will have on freedom of expression and the potential for this law to be abused to prosecute journalists and others on the basis of political speech or viewpoint. What safeguards will the Government of Tunisia employ to ensure this law is not used to silence dissent and opposing points? How will the government ensure journalists are able to report freely and without fear?
* All Tunisians have the right to a fair trial and should be able to access justice through courts and other legal processes in a fair, equitable, and just manner that promotes and protects every individual’s human rights and holds to account those who have violated or abused those rights, no matter whether they are state or non-state actors. This includes adequate legal assistance, awareness of legal rights and services, accessibility of courts, and adequate resources for the justice sector. What measures has the government taken to increase equal access to justice for all Tunisians regardless of social, economic, political, gender, religion, or other factors?
* We are concerned that civilians are being referred to and tried by military courts, contrary to international standards for fair trials, and are being prosecuted for speech that is deemed critical of President Saied, in violation of freedom of expression. What steps is the government taking to end this practice and ensure all individuals receive a fair trial? When will the government codify that only military personnel can be tried in military courts? How will the Government ensure that military courts are not used as a vehicle to stifle criticism, which is a necessary element of a functioning and healthy democracy?
* We are concerned about reports from local and international civil society organizations of an increase in the use of excessive and lethal force by security forces, particularly against peaceful protesters. How have Tunisian authorities ensured all allegations of excessive use of force or other security force abuses are investigated in a prompt, effective, and independent manner? What oversight measures are in place to prevent such abuse of authority?
* Separation of powers and judicial independence are key elements of democratic governance that support human rights and the rule of law. When will the Constitutional Court be constituted and what role will it and other judicial institutions such as the High Judicial Council play in ensuring the fair and objective appointment, promotion, removal, and oversight of all members of the judiciary? What legal reforms has the government undertaken to ensure the separation of powers and judicial independence?
* On June 1, 2022, President Saied dismissed 57 judges allegedly on corruption grounds. The Administrative Court reversed the dismissal of 49 of the 57 judges August 10; the judges have not been reinstated, increasing the already substantial backlog of the judiciary. Why has the Government of Tunisia delayed the reinstatement of the 57 judges and when will it comply with the Administrative Court decision?
* Since the 2017 Universal Periodic Review for Tunisia, NGOs continue to report concerns with arbitrary enforcement of and restriction of movement related to security measures under state of emergency or counterterrorism laws, including the use of travel bans and house arrest. How does Government of Tunisia guarantee all individuals are provided a written copy of decisions related to travel bans and house arrest and that such measures can be challenged before an impartial body? What steps has the Government of Tunisia taken to ensure these security measures respect the human rights of suspects, detainees, and their families and are subject to meaningful judicial oversight?
* We recognize the steps the Government of Tunisia has taken to implement Law No. 2017-58 on the Elimination of Violence against Women. However, we understand women have reported difficulty in obtaining protection orders under the law. How is the government addressing these concerns and ensuring women have access to the protective measures codified in the law?
* In the 2017 UPR, the Government of Tunisia accepted the recommendation to cease the practice of forced anal exams; however, international NGOs report the practice continues. What measures has the government taken to ensure these practices have ended in Tunisia? Will the government issue a formal order making clear that this practice is prohibited and that such conduct will be prosecuted as a criminal offense?

**CANADA**

* Comment la Tunisie prévoit-elle garantir l’indépendance et l’impartialité de la justice au vu de certaines dispositions de la nouvelle Constitution?