



AKTIS
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Upstream Torture Prevention in Tunisia – UK Human Rights and Democracy Programme

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1. Introduction

The “Upstream Torture Prevention in Tunisia” project aims to reduce incidents of torture, excessive force, and degrading treatment of individuals taken into custody in Tunisia, by helping the Ministries of Interior (MoI), Justice (MoJ) and Finance (MoF, specifically Customs) create and act on clear, coordinated policies to honour the anti-torture legal framework established in 2013/2014.

Our methodology for preventing torture “upstream” has been to work directly with security officers from these ministries,¹ building their skills to be agents of positive change from within the system and providing them with the frameworks needed to create their own response to this issue. By having security officers lead a process of introspection, planning, and piloting solutions to reduce levels of torture and abuse, our approach differs from more traditional civil society-led and -owned interventions. Funded by the UK Human Rights and Democracy Programme (February 2015-February 2016), the project involved four sets of activities:

- An **inception phase**, during which Aktis updated its context and problem analysis, to inform our implementation approach. The project team met key stakeholders and subject matter experts based in Tunis; established a partnership with AFAK, a local civil society organisation composed of members of the security ministries; and extended project activities to include Customs (under the Ministry of Finance).
- **Training**, to increase project participants’ knowledge about the national and international legal framework related to torture, international best practices and the effect of torture on both the victims and the perpetrators.
- **Action plan development**, by which the ministries elaborated a five-year action plan to reduce torture. The resulting cross-ministry action plan sets out a vision and steps for: 1) Treating detainees with respect for human dignity;² 2) Development and improvement of human and logistical resources;³ 3) Intra- and extra- security service cooperation.⁴
- **Leadership classes**: Because the action plan was fully developed by security officers, leadership classes with civil society organisations active in the field of torture prevention provided further independent advice and feedback. It also offered a chance to employ “community engagement” principles for policy design.⁵ A leadership class for the three ministries enhanced high-level buy-in [and approval?] for the final action plan.

¹ Some of these officers direct problematic detention facilities and prisons. (Our assessment of problematic facilities is based on key informant interviews, public perceptions gathered through media monitoring and focus group discussions, and available data on complaints submitted to civil society groups working on torture prevention).

² For example, by developing and rolling out standard operating procedures (SOPs).

³ Such as by creating a steering community to manage and coordinate the implementation of the action plan, and enhancing the infrastructure within prisons to provide detainees a better access to services.

⁴ E.g. opening the action plan implementation to other external stakeholders (media, civil society); awareness-raising campaigns for the different security and justice services about the importance of ending abuse and torture in prisons.

⁵ Define.

2. Key results

The key project results are:

1. **Development of a joint⁶ five-year action plan to reduce abuse, prevent torture, and promote human rights.** The plan contains specific proposed activities to be conducted over the next five years with performance indicators for each. Whilst the first draft was developed by security forces (using their knowledge of the Tunisian context and new knowledge of international human rights norms⁷), the action plan was then endorsed by a group of civil society organisations⁸ that specialise in human rights and torture prevention in Tunisia.⁹ See annex 1 for an overview of the plan.
2. **Signs of greater transparency.** The project working group's decision to consult with civil society on the plan submitted to their ministries is a sign of greater transparency. Willingness to engage with civil society on this issue is noteworthy, because it indicates recognition that torture continues to be a problem in Tunisia; awareness of the need to meet the public's expectations of service quality; and progress toward ensuring accountability for violations of Tunisian law and international human rights norms.
3. **Immediate issue of new directives in a high profile facility.** Project beneficiaries have led the development of two "quick wins"¹⁰ to accompany the action plan, aiming to prevent torture and abuse and improve accountability. The first "quick win" was the piloting of a new paper-based logging system¹¹ for tracking prisoner custody in Tunisia's biggest detention centre, Bouchoucha,¹² effective in January 2016. The system identifies precisely who has interacted with detainees and prisoners at every step of their custody¹³, enabling greater internal transparency and encouraging improved accountability. Should the pilot system prove to be an effective deterrent, and subsequently rolled out nationally, it could have significant impact on reducing the use of torture in Tunisia. A second "quick win" was a brochure on detainee rights, recommended as standard issue to individuals in custody (in prisons, *garde à vue*, and police stations). If the action plan is officially adopted, both documents would be rolled out nationally in the next three years.

⁶ MoI, MoJ, MoF (Customs).

⁷ Provided through earlier training in this project.

⁸ Two events with civil society included Amnesty International, The World Organisation Against Torture (OMCT), the Tunisian Haut Commissariat aux Droits de l'Homme, Organisation Contre la Torture en Tunisie (OCTT), the Observatory of Rights and Freedoms in Tunisia and respected Tunisian torture prevention activists (e.g., Radhia Nasraoui and Anwar Wled Ali).

⁹ The project working group has submitted the plan to the senior direction of the three ministries.

¹⁰ As well as developing an action plan for achieving the project objective (use of torture reduced), UTP sought to achieve "quick wins" that would see operational commanders issue new instructions or protocol during the project period. A third "quick win" – revised instructions on the use of handcuffs in Bouchoucha – was explored but not possible to develop this quarter.

¹¹ Tunisia currently uses a paper-based system for its entire detainee intake process.

¹² Bouchoucha is the reference detention centre for *garde à vue* in greater Tunis, a point during the custody chain human rights groups identify as one of the riskiest for abuse. According to Avocats Sans Frontières, "The Bouchoucha detention centre, where persons placed in *garde à vue* in Tunis are held, is often presented as the worst detention facility in Tunisia." See: Human Rights Watch, *Des failles dans le système La situation des personnes en garde à vue en Tunisie*, (2013), https://www.hrw.org/sites/default/files/reports/tunisia1113fr_sumandrecs_4.pdf and Avocats Sans Frontières, (2015), *Détention en Tunisie : des sanctions au-delà de la privation de liberté*. http://www.asf.be/wp-content/uploads/2015/04/ASF_TUN_Detention_201503_FR.pdf.) Mornaguais the largest prison.

¹³ Arrest, detention in *garde à vue*, transportation, imprisonment, etc.

4. **Ministry leadership mobilised to support an agenda protecting human rights and dignity, preventing abuse, and increasing accountability in the security and justice system:** The MoJ Advisor to the Minister of Justice¹⁴ ; MoJ Director General of Prison Administration¹⁵ ; Head of the Legal Department in Customs¹⁶ ; and Head of International Cooperation in Customs¹⁷ each stated their commitment to support the project aims. The MoI Inspector General stressed, “I am not waiting for any green light to end torture and abuse made by my own officers”.¹⁸

¹⁴ MeherDjdaïdi.

¹⁵ SabeurKhefifi.

¹⁶ Col. LaasadBechouel T.

¹⁷ General AtefTezi.

¹⁸ TaoufikBouaoun was replaced in the MoI dismissals announced by the Minister of Interior at the end of Q3.

3. Recommendations

Finally, the project points to several recommendations for the next phase of support to torture prevention in Tunisia:

1. **Given the formalities of Tunisia's security and justice system bureaucracy, the action plan will best be implemented by seeking the establishment of a cross-ministry oversight/steering committee.** Results in this phase of the project indicate that training, coaching and ongoing mentoring of small committees can have real impact on these ministries' capacities to manage, monitor, evaluate and successfully implement the action plan.
2. **Providing support to implement selected year one and two activities within the 5-year action plan is likely to achieve impact.** Project results add to the growing body of evidence that "causal chain from institutional development to improved services and better S&J outcomes" on the ground are "[most] convincing when [interventions focus] on addressing specific S&J challenges in particular locations or for particular groups of intended beneficiaries".¹⁹ Aktis has proposed, for example, that the UK supports human rights compliant curriculum development and training of trainers, in order to ensure the sustainability of human rights compliance approaches.
3. **Tailor interventions to the appetite, but as yet unmet need, for support to reduce torture and abuse outside of greater Tunis.** Project beneficiaries from outside greater Tunis were highly engaged in the action plan development, and offered new insights often missed in policy design originating from, and focused on, the capital. Aktis has proposed to support awareness raising workshops in other regions, with officers of key detention facilities, to ensure that the action plan is known and adhered to in regions often neglected by other human rights projects.
4. **Continue to encourage the Ministries of Interior, Justice and Finance to expand and institutionalise progress toward more transparency and better partnership with civil society.** Concretely, this could be done by encouraging a proactive and productive role for civil society in informing the indicators that are included in the action plan. Giving the ministries and civil society a shared stake in measuring performance reinforces a key value in democratic societies, namely that responsibility for holding the security sector to account is a joint endeavour.
5. **Subject to its creation, establish links between Tunisia's National Torture Prevention Commission and the steering committee in charge of the action plan.** This is a key way to support all three Magna Carta Fund for Human Rights and Democracy strategy themes.²⁰ The commission, an OPCAT provision Tunisia has adopted, has the potential to reshape power balances and relationships in Tunisia's security and justice sector, and appointments have been repeatedly delayed as various powerbrokers intervene. The commission could help tackle impunity and contribute to wider democratic space in Tunisia, but will need strong relationships and practical linkages to the relevant ministries. Moreover, effective partnership between independent oversight bodies and the Tunisian government to combat torture is essential at a time when Tunisia is under pressure to mitigate the serious national and public security risk posed by violent extremist activity in the country and along its borders.

¹⁹ Independent Commission for Aid Impact, Review of UK Development Assistance for Security and Justice, March 2015, p. 40.

²⁰ 1 (Democratic values and the rule of law) 2 (Support an effective rules-based international order that stands up for universal rights) and 3 (Human rights for a stable world).