



SUPPORTING THE TUNISIAN POPULATION'S ACCESS TO THEIR RIGHTS

Fourth Progress Report



Distribution of the Prisoner's Guide in the prison of Harboub

January 2021 - December 2021

Summary

ACRONYMS.....	3
PROJECT SUMMARY	4
Executive Summary	5
PROJECT DESCRIPTION	6
RESULTS ACHIEVED	8
MONITORING AND EVALUATION	21
LESSONS LEARNED.....	22

ACRONYMS

- **ARP:** Assembly of the Representatives of the People
- **ASF:** *Avocats sans Frontières* (Lawyers without Borders)
- **CDE:** Council of Europe
- **CDIS:** *Comité de défense et d'intégration sociale* (Committee of Defense and Social Integration)
- **CSM:** *Conseil Supérieur de la Magistrature* (High Judicial Council)
- **CSO:** Civil Society Organisation
- **NHRI:** National Human Rights Institute (*Instance des Droits Humains*)
- **NCSC:** National Center for state courts
- **NGO:** Non-Governmental Organisation
- **INLCTP:** National Authority of Fight Against Trafficking in Persons (*Instance Nationale de Lutte Contre la Traite des Personnes*)
- **INPT:** National Authority for the Prevention of Torture (*Instance Nationale pour la Prévention de la Torture*)
- **OHCHR:** Office of the United Nations High Commissioner for Human Rights
- **ONAT:** *Ordre National des Avocats de Tunisie* (Tunisian Order of Lawyers)
- **NCSC:** National Center for State Courts
- **UNDAF:** United Nations Development Assistance Framework
- **UNDP:** United Nations Development Programme
- **UNESCO:** United Nations Educational, Scientific and Cultural Organization
- **UNFPA:** United Nations Population Fund
- **UNGA:** United Nations General Assembly
- **UNICEF:** United Nations Children's Fund
- **UNODC:** United Nations Office on Drugs and Crime
- **UNOPS:** United Nations Office for Project Services

PROJECT SUMMARY

Project Title:	Supporting the Tunisian population's access to their rights
Project Duration:	October 2017 – December 2022
Implementing Agency:	United Nations Development Programme (UNDP) in partnership with the Office of the High Commissioner for Human Rights (OHCHR)
Total Budget:	USD 1,243,805.95
Contributions from financial partners:	USD 1,000,000.00 (Netherlands) USD 243,805.95 (UNDP/BPPS)
Link to the expected outcomes and outputs of the country programme:	Outcome 1 UNDAF: By 2019, civil, political and administrative institutions are fully operational, in accordance with the universal principles of human rights, democracy and gender equality Output 1.1 CPD: The capacities of the institutions guaranteeing the rule of law are strengthened, ensuring better access to justice and security, especially for the most vulnerable people, in compliance with international standards
Date of the Report:	30/06/2022
Focal points – National partners:	<p><u>Ministry of Justice:</u></p> <ul style="list-style-type: none"> - Mr Nizar Najar, in charge of International Cooperation - <u>High Judicial Council:</u> Mr. Akram Mouhli, in charge of International Cooperation <p><u>INPT</u></p> <ul style="list-style-type: none"> - Mr. Fethi Jarray, President <p><u>INLCTP</u></p> <ul style="list-style-type: none"> - Ms. Raoudha Laabidi, President
Focal Point – UNDP:	Mr. Corrado Quinto, Chief Technical Advisor on Justice and Human Rights

EXECUTIVE SUMMARY

The main achievements of the project "Supporting the Tunisian population's access to their rights" from 1 January 2021 - 31 December 2021 include:

1) Access to Justice:

1.1. Two perception surveys were successfully conducted at the start of the project, with the participation of the research magistrates from the Center for Judicial and Legal Studies of the Ministry of Justice (CEJJ) at the beginning of the project, focusing on "knowledge and perception of users and institutional actors of the justice chain" in the two governorates of Medenine and Tataouine. They played a crucial role not only to build the baseline of the project and improve the state of knowledge and information relevant to the project, but also to build relationships of trust with the institutional actors of these regions and the populations concerned, thereby strengthening their ownership of the activities and increasing the chances of sustaining its results.

The surveys entailed :

- (i) Medenine: Assessment of 46 institutional actors in the justice chain on their performance levels in their respective areas of intervention, based on surveys of users of services provided, detainees and their relatives. The survey covered 477 users of judicial and penitentiary services (344 users of judicial services at the court of appeal, the court of first instance and the cantonal courts of Djerba and Medenine, 60 people detained at the civil prison of Harboub, 40 people visiting their relatives detained at the same prison and 33 users of judicial services provided by the real estate court of Medenine). The survey of users measured the population's knowledge of justice-related rights and laws and assessed their evaluation of the performance of the judicial system, its governance and functioning, its integrity and its independence.
- (ii) Tataouine: The survey focused on 30 institutional actors in the justice chain, drawing from survey data collected from 167 persons using the services of the court of first instance of Tataouine; the cantonal courts of Tataouine Nord and Ghomrassen; and the section of the real estate court focusing on Tataouine.

The involvement of research magistrates from the CEJJ was a considerable asset in the conduct of this work, both in terms of methodology and results. Their rich field experience in the various courts of the country was beneficial in the elaboration of the questionnaires of the quantitative survey and their tailoring to the users of the judicial and penitentiary services concerned. participation as interviewers in administering the questionnaires among the population favored the emergence of a better understanding and empathetic attitude towards the discourse, perceptions and experiences of the population.

These activities also contributed to improving the decision-making process in the justice system, by introducing, through the results of these surveys, a people-centred approach in shaping reforms.

1.2. To **improve access to justice services** for the population in the governorates of Medenine and Tataouine, awareness-raising and information activities were carried out through eight (8) projects implemented by local civil society organizations, selected jointly with the Ministry of Justice. The implementation of these projects, which marked the first time that the Ministry of Justice engaged CSOs

on justice sector work in Medenine were successful in raising awareness among the population, as well as the main actors of the judicial and penitentiary chain on the differentiated needs of various vulnerable groups of the population in achieving fair treatment and accessing better-quality services from justice and penitentiary institutions. The projects with CSOs in Tataouine could not be completed within the timeline of the project, and will be launched in 2022 by UNDP.

2) Support to the National Authority for the Prevention of Torture (INPT) and for the National Authority of Fight Against Trafficking in Persons (INLCTP)

Surveys were conducted in 2021 which showed that that the populations of Medenine and Tatouine do not have a sufficient knowledge of the INTP and INLCTP's roles and mandates. The INPT and INLCTP approved the results of the surveys and plan to use them as a basis for developing their respective communication strategies as well as awareness campaigns to strengthen their visibility, to inform the populations including potential beneficiaries of their prerogatives and how to access them.

3) Support to the High Judicial Council:

The Council was supported with a mid-term *readaptation of its Annual Plan to align its strategy to the impacts of the COVID-19 pandemic.*

All institutional partners were provided with logistic support to continue working safely during the pandemic and to guarantee the access to justice for all despite the health crisis.

PROJECT DESCRIPTION

Relevance of the Programme

Since 2011, UNDP has been supporting national efforts to ensure protection and promotion of human rights in Tunisia. In the current evolving context, including with an upcoming referendum on an anticipated new constitution, it is more urgent than ever to continue to support our institutional partners in upholding and protecting human rights. UNDP continues to assess developments in the country and operating context and ensure that the project is adapted to remain relevant and impactful with the ultimate view of protecting and promoting human rights.

In this context, the joint UNDP/OHCHR programme, "Supporting the Tunisian population's access to their rights" ("access to rights") was developed in the framework of:

- the United Nations Development Assistance Framework (UNDAF) 2015-2019 signed with the Tunisian Government, in particular, the democratic governance and the social protection and equitable access to quality social services axes; and
- UNDP's 2015-2019 Country Programme Action Plan, signed with the Ministry of Foreign Affairs in December 2014 (Output 1.1: The capacities of institutions guaranteeing the rule of law are strengthened, ensuring better access to justice and security, particularly for the most vulnerable, in accordance with international standards)
- UNDP's Strategic Plan 2018-2021 (Signature Solution 2 "Strengthen effective, inclusive and accountable governance"); and UNDP's Global Programme for Strengthening the Rule of Law and Human Rights 2016-2020;

The programme contributes to achievement of the Sustainable Development Goals (SDGs) 5 (gender equality), SDG 10 (reduced inequalities) and in particular, SDG 16 (peace, justice and strong institutions) and the Sustaining Peace Agenda through:

- ✓ Supporting the operationalization of key national institutions and processes for the promotion of democratic governance, consolidating the rule of law and fostering citizenship;
- ✓ Ensuring that communities, in particular youth, women and vulnerable groups, benefit from and contribute to efforts aimed at promoting local development, strengthening access to justice and security and social cohesion; and
- ✓ Allowing Tunisia to demonstrate progress towards delivering peaceful, fair and inclusive societies.

The joint programme also contributes to addressing recommendations to Tunisia during the third cycle of the Universal Periodic Review, summarized in the letter sent by the High Commissioner for Human Rights to the Tunisian Minister of Foreign Affairs in October 2017.

The “access to rights” programme is also a pillar of the UNDP portfolio “Sustaining peace through the promotion of a peaceful, just and inclusive society in Tunisia” (“SDG16+ portfolio”) supported principally by the Government of the Netherlands since 2018, with contributions from other funding partners. All the project documents related to the “access to rights” programme, signed in 2019, contribute to outputs 1 and 2¹ of the “SDG16+ portfolio”.

Scope and structure of the Programme

The “access to rights” programme is a joint initiative of UNDP and OHCHR to ensure protection and promotion of human rights, particularly for women and vulnerable groups, to improve their accessibility while meeting international standards through support the Tunisian authorities in reinforcing relevant national institutions. It is an umbrella for several interventions developed in partnership with the Government and independent institutions.

- A project with the Ministry of Justice focusing on improving access to justice in the governorate of Medenine. The scope has been further extended both geographically to include the governorate of Tataouine and temporally (until December 2022).
- A project with the High Judicial Council to improve the independence of the judiciary;
- A project with the two independent bodies on torture prevention (INPT) and the fight against human trafficking (INLCTP);
- The joint programme also originally aimed to support the creation of the Constitutional Court and the national Human Rights Institution envisaged under the Constitution of January 2014 to ensure respect of freedoms and human rights. As this support could not be realized owing to lack of institutional progress and other contextual factors, the joint programme promoted human rights and constitutional guarantees through other interventions mentioned above.

With the support of UNDP’s Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development (hereinafter the Global Programme on Rule of Law and Human Rights), also supported financially by the Netherlands, UNDP also initiated two interventions to collect data on the roots of human rights vulnerabilities to design future interventions with a view to

¹ Output 1: Key national institutions and processes aimed at promoting democratic governance and public accountability, consolidating the rule of law and fostering citizenship are operationalized

Output 2: Communities, in particular youth, women, and vulnerable groups, benefit from and contribute to efforts made at fostering local development, strengthening access to justice and security, and promoting social cohesion.

strengthen access to rights for specific categories of vulnerable people i) women and victims of discrimination based on their gender and sexual orientation (gender justice); and ii) actors in economic value chains, in particular the fisheries value chain in the governorate of Medenine (“Business and Human Rights”). The results of this work are not presented in this annual report since it is not funded through the access to rights program, but are complementary interventions.

In April 2019, a project document was signed with the Ministry of Justice focusing on improving access to justice in the governorate of Medenine. The scope of this project has been further extended both geographically (to include the governorate of Tataouine) and temporally (to be implemented until December 2022). In June 2019, a project document was also signed with the High Judicial Council to improve the independence of the judiciary. Another project document was signed with the two independent bodies on torture prevention (INPT) and fight against human trafficking (INLCTP) in December 2020. All the above-mentioned interventions are identically structured and composed of three outcomes as well as a variety of expected outputs.

OUTCOME 1

The independence, accessibility and capacity of State institutions in charge of protecting and promoting the rights of the people are strengthened to enable them to better fulfil their mandate

OUTCOME 2

People, especially women and vulnerable people, are informed of their rights and accompanied before state institutions responsible for ensuring the protection and promotion of their rights

OUTCOME 3

State and civil society actors produce and share knowledge of good practices in terms of protection and promotion of human rights at the local, national, regional and international level

RESULTS ACHIEVED

This fourth progress report presents the results achieved by the programme in 2021, using funds provided by the Government of the Netherlands and UNDP, and in partnership with a range of national stakeholders:

Ministry of Justice

After the signature of the “Access to justice” project in April 2019, key actors including the Ministry of Justice, the Ministry of Foreign Affairs, the Presidency of the Government, national and local NGOs and local decision-makers were convened to ensure their ownership and involvement in the implementation of activities. The Steering Committee approved the geographical extension of the project to the Governorate of Tataouine in April 2021, and also granted an additional year to achieve the project results (31 December 2022).

Improving individuals' access to a performing justice in Medenine and Tataouine

In 2021, the Ministry of Justice showed interest in improving courts' functioning based on the project survey on access to justice. The actions taken included the improvement of safety and security in courts through the installation of surveillance cameras and security gates, as well as to improved access to digital information for clerks and litigants by reinforcing of the network cabling. All of Medenine's courts are currently equipped with surveillance cameras and security gate systems².

In accordance with Outcome 1, UNDP supported the courts to apply digital solutions and applications for to improve their efficiency and reduce time allocated to treat cases, and to submit monthly reports on treatment of cases which can inform improved performance. The partnership with NCSC in Medenine expanded to include the digitalization of Tataouine courthouses, including the production of monthly statistics reports and the filing of case treatment reports. NCSC trainers have developed a statistic report application validated by the Ministry of Justice which is now being used in all judicial courts. A total of 130 clerks (78 clerks from Medenine courts and 52 from Tataouine courts) have been trained on the use of the application use and supported to follow-up with its updates.

In addition, the project sought to ensure equal access to civil or penal procedures training opportunities and continuous performance improvement to the staff of courts by developing a continuous training unit within the Medenine Court of Appeal (CA) which launched its activity in 2021. This unit, supervised by the First President of the CA, provides a polyvalent clerk's body which is able to perform multiple tasks on diverse topics without difficulties.

Furthermore, the implementation of "the reporter judge mechanism", in the civil chambers of the first instance court of Medenine, which aims to implement a better audience organization, showed a significant reduction of judgment time and was appreciated by local and national justice stakeholders. This experience was replicated in the civil chambers in Tataouine's first instance court since 2021. At the present time, and thanks to this mechanism, 217 civil affairs cases were treated between September and December 2021, allowing for the court to reach an average of 4 months to deliver a judgment, comparing with the year 2019 in which the average amount of time dedicated exceeded 8 months.

Improving citizen's trust in the justice system by strengthening judicial institutions accountability

Given the finding of the 2019 perception survey which showed a limited satisfaction rate among the users of judicial services (19.8% - 40%) provided by the four main actors of the judicial chain (lawyers, bailiffs, court clerks and the judicial police) in the governorate of Medenine, the project provided support to strengthen accountability and limit the risks of corruption of a series of key actors of the justice sector in Medenine (including court clerks, lawyers, bailiffs, and police officers). The project supported the selection of focal points to:

- oversee the training of judicial officers on investigation techniques;
- organize workshops for police/prosecution to enhance their collaboration; and
- identify the population's training topics. The project aims at improving the perception of accountability among populations, through the training of legal professionals in Medenine (including court clerks, lawyers, bailiffs, and police officers) on behaviors that may impair the perception of accountability and good governance.

² As for the network cabling, only the cantonal court of Zarzis was not included as it is a rented location.

Nine judges and six lawyers participated in the accountability training which took place in December 2020, initiating the series of training on the topics mentioned above.

Providing legal assistance for vulnerable groups, women in particular

The joint project supports local stakeholders' initiatives to enhance human rights knowledge and improve access to justice locally. The project works in partnership with CSOs by engaging in exchanging knowledge and using each other's network. Each party contributes in its own unique way to combating inequality and promoting access to justice. This allows results to be achieved in partnership that could not be attained otherwise. Following the call of proposals launched in August 2019 and a working session for improving the proposals that had been received, five CSOs were selected to sign financing agreements during the 24 July 2020 COPIL. This partnership rests on organizing activities to inform, mobilize and raise awareness among populations, particularly women, on their rights and to helping them navigate the judicial system to access said rights.

Starting on the agreement signature date, the selected associations implemented these activities in 2021:

Association ADESM:

- Supported the reinsertion of former detainees and their inclusion in society by strengthening the capacities of six former prisoners in financial and administrative project management which resulted in launching their small businesses and achieving their financial independence.

Association Ain:

- More than 400 women have improved knowledge about their rights through a legal orientation caravan organized in Ben Guerdane in 2021;
- 28 vulnerable women have an improved knowledge about rights and access to justice thanks to an advocacy campaign organized;
- Persons with hearing disabilities were trained on access to justice by introducing and using sign language to access to justice;
- 280 students were introduced to human rights standards and access to justice current challenges and accelerators; and
- Judges, lawyers and clerks are more sensitive to sign language and people with disabilities needs and claim by attending training sessions on sign language Improving access to justice to vulnerable populations through the creation of an application translating court procedures in sign language.

Association Commerçant de Ben Guerdane:

- Benguerdane traders improved their skills on commercial law;
- An application was created to facilitate access to commercial information for traders;
- A public campaign on access to justice was organized involving a theatrical production in which more 300 persons participated and improved their knowledge about their rights.

Association Jeunes et sciences:

- Youth, trained on animated infographics, developed and published on YouTube several sensibilisation videos on different topics related to access to justice (eight in total);
- A sensibilisation campaign on access to justice was organized, featuring the videos created by youth and ending with a debate with Djerba Youth, was organised.

Reinforcing legal aid services and structures (in partnership with ASF)

Interventions focused on the capacity building of lawyers and social workers on techniques of receiving and communicating with seekers of legal aid. UNDP facilitated network building and knowledge sharing between legal professionals through the workshops organized. Six lawyers have now the required knowledge and capacities to oversee training sessions for social workers on legal topics thanks to UNDP's training of trainers' capacity building tool.

In addition, 50 stakeholders, including judges, police officers, doctors, child protection services, social workers and CSOs now have a better understanding of the provisions of law n°2017-58 which is fundamental to improving their response to legal cases involving women who are victims of violence, after having taken part of a training of trainers facilitated by UNDP on the framework for violence against women. Seven lawyers also benefited from a similar training program, allowing them to better accompany victims of gender-based violence benefiting from the program.

Dissemination of the ADELA program (in partnership with ASF)

This activity aims to provide vulnerable groups with judicial guidance to obtain a definitive court decision and to highlight structural malfunctioning that may endanger delivery of justice. Beneficiaries selected on the basis of vulnerability criteria including: their economic situation, the state of their current accommodation, health conditions, and the nature of their legal problem. As a result of this work in 2021:

- ✓ 300 vulnerable people received judicial guidance;
- ✓ 132 lawsuits were completed (Medenine, Sidi Bouzid, Gafsa, and Kasserine);
- ✓ 83% of the beneficiaries were women.

Legal consultations were provided by DPS, CDIS and Tidar Zarzis (CSO), and advisory meetings were held regularly and continuously, according to each body's needs and request. The solutions that have been adopted as part of this project contribute to knowledge-building and to the national justice reform process.

The perception survey on access to justice in the governorate of Medenine and Tataouine

The final report of the perception survey conducted on access to justice in the governorate of Medenine was published and shared with all stakeholders during 2021. The report containing the methodology and results of this survey was validated by the competent services of the Ministry of Justice and commented on essential results and recommendations. It has been widely distributed to the various actors directly concerned by the project and the theme of access to justice.

This final report was also one of the essential references of the regional process in Medenine to develop the first Policy Brief on SDG 16. Also, it was served as a reference document for two national projects managed by the Ministry of Justice, at the central level, namely:

- the development of the first judicial cartography,
- the preparation of the technical content of the second action plan for judicial and penitentiary reform (2023-2025) based on participatory and human rights/people-centred approaches.

A perception survey on access to justice was conducted in the governorate of Tataouine following the methodology and instruments developed for the Medenine survey. The survey was conducted during the second half of 2021 with a sample of 230 respondents including actors of the justice sector and "justiciables". (the results will be shared with partners in 2022).

These two studies contributed to improve knowledge related to the specificities and characteristics of the conditions of access to justice in these two regions. They also allowed to target the components of the project relating to the information and communication of the public with the various needs of the populations. The conduct of these consultations and their results will enable us to envisage the progressive extension of the coverage of this project to other regions of the country.

Strengthening international cooperation on access to justice

In 2021 we should have supported the Ministry of Justice in organizing an international conference on access to justice for all, with a focus on access to justice for women. The pandemic did not allow us to plan in advance the organisation of such a conference. The most important achievements in terms of international cooperation go back to 2020. UNDP facilitated the participation of representatives of the Ministry of Justice to the international conference on legal aid in September 2020 (we did it also in October 2018) with the aim of giving the MoJ the opportunity to share lessons learned from the first COVID-19 affected semester and see how other countries were facing similar challenges related to access to justice during a pandemic. The CGPR presented the efforts that were made during the pandemic to guarantee physical distancing and to provide persons deprived of liberty, stakeholders, judges, and ministries' staff with masks and protective suits with the support of UNDP to its partners' response to the pandemic to guarantee humane treatment to detainees and to strengthen the authority's capacity to adjust its intervention during the crisis.

UNDP Tunisia also provided the translation into Arabic of the Pathfinders' report "[Justice for All and the Public Health Emergency](#)". It has been used and still will be used to facilitate the dialogue between state actors involved in managing the pandemic.

High Judicial Council:

Signature of the project document

A new joint project to support the Tunisian High Judicial Council was launched in June 2019.

Strengthening the members' planification proficiency

22 members of the High Judicial Council have strengthened capacities in terms of legal drafting processes, thanks to a training provided in late 2020. This training also entails the support of the CSM in elaborating a strategic plan 2020-2023, consolidating visions and objectives, which could be translated by the project.

With the aim of improving the Council's strategic planning and programing capacity UNDP supported the CSM in elaborating its first strategic plan 2020-2023 with its operational action plan. These plans were adopted by the Council in December 2020 but not published and presented to different stakeholders. However, the COVID-19 pandemic had an important impact on the High Judicial Council project. The Council had to rethink its working method, availability, adaptability, and strategy to guarantee access to justice for citizens in all times.

Strengthening the administration's capacities and guaranteeing the continuity of the Council's work during the pandemic

In 2021, UNDP had envisaged building on the work done in 2020 to strengthen the organizational capacities of the administration of the CSM by establishing its priority needs, through the development of an action plan to be carried out in 2021. This plan includes the following aspects: (i) virtualization and digitization of administrative tasks, (ii) electronic management of files and (iii) the digitization of registry and archive services.

However, owing to the COVID-19 pandemic, the strategic plan for 2020-2021 had to be updated to reorganize the Council's priorities and manage the continuity of courts' work. For these reasons, UNDP supported the CSM by elaborating a contingency plan in which the priorities in the justice sector have been highlighted and the digitalization plan has been introduced to guarantee the continuity of the service provided by courthouses during a health crisis.

With UNDP's support, the High Judicial Council was able to:

- Distribute health and hygienic material to its members and staff to stop the spread of the virus (e.g.: disinfecting products and plexiglass screens).
- Prepare a contingency plan aiming at ensuring the continuity of services, including managing courts, during the pandemic.
- Update the Councils' website and its Facebook page.

Furthermore, the Council was supported in reforming the criteria of judges' transfers, this change reduced the number of claims.

The population's perception of the independence of justice and the role of the Council

The Council agreed to carry out a perception survey on the independence of the judiciary and the role of the CSM. Knowing the population's perception of the CSM should have allowed the Council to emphasize its priorities in terms of communication.

In March 2021, the survey took place and allowed us to learn more about the Tunisians perceptions of the judiciary independence and the CSM role. In fact, the level of knowledge of laws and justice is very weak, which demands a serious engagement of the CSM in launching a wide sensitization and information campaign to improve its image and to increase the population awareness about judicial principles and fundamentals.

Constitutional Court

Translation and dissemination of TACL annual conference papers

According to the 2014 Constitution, the Parliament shall elect the first four of twelve members of the Constitutional Court. Parliament has failed on four separate occasions to elect members of the court. In the meantime, the Temporary Authority to review the constitutionality of law projects has been established in 2014 and by a presidential decree, its mission has been put to an end on September 22, 2022.

In 2017, the Tunisian Association of Constitutional Law (TACL), deepening research on human rights and constitutional institutions and regularly holds conferences and publishes papers, held a conference

discussing the work of the Temporary Authority. Considering its significant contribution in the field of academic research on the national constitutional context, the joint programme offered the Association to publish the TACL's study. This collaboration allows the Association to accelerate the knowledge sharing process and to translate the articles written in Arabic or French to the opposite language, allowing a wider accessibility of knowledge and lessons learnt from the Temporary Authority to review the constitutionality of law projects' experience to decision-makers and researchers and can contribute to enlighten the future Constitutional court's work.

In 2021, a joint team of UNDP and the TACL reviewed the translation suggested by UNDP and improved its quality. In 2022, UNDP will facilitate the graphic design of the publication in order to present it to the public and to distribute it physically and online to relevant authorities and university libraries.

Human Rights Institution

The Tunisian Human Rights Institution has not been created yet. The Law n°51-2018 establishing the new HRI builds on Articles 125 and 128 of the Constitution, which guarantees the establishment of the Human Rights Institution (HRI). The program supported the drafting process in 2018 as well as the selection process of the new HRI board members in 2019.

National Authority for the Prevention of Torture (INPT)

Exchanging experiences with international counterparts

Each national prevention mechanism (NPM) set up by the Optional Protocol to the Convention against Torture has a singular experience according to the environment in which it evolves. The perpetual evolution of techniques and know-how thanks to the lessons drawn from each person's experience constitutes an abundant source of knowledge, which forms a great basis for exchange between these mechanisms. NPMs often face similar challenges and identify common opportunities, hence the importance of promoting partnerships and cooperation.

As a continuous effort in line with the support already provided to INPT since 2016, the joint programme supported in 2021 the organization of the sixth international symposium for the various national prevention mechanisms. The symposium's topic was 'Monitoring conditions of arrest, custody and pre-trial detention' and was held both in person and online (*via* Zoom). The event offered the possibility for national, regional, and international mechanisms to share their experiences. Thanks to the thematic discussions between NPMs, INPT is certainly more aware of the importance of expanding its monitoring missions to police stations, rather than be strictly focused on prisons. The Annual Work Plan 2022 of the project includes specific activities to support INPT monitoring missions in Medenine, aiming at covering the entire judiciary and penitentiary chain.

Prisoner's guide and prison law manual

Detainees and their families are more aware of their rights and obligations thanks to the "Guide du prisonnier en Tunisie". In parallel, judges, lawyers, researchers, human rights activists will have a better

knowledge of the corrections system as a result of upcoming briefings on the “Manuel de droit pénitentiaire tunisien”.

A first edition of the "Manual of Tunisian prison law" was published on December 10, 2019 (450 questions, 324 pages in its French version), which was prepared under a partnership between INPT, the Ministry of Justice, the General Committee for Prisons and Reeducation (CGPR), with the support of the Council of Europe (COE). Following the revision of European prison rules and the reorganization of the DGPR into CGPR, a second edition, updated and enriched, was published on June 22, 2021 (516 questions, 612 pages in its French version and 782 pages in its Arabic version). With the support of the Council of Europe and the UNDP/OHCHR joint programme, a conference to present the Manual with the participation of the Minister of Justice, the President of the CGPR, the TFPs of the INPT, national and international experts was organized on June 22.

500 copies of the Arabic version, 100 copies of the French version and 200 boxes containing the two versions were printed by the Council of Europe in June and a second batch of 700 copies of the Arabic version and 300 boxes containing the two languages were printed by the UNDP/OHCHR joint programme in December 2021.

Analyzing the population's perception and knowledge of the INPT work

A national survey on the knowledge and perceptions of the Tunisian population relating to the phenomena of torture and human trafficking and the roles of the two authorities supported by the programme, INPT and the INLCTP, was concluded in 2021. The survey was conducted face to face in households throughout the country, on a sample of 1277 households representing the Tunisian population which has been adjusted considering data from the General Population Census (RGPH 2014) of the National Institute of Statistics (INS) according to gender, age and the governorate.

It is worthy to recall that the INPT carried out a similar survey in April 2017 and that the INLCTP had not yet carried out a perception survey among the population.

While this survey demonstrated an increase in Tunisians' rejection of the practice of torture and ill-treatment (compared to the survey carried out by the INPT in 2017), it nevertheless showed that most of the Tunisian population do not know neither their rights in relation to these themes nor the authorities, their missions, and the methods of seizing them.

The results of this survey will contribute to designing and implementing communication and awareness-raising campaigns concerning the roles of the national authorities, their prerogatives, the methods of referral and intervention, etc., which will make it possible to prevent acts of torture, ill-treatment and trafficking and will facilitate access to support by the authorities for victims and people who are vulnerable and/or exposed to the risks of torture and trafficking, thus helping them to assert their rights .

Awareness-raising on torture and informing on the INPT work

State actors involved in the treatment of women deprived of their liberty are more aware of the specific rights and rules through the organization of a webinar with the participation of the INPT, the CGPR, the Ministry of Women and several CSOs. To commemorate the Nelson Mandela International Day, and given the pandemic circumstances, the celebration took place virtually on July 16, 2021. The public was also able to follow the broadcast of the webinar on the INPT's Facebook page.

The webinar focused about women deprived of their liberty between international rules and challenges. It was an opportunity to present the international standards on the treatment of women deprived of their liberty (Nelson Mandela Rules and Bangkok Rules), and to raise awareness among the public and the actors concerned with regard to specific rules for women in detention, in order to ensure better protection of the rights of women prisoners in accordance with constitutional principles and international standards.

This activity contributes to strengthening the awareness of the populations and the various actors on the prevention of torture and ill-treatment and respect for the rights of detainees and helps to keep partners and the public informed about the role and work of the INPT despite the constraints and restrictions linked to the health crisis. It thus contributes to achieving the result targeted by the project, which concerns the development of the capacity of the populations, those vulnerable and exposed to the risks of torture and trafficking, to be able to seize the authorities to protect themselves against its violations and assert their rights.

Building resilience to crisis

The Authority is now able to face crisis by ensuring the continuity of its services thanks to a contingency plan developed COVID during the last quarter of 2020, and presented, discussed, and validated by the members of the Authority in January 2021.

This support contributes to strengthening the INPT's adaptation, reaction, and relief capacities in the face of exceptional circumstances that may hinder the ordinary operation of its services, to ensure the continuity of the latter in an efficient manner.

Through this support, the Authority should not only develop its capacity to work in a proactive, organized, and planned manner, but also ensure the continuity of the services it offers to its beneficiaries (victims of torture and ill-treatment, people deprived of freedoms...) without interruption due to exceptional or crisis circumstances.

Following the contingency plan which recommends adopting working methods and tools to promote the continuity of the work of the Authority in crisis situations, the Authority has been equipped with videoconferencing and distance training equipment and "Zoom" licenses for meetings and webinars. This equipment will allow the Authority to set up a videoconference and distance training room

The final beneficiaries of this support are the victims and persons deprived of their freedom. It helps these final beneficiaries to seize the remedies and the various assistance mechanisms provided by the authority in all circumstances and thus contributes to protecting and assert their rights.

Strengthening the knowledge of state actors in the prevention of torture

State and non-state actors of the Governorate of Medenine have a better understanding of the mandate of the Authority thanks to an interactive debate between the INPT and the INLCTP and the representatives of the following state bodies:

- CGPR / Harboub prison
- Customs
- Center for Defense and Social Integration (CDIS)
- Regional transport company
- Regional Directorate of the Ministry of Transport
- Regional Directorate of the Ministry of Justice

- Public Prosecutor's Office of the Court of First Instance
- National Guard
- Regional Directorate of Youth and Sports
- Regional Delegation of the Ministry of Women
- Regional Directorate of Social Affairs
- Regional Directorate for Vocational Training and Employment
- Judicial police

This meeting, organized by UNDP on May 25, made it possible to deepen the knowledge of the state actors concerned by the mandate of the Authority, its missions, attributions and working procedures and to identify and adopt good practices of dialogue and partnership.

Training of CGPR executives and agents on the treatment of women and girl prisoners

85 CGPR managers and agents working with women prisoners and with minors in re-education centers are better informed about the specific issues and standards pertaining to the treatment of women and girls in detention through a series of three training workshops organized on December 8, 10 and 15, 2021. The participants were trained on national and international rules relating to the treatment of women deprived of their liberty, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and more specifically the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). The training was provided by Mrs. Saida Mbarek, member of the INPT and president of the Commission for Women, Children and People in Vulnerable Situations of the Authority.

This activity is also part of the participation in the "16 Days of Activism Against Gender-Based Violence" and the celebration of International Human Rights Day. It contributes to achieving the result through two aspects:

- Strengthening the capacities of penitentiary service officers in terms of taking women prisoners into account.
- Capacity building of INPT members in terms of gender training capacity and consideration of the most vulnerable.

National Authority of Fight Against Trafficking in Persons (INLCTP)

Improving the National Authority's capacities in logistics and communication

- **Videoconferencing and distance training equipment**

In order to support the Authority in adapting its working methods to the circumstances of the crisis, the Authority has been equipped with videoconferencing and distance training equipment and "Zoom" licenses for meetings and webinars. This support was recommended by the contingency plan prepared by the Authority with the technical support of UNDP, which recommends adopting working methods and tools to promote the continuity of the work of the Authority in crisis situations.

A videoconference and distance training room are now operational and allows members and staff working remotely.

- **Website**

The INLCTP was accompanied for the development of a website in three languages (Arabic, English, and French) covering in an exhaustive manner all aspects of the communication of the Authority, able to make a rich source of information sought after by a very broad set of user profiles (institutional entities, media, citizens, researchers, national and international partners, non-governmental organizations, etc.).

Victims have a better and facilitated access to information, those related to orientation and assistance, thanks to a specific page called “the victims’ space”.

of the broad audience will have access to the website in 2022 on a date to be chosen by the Authority. Through the realization of this website, the INLCTP aims to improve its external communication, to increase its audience, to popularize the technical content, to implement all the actions allowing the public (in particular the non-specialized public) to access information and above all to facilitate access to it, and to better meet the requirements of its beneficiaries.

In this way the creation of this site will contribute to the realization of the targeted outcome, by setting up an additional tool to inform the populations concerned by the interventions of the INLCTP on the mandate of the Authority, its prerogatives and methods of referral and intervention.

Building resilience to crisis

The Authority is now better equipped to ensure the continuity of its services in crisis situations thanks to support to adopt and implement a contingency plan developed during the last quarter of 2020 and presented, discussed, and validated by the members of the Authority in January 2021. the adoption of working methods and tools to promote the continuity of the work of the Authority in crisis situations

This support contributes to strengthening the INLCTP's adaptation and response capacities in the face of exceptional circumstances that may hinder the ordinary operation of its services, in order to ensure the continuity of the services it offers to its beneficiaries (victims of trafficking in persons).

UNDP has supported the INLCTP to implement elements of its contingency plan relating to, the Authority has been equipped with videoconferencing and distance training equipment and "Zoom" licenses for meetings and webinars. As a result of this support, the Authority w continue to serve victims of trafficking who seize the remedies and the various assistance mechanisms provided by the authority in all circumstances and thus contributes to protecting and assert their rights.

Informing the populations of the National Authority's work

Tunisian population and stakeholders are aware of the magnitude of human trafficking in Tunisia and the response provided by State actors and civil society thanks to information shared by the Authority's presentation of its annual report. A conference was organized on October 27, 2021 in Tunis to present the 2020 national annual report on the fight against trafficking in Tunisia with the participation of the Resident Coordinator of the United Nations Tunisia, the Minister of Justice, the Minister of Foreign Affairs, of Migration and Tunisians Abroad, the Minister of Family, Women, Children and Senior Citizens, the Head of Cabinet of the Minister of the Interior and the Head of the Office of the Council of Europe in Tunisia. The conference was also broadcast live on the Authority's Facebook page.

Analyzing the population's perception and knowledge of the National Authorities' work

A national survey on the knowledge and perceptions of the Tunisian population relating to the phenomena of torture and human trafficking and the roles of the INPT and the INLCTP was concluded in 2021. The survey was conducted face to face in households throughout the country, on a sample of 1277 households representing the Tunisian population which has been adjusted considering data from the General Population Census (RGPH 2014) of the National Institute of Statistics (INS) according to gender, age and the governorate.

It is useful to recall that the INPT carried out a similar survey in April 2017 and that the INLCTP had not yet carried out a perception survey among the population.

This survey demonstrated that most of the Tunisian population do not know neither their rights in relation to these themes nor the authorities, their missions, and the methods of seizing them.

The results of this survey will contribute to designing and implementing communication and awareness-raising campaigns concerning the roles of the Authorities, their prerogatives, the methods of referral and intervention, etc., which will make it possible to prevent acts of torture, ill-treatment and trafficking and will facilitate access to support by the authorities for victims and people who are vulnerable and/or exposed to the risks of torture and trafficking, thus helping them to assert their rights.

Supporting CSOs working with victims of human trafficking

Presumed victims of human trafficking are supported in their socio-economic reintegration thanks to medical, psychological and legal support provided by five CSOs working on the protection of victims of human trafficking in Tunis, Jendouba, Ben Guerdane, Djerba, and Gabes. These CSOs offer complementary support to those given by the National Authority. The implementation of these projects began in early 2021 and will continue in 2022.

To support the associations in the implementation of these projects, continuous technical support has been provided by UNDP, as well as by the INLCTP. Furthermore, and with the aim of strengthening the knowledge and capacities of these associations in several areas related to the theme of the project, several training actions were provided for their benefit by the UNDP and INLCTP teams.

This support contributes to ensuring that CSOs, in particular those working for the protection of human rights and assistance to vulnerable populations and exposed to the risks related to human trafficking, are better equipped to provide appropriate responses and to contribute to the fight against trafficking. CSOs are better equipped to provide adequate support to the needs of these vulnerable populations, particularly in the context of a global health crisis where the vulnerability of victims of trafficking has increased.

The final beneficiaries of this support, in this case victims of human trafficking or vulnerable people exposed to this risk, who should, through these associative projects complementary to the services offered by the INLCTP, benefit from additional assistance aimed at to enable them to meet their needs through an action that aims for the sustainability of their social and economic reintegration.

Strengthening the knowledge of state actors in fighting against human trafficking

State and non-state actors of the Governorate of Médenine have a better understanding of the mandate of the Authority thanks to an interactive debate between the INPT and the INLCTP and the representatives of the following state bodies:

- CGPR / Harboub prison
- Customs
- Center for Defense and Social Integration (CDIS)
- Regional transport company
- Regional Directorate of the Ministry of Transport
- Regional Directorate of the Ministry of Justice
- Public Prosecutor's Office of the Court of First Instance
- National Guard
- Regional Directorate of Youth and Sports
- Regional Delegation of the Ministry of Women
- Regional Directorate of Social Affairs
- Regional Directorate for Vocational Training and Employment
- Judicial police

This meeting, organized by UNDP on May 25, made it possible to deepen the knowledge of the state actors concerned by the mandate of the Authority, its missions, attributions and working procedures and to identify and adopt good practices of dialogue and partnership.

SALIENT FACTS IN FIGURES

1) Access to justice in Medenine and Tataouine:

The performance of the judiciary system in the governorates of Medenine and Tataouine (strengths, weaknesses, deficiencies and limitations) was assessed during a participative and inclusive exercise conducted for the first time and involving **67 stakeholders of the entire chain of justice** in these regions. These institutional performances were confronted with the critical view of **no less than 675 users of justice services** who gave their opinions on the state of the judiciary and its integrity, independence, and respect of rights.

The institutional justice actors in Medenine and Tataouine have improved their professional capacities to provide better services for litigants:

- **130 clerks (78 in Medenine and 52 in Tataouine)** use the new application to produce statistical data relating to the monthly functioning of the courts.
- **15 lawyers** (7 from Médenine and 8 from Tataouine), **18 magistrates** (9 from Médenine and 9 from Tataouine), **8 clerks and 17 prison officers** from Médenine improved their knowledge and skills in terms of integrity and accountability.
- Also **62 social workers** in Médenine (working in the regional unit for social promotion and within the social defense center) have improved their knowledge and skills in providing integrated social and legal responses to the situations of the populations vulnerable who reach out to the social units (ASF).
- **The population of Médenine**, particularly vulnerable people who have requested the help of social services for better legal and judicial support, has benefited from the specific support of the project to improve access to justice. In fact, **no less than 95 people, among the 179 people who benefited from the legal consultations** provided by the project, with the support of "Avocats Sans Frontières (ASF)" and the

participation of the Center for Social Defense and Integration of Médenine (83% are women), were able to receive legal assistance, **12 of whom were accompanied to the legal aid office at the court** of first instance in Medenine.

- In the two governorates, **eight associations** were supported to carry out mini-projects to raise awareness and communicate with the population on the theme of access to justice. In 2021, five projects of Medenine associations were completed. Their main results:

- 1) 6 people in socio-professional reintegration (who were in detention) created small projects (five men and one woman).
- 2) 405 women from Ben Guerdane were able to benefit from capacity building sessions on rights and how to access justice in terms of legal services and procedures.
- 3) 28 women, 60 people with sensory difficulties and 280 students informed on issues related to access to justice and the popularization of legislative texts for a better understanding of rights. Also, 21 clerks of the courts of Medenine and 12 judges and lawyers are made aware of access to justice for vulnerable people with sensory disabilities.
- 4) The creation of a mobile application that translates legal concepts and court procedures into sign language.
- 5) More than 25 traders in Ben Guerdane were made aware of commercial law, commercial company law and labor law.
- 6) 25 young people from Djerba were trained on the creation of animated infographics to facilitate access to justice. They were also associated with the production of innovative multimedia content on the theme of justice and the explanation of the circuits of access to justice.

2) For the National Authority for the Prevention of Torture (INPT) and for the National Authority of Fight Against Trafficking in Persons (INLCTP)

- 1) 85 officers and agents of the CGPR working with women prisoners and with minors in re-education centers were trained on national and international rules relating to the treatment of women deprived of their liberty, in particular the “United Nations Standard Minimum Rules for the Treatment of Prisoners” (Nelson Mandela Rules) and more specifically the the “United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders” (Bangkok Rules).
- 2) A national survey on the knowledge and perceptions of the Tunisian population relating to the phenomena of torture and human trafficking and the roles of the INPT and the INLCTP was carried out face to face in households on all the Tunisian territory, on a sample of 1277 households’ representative of the Tunisian population.
- 3) Providing detainees with a reference enabling them to find out about their rights and obligations. Thus, the "Prisoner's Guide to Tunisia" and the "Tunisian Prison Law Manual" were developed through a partnership between the INPT, the Ministry of Justice and the DGPR then CGPR supported by the Council of Europe and the joint UNDP-OHCHR project. 700 copies of the Arabic version of the "Tunisian Prison Law Manual" and 300 boxes containing Arabic and French languages were printed in December.
- 4) 5 projects were selected at the end of 2020, began their implementation from the beginning of 2021 and were due to end in 2022. The 5 projects are implemented in 5 different regions of Tunisia and touch on several aspects related to socioeconomic reintegration of victims of human trafficking and people at risk.

MONITORING AND EVALUATION

A monitoring and evaluation expert, in coordination with technical experts, constantly monitors the progress of the project’s indicators. The three project documents signed with the Ministry of Justice, the High Judicial Council, and the two independent bodies on torture prevention and human trafficking clearly

explain their monitoring systems based on the criteria decided during the Local Project Appraisal Committee (LPAC) and approved by the Steering Committee.

The baseline elaborated in partnership with the Ministry of Justice for the project relating to improving the access to justice in the governorates of Medenine and Tataouine will be used for the evaluation of the results achieved compared to the targets of the project.

An external final evaluation of the following projects is expected to be conducted at the end of 2022, it concerns the two projects: (i) improving access to justice in the governorates of Medenine and Tataouine and (ii) supporting the human rights bodies (INPT and INLCTP). This final evaluation will focus on the implementation process (formative evaluation) and on the results (performance evaluation).

Also, the regular annual meetings of the steering committee of the project to improve access to justice constitute an important opportunity to decide on the progress of the achievements and possible adjustments to the project, in response to changes in the context. Thus, at the meeting of the steering committee of the project for the year 2021, important changes were made in the scope of the project: (i) temporally until 12/31/2021 (extension to be able to cover the implementation of activities planned and postponed mainly due to COVID during 2020, including work in the courts and Harboub prison) and (ii) territorially to cover at the request of the Ministry of Justice the governorate of Tataouine (court of first instance of Tataouine, cantonal court of Tataouine and cantonal court of Ghomrassen).

LESSONS LEARNED

- 1.) UNDP will consider the use of other partnering modalities with CSOs which provide more assurances that they have the capacities needed to deliver. Close follow-up of CSOs has shown that there are capacity issues relating to results-oriented reporting and administrative and financial management, even when they have taken part in training provided by UNDP. ;
- 2.) The trust relationship with partners, along with UNDP's expertise foster national partner to request different types of support. The Ministry of Justice has indeed requested UNDP support in the prevention of COVID-19, as well as the elaboration of the new strategic vision and operational plan for 2022-2026, including the judiciary mapping and results oriented budgeting for 2022;
- 3.) The sanitary crisis and the restrictive measures postponed activities and training. However, all partner institutions have restructured their work and rethought their strategy in order to face the pandemic;
- 4.) All partner institutions have had to adapt their working methods and tools, using alternative means of communications (conference calls, webinars), which allowed them to improve their computer literacy and accelerated the way towards digitalization.
- 5.) The privileged relationship developed with the Center for Judicial and Legal Studies of the Ministry of Justice has made it possible to improve the methodology and results of perception surveys conducted as part of the project to improve access to justice in the governorates of Medenine and Tataouine, should be further consolidated through the development of a research strategy for the Center to deepen the analyses drawn from the field surveys conducted, as well as reflection on potential analyses on issues that could be catalytic for policy or programmatic actions on priority issues (e.g. access to justice issues in the land sector from a gender perspective).