

## **Answer**

### **of the Federal Government**

**to the Minor Interpellation tabled by the Members of the Bundestag Luise  
Amtsberg, Volker Beck, Tom Koenigs, further Members and the Alliance 90/The  
Greens parliamentary group – printed paper 18/8194 –**

### **Human rights situation in Tunisia**

#### Preliminary remarks of the questioners

On 3 February 2016, the Federal Government adopted the bill on the classification of the People's Republic of Algeria, the Kingdom of Morocco and the Tunisian Republic as safe countries of origin. The upshot of designating safe countries of origin is the limitation of procedural rights, legal protection possibilities and social and economic rights of those from these states seeking protection. The Alliance 90/The Greens parliamentary group continues to believe the instrument of "safe countries of origin" is wrong.

When designating safe countries of origin, the stipulations of the German Basic Law and Directive 2013/32/EU of the European Parliament and of the Council of 26 July 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) must be adhered to. Under Article 16a (3) sentence 1 of the German Basic Law "states may be specified in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists". Under Annex 1 of the Directive, a state can only be designated as a safe country of origin, "where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict." Reports from numerous governmental and non-governmental institutions and organisations show that these conditions are not met in Tunisia (see for instance Amnesty International, Opinion of 2 February 2016 on the Federal Government bill to classify Algeria, Morocco and Tunisia as safe countries of origin, p. 10).

## Human rights situation of religious minorities

### Preliminary remarks of the Federal Government on the religious minorities in Tunisia

99 % of the Tunisian population is Muslim, around 99% of which is Sunni.

On the island of Djerba and in the southern mountainous region around Tataouine there are small groups of Ibadis.

Autochthonous Christians have not lived on the territory that is now Tunisia since the 12th century. The some 3,000 Christians now living in Tunisia are almost exclusively foreign residents (experts, diplomats and students), spouses of Muslim Tunisians and some descendants of the earlier Italian and French settlers in the 19th century. The number of Tunisian converts is estimated to be no more than a few hundred. The vast majority of the Christians living in Tunisia do not have Tunisian nationality.

Up until Tunisia's independence in 1956, the Jewish population of Tunisia, some of whom had been living there since Antiquity and some of whom had immigrated from Spain and Italy since the 16th century still ran into several tens of thousands. Following major emigration waves, now only around 1,500 Jews remain in the country, the vast majority on the island of Djerba. They all have Tunisian nationality, a small minority also the French nationality their ancestors had been granted in the years prior to independence by the French protectorate power of France.

There are no other native religions, including tribal religions, in Tunisia.

Article 6 of the 2014 Tunisian Constitution guarantees "freedom of conscience and of belief".

1. What is the Federal Government's assessment of the situation of Christians in Tunisia from a human rights perspective?

- a) To what extent are hate crimes being committed against Christians on the grounds of their religion and what protection are the authorities providing against such crimes?

Questions 1 and 1a will be answered together.

The Federal Government is not aware of any crimes committed against Christians on religious grounds in Tunisia.

- b) To what extent are churches and other Christian establishments being destroyed, damaged and defaced and to what extent are the authorities taking preventive or punitive measures against such actions?

The Federal Government is not aware of cases of destruction and other damage to churches and other Christian establishments in Tunisia.

- c) To what extent are Christians discriminated against in terms of access to public services and benefits?

If Christians living in Tunisia do not have Tunisian nationality they may only have restricted access to public services and benefits. Please also refer to the preliminary remarks of the Federal Government.

- d) To what extent are Christians discriminated against in terms of access to work, education and housing and in other private-law relations, and what protection are the authorities providing against such discrimination?

The Federal Government is not aware of any religiously motivated discrimination against Christians living in Tunisia in terms of access to work, education and housing and in private-law relations.

- e) To what extent are proselytism and converting to Christianity subject to criminal or other penalties?

The Tunisian Criminal Code does not provide for penalties for proselytising or conversion to Christianity. Converting can, however, by all means result in social exclusion. Under sections 165 and 166 of the Tunisian Criminal Code, disrupting religious acts and the use of coercion in the form of violence or threats in the practice or non-practice of a religion are subject to criminal penalties.

2. What is the Federal Government's assessment of the situation of Jews in Tunisia from a human rights perspective?

- a) To what extent are anti-Semitic crimes being committed against Jews and what protection are the authorities providing against such crimes?

Questions 2 and 2a will be answered together.

The Federal Government is not aware of anti-Semitic crimes against Jews in recent times. It is, however, aware of the case of the owner of a Jewish restaurant in La Goulette, who according to his own statements was warned in 2015 by the Tunisian security authorities of possible attacks and therefore offered personal protection.

- b) To what extent are Jewish establishments being destroyed, damaged and defaced and to what extent are the authorities taking preventive or punitive measures against such actions?

On 11 April 2002 a suicide bomber carried out an attack inside the "El Ghriba" Jewish synagogue on the island of Djerba, in which 19 foreign tourists were killed. In the night of the 11 to 12 April 2002 attackers who were evidently politically motivated laid waste to the "Keren Yechoua" synagogue in La Marsa, a suburb of Tunis. The Tunisian government condemned the attacks and provided support in rebuilding the synagogue. The Tunisian security authorities are monitoring the synagogues still open in the country. The Tunisian authorities take high security precautions for the annual pilgrimage to the synagogue on Djerba.

- c) To what extent are Jews discriminated against in terms of access to public services and benefits?

The Federal Government is not aware of any discrimination against Jews with Tunisian nationality in terms of access to public services and benefits.

- d) To what extent are Jews discriminated against in terms of access to work, education and housing and in other private-law relations, and what protection are the authorities providing against such discrimination?

The Federal Government is not aware of any religiously motivated discrimination against Jews living in Tunisia in terms of access to work, education, housing or in private-law relations.

- e) To what extent is converting to Judaism subject to criminal or other penalties?

The Tunisian Criminal Code does not provide for penalties for converting to Judaism. The Federal Government is not aware of any other penalties either.

3. What is the Federal Government's assessment of the situation of members of other non-Islamic religious communities in Tunisia from a human rights perspective?

- a) To what extent are hate crimes targeting members of other religious communities being committed and what protection are the authorities providing against such crimes?
- b) To what extent are members of other religious communities discriminated against in terms of their access to public services and benefits?
- c) To what extent are members of other religious communities discriminated against in terms of access to work, education and housing and in other private-law relations, and what protection are the authorities providing against such discrimination?
- d) To what extent is religious freedom ensured for members of other religious communities and to what extent are members of other religious communities subject to criminal or other prosecution on the grounds of their faith or the practice of their religion?
- e) To what extent are proselytism and converting to another faith subject to criminal or other penalties?

Questions 3 to 3e shall be answered together.

Other non-Islamic religious communities are not prevalent in Tunisia. Please also refer to the preliminary remarks of the Federal Government.

4. To what extent is inter-religious or inter-denominational marriage legally possible in Tunisia to the knowledge of the Federal Government, in particular between Muslims and non-Muslims?

Marriage between a Muslim man and a non-Muslim woman belonging to another religion of the book is possible under Tunisian law without any special religious measures. A Muslim woman on the other hand can only marry a Muslim, even if there is no official provision for this unshakable customary law in the law governing civil status.

If a non-Muslim partner is not willing to convert to Islam, marriage is not possible in practice.

Marriages entered into by Tunisian nationals abroad under local law must be registered in the marriage register at the nearest Tunisian consulate within the space of three months. Under the administrative regulations of the Tunisian Foreign Ministry, marriages between foreigners and Tunisian women can only be registered, however, if proof of the husband's conversion to Islam is presented.

5. To the knowledge of the Federal Government, to what extent is blasphemous speech or blasphemy subject to criminal prosecution in Tunisia, which actions constitute a criminal offence and in how many cases have there been legally effective convictions since 2012?

There is no blasphemy section in the Tunisian Criminal Code. Under Article 6 of the Tunisian Constitution the state protects religions and everything sacred in this sense ("le Sacré"). There can be blasphemy-related charges and convictions subsumed under the charge of "disrupting public order", for instance most recently as a result of the publication of Muhammad caricatures on Facebook. The Federal Government has no information on the number of legally effective convictions.

#### Human rights situation of women, young people and children

6. What is the Federal Government's assessment of the situation of women and girls in Tunisia from a human rights perspective?
  - a) To what extent are women and girls protected against sexual violence?
  - b) To what extent are women discriminated against in terms of access to public office in law or in practice?
  - c) To what extent are women and girls discriminated against in terms of access to public services and benefits in law or in practice?
  - d) To what extent are women and girls discriminated against in terms of access to work, education, housing and in other private-law relations in law or in practice and what protection are the authorities providing against such discrimination?

Questions 6 to 6d will be answered together.

Since the 1956 Personal Statute Code, which was officially recognised by the new Tunisian Constitution, men and women have had equal status (Article 21). Article 46 obliges the state to protect women from violence. Electoral law sets forth listings for all parties running which must alternate between male and female candidates, which has led to 31% of parliamentarians being female, which is above the Arab (17.8%) and also the European average (25.3%). Nonetheless there are still only very few women in government. There are no women in governor posts.

To the knowledge of the Federal Government there is no discrimination against women legally speaking in terms of access to public services or benefits or work, education and housing. In rural areas, women often face strong patriarchal traditions which make it more difficult for them to participate in public life. Equally

widespread are cases of women experiencing violence and harassment in public or at work.

The Tunisian Ministry of Women, Family and Children is working on a bill to sanction violence against women, including in marriage. Underlying this is a national strategy which was developed in 2008 in collaboration with various UN organisations.

- e) To the knowledge of the Federal Government, what unequal treatment of women and girls on the one hand and men and boys on the other is set forth in Tunisian
- constitutional law,
  - contractual law,
  - family law,
  - inheritance law,
  - criminal law,
  - administrative law,
  - procedural law?

The Tunisian government is working to harmonise the different areas of law with the new Constitution adopted in 2014. This includes extensive guarantees of civil and political as well as economic, social and cultural basic rights. Action is needed in criminal, civil, inheritance and family law. In Tunisian inheritance law the principle originating from Islamic law whereby female offspring only receive half of the share of their male siblings continues to apply. The legal provision on one parent leaving the country with children has already been changed. Up until recently the father's consent was always required, now the consent of one of the parents with custody rights is sufficient.

7. To the knowledge of the Federal Government are children in Tunisia adequately protected against violence and what is the Federal Government's assessment of this situation?

Article 47 of the Tunisian Constitution guarantees dignity, health, care and education and training for children and obliges the state to provide extensive protection to all children without discrimination and in their best interest. The Federal Government has no current information on the implementation of this standard in practice. The next country report on the implementation of Tunisia's obligations arising from the UN Convention on the Rights of the Child is due on 28 August 2017.

8. How many cases of forced marriage is the Federal Government aware of since 2012 and to what extent did these cases lead to criminal or other prosecution by the Tunisian authorities?

The Federal Government has no reliable information on forced marriages in Tunisia. Tunisian non-governmental organisations highlight cases of "arranged marriages" or "marriages under social pressure". In practice it will be very difficult to furnish the proof that it is a forced marriage required for criminal prosecution.

9. In how many cases have minors been married in Tunisia since 2012 and in how many of these cases were both spouses minors?

Under the Code of Personal Status in force, both fiancées must be of age at the time of marriage (Article 5 (I) of the Tunisian Personal Status Code). Up until the age of majority, the marriage can only be entered into with the permission of a judge and for especially serious reasons in the interests of both of the future spouses. According to the United Nations Children's Fund (UNICEF) the share of minors married in Tunisia in the period from 2005 to 2013 amounted to two per cent.

10. To the knowledge of the Federal Government, in how many cases have Tunisian nationals fallen victim to human trafficking (please break down into gender and purpose of the human trafficking – sexual exploitation, labour exploitation, forced begging, forced crime, organ theft etc.), and to what extent did these cases lead to criminal or other prosecution by the authorities?

According to a press release dated 14 April 2016, since 2012 the International Organization for Migration (IOM) has detected 67 cases of international human trafficking in Tunisia and assisted the victims. In most cases these are said to have been Ivorian nationals who had come to Tunisia in connection with the temporary relocation of the African Development Bank to Tunis. The number of unreported cases is likely to be higher in the estimation of the Federal Government.

With the support of the IOM, the Tunisian government is planning an extensive legislative initiative to combat human trafficking in Tunisia. An according bill is to be completed soon and debated in parliament. As part of the preliminary work for this, in 2013 a comprehensive study was published on human trafficking in Tunisia, which is available on the IOM Tunis website (<http://tunisia.iom.int/content/etude-exploratoire-sur-la-traite-des-personnes-en-tunisie>).

11. Since 2012, in how many cases have minors been forced to perform child labour in Tunisia in contravention of international law, and in how many of these cases were the victims under 14 years old?

According to the United Nations Children's Fund (UNICEF), two per cent of children in Tunisia were affected by child labour in the period from 2005 to 2013. The Federal Government has no further statistics available to it on this matter.

Human rights situation of lesbian, gay, bisexual, transsexual, transgender and intersexual people (LGBTTI)

12. What is the Federal Government's assessment of the human rights situation of LGBTTI people in Tunisia?
- a) To the knowledge of the Federal Government, how many people have been convicted since 2012 for consensual same-sex acts between adults?

Questions 12 and 12a will be answered together.

The Federal Government is not aware of any official statistics on how many people have been convicted in Tunisia since 2012 for consensual same-sex acts

on the basis of Article 230 of the Tunisian Criminal Code. It assumes a figure in the double digits or higher. The media and human rights organisations recently reported on the “Marwan” case (September 2015) and the case of six students from Kairouan (December 2015). In both cases, the appellate court lowered the prison sentence to the time spent in custody in each case. In consultation with the embassies of the EU Member States represented locally, the EU delegation in Tunis took these cases as an opportunity for démarches with the Tunisian Foreign Ministry. At the invitation of the Federal Foreign Office, on 3 November 2015 a conference was held with 16 activists for the rights of lesbian, gay, bisexual, transsexual, transgender and intersexual people (LGBTTI) from Egypt, Algeria, Bahrain, Lebanon, Libya, Morocco, Oman, Tunisia and Syria. At the conference they related their personal experiences and reported on their work. Among the participants on the visit were two LGBTTI activists each from Morocco, Algeria and Tunisia.

- b) How many attacks (intimidation, threats, violence) has the Federal Government become aware of since 2012 against LGBTTI people (please break down by year), and in how many cases did this result in criminal proceedings and convictions to the knowledge of the Federal Government (please break down by year)?
- c) To what extent are members of the LGBTTI community discriminated against in terms of access to public office in law or in practice?
- d) To what extent are LGBTTI people discriminated against in terms of access to public services and benefits in law or in practice?
- e) To what extent do LGBTTI people actually have access to health care for acute treatment needs on the one hand and chronic suffering on the other, to what extent is the health care provided to members of this group free of charge and to what extent is doctor-patient confidentiality upheld when providing healthcare to members of this group?
- f) To what extent are members of the LGBTTI community discriminated against in terms of access to work, education, and housing and in other private-law relations in law or in practice, and what protection are the authorities providing against such discrimination?

Questions 12b to 12f will be answered together.

The Federal Government assumes that the discrimination against members of the LGBTTI community in Tunisia addressed in these questions occurs frequently in Tunisia. The Federal Government has no information on individual cases or statistics on this. It is not aware of any targeted measures by the Tunisian government to do away with these group-specific disadvantages. This is an area that is subject to powerful societal taboos.

- g) Which media publications addressing LGBTTI issues are publically available in Tunisia and to what extent is the Federal Government aware of measures or laws suited to stopping or designed to stop such media being produced or sold?

The cases cited in the answer to question 12a of young Tunisians being sentenced to prison or to pay fines for consensual homosexual acts, the criticism voiced by non-governmental organisations of the discrimination against LGBTTI people and the limited public debate this triggered



have been dealt with relatively extensively first and foremost by Tunisian online media, but also in social networks. The Federal Government is not aware of specific measures or laws restricting the production or selling of media addressing LGBTTI issues in Tunisia.

#### Human rights situation of other social groups

13. What is the Federal Government's assessment of homeless people in Tunisia and in particular of homeless minors from a human rights perspective?
- a) To what extent are hate crimes targeting this specific group being committed against the homeless and what protection are the authorities providing against such crimes?
  - b) To what extent are the homeless discriminated against in terms of access to public services and benefits in law or in practice?
  - c) To what extent are the homeless discriminated against in terms of access to work, education and other private-law relations in law or in practice and what protection are the authorities providing against such discrimination?

Questions 13 to 13c will be answered together.

The Federal Government does not have any information on the situation of homeless people in Tunisia. The Tunisian Minister of Family Affairs recently told the media that she intended to step up efforts to tackle child and youth homelessness.

14. What is the Federal Government's assessment of the situation of people with drug addictions in Tunisia from a human rights perspective and to what extent do these people face criminal or regulatory penalties and measures on the grounds of or in connection with their illness?

In Tunisia violations of the Narcotics Act, so drug use and possession face strict punishment. Offenders face prison sentences in all cases regardless of the quantities found. The according statutory provisions were often used to persecute the politically active prior to the start of democratisation in 2011 and continue to be seen as the main cause of overstretched Tunisian prisons. The Tunisian government has acknowledged the need for reform in this area and taken an according legislative initiative, under which first-time offenders in particular using or possessing drugs for their own personal use will not be punished provided that they voluntarily enter medical treatment, counselling or social therapy.

#### Human rights situation of the politically active

15. What cases is the Federal Government aware of in which people in Tunisia faced police or judicial measures as a result of their political work, and what is the Federal Government's assessment of this situation?

The Federal Government has no statistics available to it relating to this.

16. To the knowledge of the Federal Government, to what extent is freedom of opinion, of the press and information ensured in Tunisia, what measures is the Federal Government aware of which restrict the freedom of opinion, the press and information and what is its assessment of this situation?

Freedom of opinion, the press and information has been ensured in Tunisia since the revolution of January 2011 and is enshrined in the Constitution. Media representatives and non-governmental organisations such as “Reporters without Borders” fear an instrumentalisation of the Counter-Terrorism Act adopted in July 2015. The Federal Government is observing the situation attentively, whilst overall, however, sharing the assessment of “Reporters without Borders” that within the region of the “Middle East – North Africa” Tunisia is by far the country with the greatest degree of freedom of opinion, the press and information.

17. In the view of the Federal Government, to what extent does the constitutional stipulation governing “attacks on the sacred” (Amnesty Opinion, p. 13) legitimise infringements of the freedom of opinion enshrined in international law?

Article 31 of the 2014 Constitution guarantees freedom of opinion, of the press and of information in Tunisia. Article 6 of the Constitution places the protection of everything that is sacred in the meaning of the freedom of religion guaranteed (see also answer to question 5) as an obligation of the state on the same level as the propagation of the values of tolerance and moderation.

18. To the knowledge of the Federal Government, since 2012 in how many cases have statements and actions which in its estimation constituted the exercise of freedom of opinion, the press or information under international law resulted in criminal proceedings and convictions in Tunisia (please break down by year)?

The Federal Government has no statistical information on this matter available to it.

19. To what extent is freedom of association ensured in Tunisia to the knowledge of the Federal Government?

Freedom of association including the foundation of political parties has been ensured since the revolution in 2011 and is enshrined in Article 35 of the Constitution. Since the revolution over 100 new parties and countless non-governmental organisations have been founded.

20. Is the Federal Government aware of the work of non-governmental organisations in Tunisia being hampered through laws or government measures?

The Federal Government is not aware of the work of non-governmental organisations in Tunisia being hampered by politically motivated laws or government measures.

21. To the knowledge of the Federal Government, in how many cases were employees of non-governmental organisations or civil society initiatives in Tunisia sanctioned for failing to register the organisation?

Founding non-governmental organisations in Tunisia is based on the stipulations of Regulation no. 88 of 24 September 2011. Article 45 sets forth the following sanctions in the event of selected provisions of this regulation being breached: demand that the situation be rectified, suspension or, as the final stage, disbandment of the non-governmental organisation in question. The Federal Government does not know in how many cases non-governmental organisations have faced such sanctions since the entry into force of said regulation. Please refer to the answer to question 19.

22. Is the Federal Government aware of the work of independent trade unions in Tunisia being hampered through laws or government measures?

The Federal Government is not aware of the work of independent trade unions in Tunisia being hampered by laws or government measures. The trade union federation UGTT performs its duties in complete freedom and furthermore successfully contributed in the scope of the “National Dialogue Quartet” to resolving the political crisis in 2013, for which it was awarded the Nobel Peace Prize in 2015. In addition to this there are several smaller trade unions which are also able to work without restriction.

23. How many attacks (intimidation, threats, violence) against journalists has the Federal Government become aware of in Tunisia since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

There are no official figures for attacks on journalists. The Tunisian Centre for Freedom of the Press and the Tunisian Journalists’ Union speak of several hundred cases per year for the period from 2012 onwards. The attacks were by security forces and also citizens. The Federal Government has no information on possible criminal proceedings.

24. How many attacks (intimidation, threats, violence) against opposition politicians has the Federal Government become aware of in Tunisia since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

To the knowledge of the Federal Government since the 2011 revolution, apart from one exception, there have no longer been any government attacks against politicians from the opposition. In 2013 there was a wave of attacks against opposition politicians which resulted in two murders. The assassinations of the opposition politicians Chokri Belaïd and Mohamed Brahmi remain unsolved to this day, the authors are thought to belong to Islamist circles.

25. How many attacks (intimidation, threats, violence) against human rights activists has the Federal Government become aware of in Tunisia since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

Since the 2011 revolution, to the knowledge of the Federal Government, there have no longer been any politically motivated government attacks, criminal proceedings or convictions against human rights activists.

26. How many attacks (intimidation, threats, violence) against lawyers has the Federal Government become aware of in Tunisia since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

Since the 2011 revolution, to the knowledge of the Federal Government, there have no longer been any politically motivated government attacks, criminal proceedings or convictions against lawyers.

27. How many attacks (intimidation, threats, violence) against trade unionists has the Federal Government become aware of in Tunisia since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

Since the 2011 revolution, to the knowledge of the Federal Government, there have no longer been any politically motivated government attacks, criminal proceedings or conviction against trade unionists.

28. In the view of the Federal Government, to what extent is freedom of assembly ensured in Tunisia and how many peaceful public demonstrations have not been authorised or been broken up since 2012 to the knowledge of the Federal Government?

Article 37 of the Constitution guarantees freedom of assembly and peaceful demonstration. Tunisian civil society has made extensive use of this in recent years. Freedom of association was restricted in the context of the state of emergency imposed following the three terror attacks in March, June and November 2015. In response to the social unrest in 2016, the head of state and head of government explicitly affirmed the legitimacy of peaceful public gatherings and protests and instructed the security forces to adopt de-escalatory behaviour. The fears of some non-governmental organisations that the new Counter-Terrorism Act of July 2015 could be used to prevent political demonstrations due to the vague definition of the term “terrorism” have not materialised so far.

29. To the knowledge of the Federal Government, since 2012 in how many cases have there been criminal proceedings and convictions as a result of participation in peaceful public gatherings (please list by year)?

The Federal Government is not aware of any criminal proceedings and convictions as a result of the participation in peaceful public gatherings in Tunisia since 2012.

Further aspects of the human rights situation in Tunisia

30. To the knowledge of the Federal Government, in how many cases has the death penalty been handed down since 2012?

The Tunisian Criminal Code sets forth the death penalty for murder, rape resulting in death and treason. New criminal offences where the penalty set forth is death were created through the Act against Terrorism and Money Laundering, which entered into force on 7 August 2015. A constitutional or legal abolition of the death penalty was discussed in the phase of democratic transition starting in 2011, but never adopted. The death penalty continues to be handed down *de jure*, but not enforced *de facto*. According to Amnesty International estimates, the death penalty was handed down in nine cases in 2012, in 2013 five times, in 2014 twice and in 2015 eleven times. The Federal Government is not aware of any official statistics on this. The death penalty was last enforced in 1991.

31. What conclusions does the Federal Government draw from the fact that Amnesty International and other organisations accuse the Tunisian authorities of torture or inhumane and degrading treatment, in particular in police custody and prisons (Amnesty Opinion, p. 13 and 14; Deutsches Institut für Menschenrechte e. V., Opinion on the Federal Government's ministerial draft "Bill on the categorisation of Algeria, Morocco and Tunisia as safe countries of origin" (Bundestag printed paper 18/8039) of 2 February 2016)?

The unanimous assessment of experts is that the extent of torture and inhumane and degrading treatment by Tunisian authorities has declined heavily. In its dealings with the Tunisian government, in concert with other European Partners, the Federal Government is advocating and working towards a complete stop to torture and inhumane and degrading treatment and cautions the government to adhere to human rights in the scope of counter-terrorism activities as well. In the scope of project funding, the Federal Government supports non-governmental organisations working to counter torture and inhumane and degrading treatment in Tunisia. The Tunisian government acknowledges the problem, also by affirming that it will take firm action against impunity in this area.

32. To the knowledge of the Federal Government, what is the current status of the investigations into the case of Mohamed Ali Snoussi, who according to Amnesty International (Opinion, p. 14) died in 2014 as a result of the injuries that may have been inflicted on him by the police and what conclusions, also in terms of action to be taken, does it draw from this case?

The Federal Government draws the conclusion from the case of Ali Snoussi and other cases that it must resolutely continue its endeavours to support action to combat torture and inhumane and degrading treatment and other human rights violations in Tunisia.

33. To the knowledge of the Federal Government, to what extent is unacceptable political influence being exerted on the work of the courts and criminal prosecution authorities in Tunisia?

The Federal Government has no information of its own on this.

34. To what extent are the rights of defendants ensured in criminal proceedings in Tunisia?

Chapter V of the Tunisian Constitution guarantees the independence of the justice system and essential basic legal rights. *Inter alia*, Article 108 guarantees each individual a fair trial, free access to justice and access to legal aid for those in financial need. In practice, however, the latter in particular poses a problem based on what non-governmental organisations working in the field of the justice system have observed.

In particular in the context of police custody, which currently can last a maximum of nine, for crimes with a suspected connection to terrorism even up to 15 days as a result of the Counter-Terrorism Act which entered into force on 7 August 2015, the access of those who stand accused in criminal proceedings to legal counsel is problematic. During this period neither the lawyer nor family have access to the suspect. A reform of Tunisian criminal procedural law reduces police custody to a maximum of four days for cases without suspected links to terrorism.

35. Is “illegally” leaving the country still liable to criminal prosecution in Tunisia to the knowledge of the Federal Government, and to what extent is this reconcilable in the view of the Federal Republic of Germany with Article 13 (2) of the Universal Declaration on Human Rights and other international law regulations?

Under Act no. 75-40 of 14 May 1975 people must enter and leave the country via the border checkpoints designated for this purpose by the Ministry of the Interior. Illegally leaving the country is liable to criminal prosecution for Tunisian nationals and can lead to a prison sentence of 15 days to six months and/or a fine pursuant to Article 35 of the act.

Under Article 29 of the Universal Declaration of Human Rights, the right to leave a country can be made subject to restrictions, provided that these meet certain criteria and in particular are proportionate





