



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/TUN/Q/5
28 November 2007

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE
Ninety-first session
Geneva, 15 October-2 November 2007

**List of issues to be taken up in connection with the consideration of the
fifth periodic report of TUNISIA (CCPR/C/TUN/5)**

**Constitutional and legal framework within which the
Covenant is implemented (art. 2)**

1. Please indicate how article 32 of the Constitution of the Tunisian Republic, according to which treaties rank higher than laws, was applied during the period covered by the present report. Have the provisions of the Covenant been invoked directly before the courts or the administrative authorities? If so, under what procedures and with what results? Please also indicate whether the State party envisages accession to the first Optional Protocol to the Covenant.
2. Is the High Committee on Human Rights and Fundamental Freedoms in conformity with the Paris Principles (General Assembly resolution 48/134, annex)?
3. Please describe the problems encountered with regard to the enforcement of judgements (State party's report, para. 77). Please also supply information on the work of the Commission established to monitor the enforcement of judgements and describe the contested cases and the solutions found.
4. Please indicate the measures taken to ensure the independence of the judiciary.

**Measures to combat terrorism; respect for the rights
guaranteed in the Covenant**

5. Please provide detailed information on the legislation in force relating to the campaign against terrorism and give the definition of terrorism and/or terrorist acts, with particular reference to their compatibility with respect for the human rights guaranteed by the Covenant.

Non-discrimination and equal rights of men and women (arts. 3 and 26)

6. Please provide information on the scale of violence against women, including domestic violence, and the measures taken to remedy it. Please provide statistics covering the last five years concerning the number of complaints recorded concerning violence against women, the investigations and prosecutions following those complaints, the types of penalties handed down and the compensation awarded to the victims or their families. Does the State party envisage criminalizing marital rape? Please comment on the compatibility of the provisions of article 218 of the Criminal Code, concerning withdrawal of a case by a victim who is the (grand)parent or spouse, with the provisions of the Covenant.

7. Please comment on the compatibility of article 58 of the Personal Status Code, concerning the right to custody of children, with articles 3 and 26 of the Covenant.

Right to life (art. 6)

8. Please indicate the numbers of persons sentenced to death, the crimes for which they were sentenced and the number of death sentences pronounced in absentia. Since there have been no executions since 1991 (State party's report, para. 142), does Tunisia envisage ratification of the second Optional Protocol to the Covenant?

Prohibition of torture and cruel, inhuman or degrading treatment, right to liberty and security, treatment of prisoners (arts. 7, 9 and 10)

9. Although new national legislation prohibits arbitrary arrest and detention (State party's report, paras. 167-179), it appears that such practices are in use and that they particularly affect human rights defenders. Please comment. Please also state whether the law and practice of the State party permit any person who is arrested or detained to take proceedings before a court so that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful, in accordance with article 9 of the Covenant. Is the right to legal counsel also guaranteed, and in what way?

10. Notwithstanding the promulgation of the Act of 14 May 2001 on the organization of prisons (State party's report, paras. 188-189), the conditions of detention appear to give cause for concern. Please provide more detailed information on the results of, and follow-up to the investigations conducted by the commission of inquiry on living conditions in prisons (State party's report, paras. 195 ff.).

11. Please indicate the number of complaints recorded concerning torture or ill-treatment by public officials and supply information on the investigations, prosecutions, convictions and compensation resulting from those complaints. Please provide more information on the mechanisms permitting consideration of complaints of torture or ill-treatment made against public officials at all stages of deprivation of liberty. In particular, to what extent are those mechanisms independent? Do non-governmental organizations have access to places of detention and on what terms?

12. It appears that members of the opposition and human rights defenders are subject to harassment and intimidation, and even torture and ill-treatment by public officials. Please comment and, where appropriate, indicate the measures taken to guarantee effective compliance with the provisions of the Covenant.

13. In the context of the campaign against impunity (State party's report, paras. 180-185) please provide information covering the last five years on sentences handed down, disaggregated by nature of the charge and the rank of the official concerned.

Right to a fair trial (art. 14)

14. Does Tunisian law prohibit the use of statements obtained through torture or ill-treatment as evidence in any proceedings?

Freedom of opinion and expression (art. 19)

15. Notwithstanding the Tunisian legislation guaranteeing freedom to inform and to obtain information (paras. 260-289), it appears that journalists' work is subject to censorship. Please comment on this information and, where appropriate, state what measures have been taken to bring practice into line with the provisions of the Covenant.

16. Certain Tunisian news websites and electronic newspapers and the sites of political parties, NGOs and foreign media that publish information critical of the Tunisian Government and of Tunisia's human rights situation appear to be regularly blocked in Tunisia. Please comment and, where appropriate, state whether such practices are in accordance with the Communications Code promulgated by Act No. 2001-1 of 15 January 2001 and with article 19 of the Covenant (State party's report, paras. 278-289).

17. Please comment on the new provision in the Electoral Code, arising out of Organization Act No. 2003-58 of 4 August 2003, which prohibits Tunisians from expressing an opinion for or against a Presidential election candidate to the foreign audio-visual media during the election campaign, on pain of a 25,000-euro fine, with regard to its compatibility with article 19 of the Covenant.

Right of peaceful assembly (art. 21)

18. The freedom of assembly of human rights defenders appears to be being impaired by the authorities of the State party in various ways, including by surrounding NGO offices and sealing off districts to prevent meetings being held. Please comment and, where appropriate, state what measures have been taken or are envisaged to guarantee compliance with the provisions of article 21 of the Covenant.

19. Please provide more precise information on the criteria applied in declaring a meeting illegal or a threat to public safety. Please also specify whether there are any remedies where authorization for a meeting is refused and, if so, how those remedies are exercised. Please provide statistics covering the last five years on the number of meetings declared illegal, the names of the organizations, the reason for the refusals of authorization and the names of the bodies or authorities involved in those decisions.

Freedom of association (art. 22)

20. In practice, and contrary to national legislation governing the registration of associations and the provisions of article 22 of the Covenant, human rights defenders appear to be subjected by the State party authorities to numerous obstructions designed to prevent their recognition as associations (refusal to provide a receipt confirming the statement of constitution as an association; failure to acknowledge the deposit of statutes). Please provide specific information on the number of applications for registration from associations of human rights defenders, the time needed for registration and the number of refusals and on what grounds.

Rights of persons belonging to minorities (art. 27)

21. It appears that Berbers are demanding the protection and promotion of their culture and language. Please state if measures have been taken or are envisaged to guarantee the maintenance and development of Berber culture in accordance with article 27 of the Covenant.

**Dissemination of information relating to the Covenant and
the Optional Protocol**

22. Please provide information on training in the provisions of the Covenant given to public officials, and especially judges and police officers.

23. Please indicate whether the State party has published information on the Covenant, the Committee's previous concluding observations and the process of submission of the present report of the State party. Please give information on the involvement of representatives of civil society in the preparation of the report.
