



# International Covenant on Civil and Political Rights

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## Human Rights Committee 128th session

### Summary record of the 3692nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 3 March 2020, at 3 p.m.

*Chair:* Mr. Fathalla

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Sixth periodic report of Tunisia (CCPR/C/TUN/6; CCPR/C/TUN/QPR/6)*

1. *At the invitation of the Chair, the delegation of Tunisia took places at the Committee table.*
2. **The Chair** said that Mr. Ben Achour, as a national of the State party that was under review, had recused himself from the 3692nd and 3693rd meetings in order to avoid any conflict of interest. Noting with satisfaction the gender diversity of the Tunisian delegation, he invited the head of delegation to deliver his opening statement.
3. **Mr. Hammami** (Tunisia) said that, as a member of the new Government that had taken office just the previous week, he was honoured to present his country's report. Tunisia was proud that one of the Committee members was a Tunisian national and wished to commend the Committee on its efforts to promote human rights worldwide. Tunisia attached great importance to its cooperation with the human rights treaty bodies. He hoped that the upcoming treaty body review would be an opportunity to further enhance that cooperation.
4. Many changes had taken place in Tunisia since the review of its fifth periodic report, particularly in the wake of the 2011 revolution, which had marked the start of a successful democratic transition. Human rights defenders and civil society as a whole had played an important part in that transition. Many of the reforms undertaken immediately after the revolution had been aimed at the protection and promotion of human rights and freedoms.
5. In the period since 2011, many legislative, judicial and institutional measures had been taken specifically in order to protect the rights enshrined in the Covenant. Various decrees had been issued, on subjects such as press freedom and transitional justice, and several constitutional bodies had been established, including the National Anti-Corruption Authority and the National Authority for the Protection of Personal Data. Since the submission of its sixth periodic report, Tunisia had continued to strengthen its legal framework for the protection of human rights. For example, it had become the first non-European State to accede to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention).
6. The presidential and parliamentary elections held at the end of 2019 had helped to consolidate the democratic transition. The new Government had undertaken, among other things, to organize regional elections in 2020; to publish and disseminate the report of the Truth and Dignity Commission and to act upon the recommendations contained therein; and to uphold the long-standing moratorium on capital punishment, with a view to abolishing the death penalty in the future.
7. Tunisia was aware of its shortcomings and the challenges that it faced, which included prison overcrowding, the implications of the ongoing state of emergency, and the wage gap between men and women. The process of legislative and institutional reform was still under way and further dialogue with civil society was needed on thorny issues such as the death penalty. His country was working hard to bring its national legislation into line with international standards and to foster a culture that was based on respect for human rights. It looked forward to receiving recommendations from the Committee that would allow it to make further progress in that regard.
8. **Mr. Santos Pais**, noting that the State party's report had been submitted seven years late, said that he hoped the State party would submit its next periodic report in a timelier manner. Given the recent elections in Tunisia, it was an opportune time for the State party to appear before the Committee; he hoped that the constructive dialogue and the Committee's concluding observations would feed into the reforms that were being undertaken by the new Government.
9. He would like to know whether the National Committee for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights was responsible for follow-up to the Committee's Views; how often that committee convened meetings; how it ensured cooperation with other national and international

human rights bodies and civil society organizations; and whether it had compiled a list of treaty body recommendations and identified the parties responsible for acting upon them. He wondered what stage had been reached in establishing a database of human rights indicators. He was curious to know what obstacles were preventing Tunisia from lifting the state of emergency that had been in place since 2015. He would also like to hear what measures would be taken to encourage national courts to invoke the Covenant in their decisions and whether any additional training would be provided to judges, prosecutors and lawyers in order to increase their understanding of the Covenant.

10. Various concerns had been raised in relation to the Constitutional Court. Firstly, it was unclear whether all national authorities would be subject to the oversight of the Court and required to comply with its decisions. Secondly, it had been reported that the procedure for the appointment of Constitutional Court judges failed to take into account the importance of criteria such as legal qualifications and personal integrity; moreover, the independence of the Court was undermined by the fact that two-thirds of its members were to be appointed by the President and the Assembly of People's Representatives. Thirdly, there appeared to be a lack of adequate safeguards for ensuring security of tenure of Constitutional Court judges. Lastly, the requirement that anyone wishing to challenge the constitutionality of a law must be represented by a lawyer accredited by the Court of Cassation was deemed to be excessively restrictive. He would like to invite the delegation to respond to those concerns.

11. It would be interesting to hear the delegation's views on the extent to which the mandate of the Human Rights Commission overlapped with that of the Administrative Mediator. He wondered whether the principles governing the Commission were wholly consistent with the Paris Principles; what stage had been reached in appointing the members of the Commission; whether all the members were to be appointed by the Assembly of People's Representatives; and what criteria were being used in the appointment process. He would also like to know what guarantees of immunity and immovability were provided to members of the Commission, particularly in the light of reports that the President of the Commission could be removed from office fairly easily.

12. It would be helpful to know the criteria used to select the members of the Commission on Good Governance and the Fight against Corruption, whose activities were described in the common core document ([HRI/COR/TUN/2016](#), para. 45). The Constitution was rather vague on that subject, stating simply that they should be persons of integrity who were independent and neutral. He would like information about the Commission's relationship with the prosecution service and the measures used to ensure protection for whistle-blowers. He wondered how Organic Act No. 62 of 2017, on reconciliation in the administrative sphere, contributed to the fight against corruption when, in article 2, it stated that public servants could not be held criminally responsible for irregular or unlawful acts from which they themselves received no material benefit. He would also like information about the number of corruption cases brought before judicial bodies, the number of convictions obtained, the sentences handed down and the compensation for moral and material damage awarded.

13. He would appreciate an update on the status of bill No. 25/2015 on the prevention of attacks against the armed forces, which had attracted criticism from various organizations, on a number of grounds, not least that its provisions might serve to perpetuate the culture of impunity. The delegation's comments on the criticisms that had been raised whilst the bill had been under discussion would also be useful.

14. **Mr. Zimmerman** said that he would like to know how the independence of the Truth and Dignity Commission had been guaranteed; in how many of the nearly 55,000 cases that it had examined it had found violations; how often victims had received reparations; and what form those reparations had taken. Clarification regarding the Commission's current status would be useful, as would an explanation for the decision not to extend its mandate and details of the State bodies that had assumed responsibility for its former activities.

15. More detail was requested about the work of the 13 specialized chambers to which cases involving gross human rights violations committed under the former government regime had been assigned by the Truth and Dignity Commission. It appeared that only 173 cases had been referred to date, which was too small a number to prevent widespread

impunity, given the volume of petitions submitted. It also appeared that repeated postponements, frequent failures on the part of accused police officers, politicians and former government officials to appear in court and a general lack of cooperation were delaying the chambers' work. The delegation's comments on those points and an update on the chambers' activities in the past year would be greatly appreciated.

16. He would like to know why the report of the Truth and Dignity Commission on human rights violations committed between 1957 and 2013 had not been published in the Official Gazette, despite being completed in March 2018, and whether the Government's apparent failure, to date, to take concrete action to implement the Commission's recommendations, despite being required to do so within a year of the report's issue pursuant to article 70 of the Organic Act on Transitional Justice might be linked to the delay in the official publication of the report. What action, if any, was being taken to expedite the implementation of the recommendations?

17. Noting that, in the periodic report, the State party referred to a Ministry of Health plan to facilitate access to safe abortion for women in rural areas, he asked what specific measures were being implemented on the ground to address the obstacles that rural women faced. He would appreciate the delegation's comments on reports that abortion in public hospitals was available only with the consent of the father of the fetus, and on the consequences of that requirement for unmarried women. He likewise wished to know what the authorities were doing to ensure that all women had access to abortion in a manner that respected their right to privacy; what role the National Office for the Family and Population played in upholding that right; and what was being done to combat the social stigma and discrimination faced by single women who had had, or wished to have, an abortion. An indication of the prevalence of illegal abortion in Tunisia and its effect on women's lives and health would be helpful.

18. **Ms. Tigroudja** said that, although the State party had made a number of improvements to the legal framework for guaranteeing non-discrimination and equality between men and women, a stand-alone law for combating all forms of discrimination was still needed. She would like an update on progress towards adoption of a general law of that kind, and towards the establishment of a national committee to fight discrimination. As reports of persistent discrimination on racial grounds were a particular source of concern, she would like to know how soon the regulations implementing the new law on the elimination of all forms of racial discrimination would be adopted and when the National Commission to Combat Racial Discrimination would be fully operational.

19. She wondered about the availability of any statistics that might shed light on the efficacy of measures taken to combat racial discrimination. Information about any preventive and awareness-raising measures taken would also be useful. She would like to know whether the Criminal Code had been amended to make racial motivation an aggravating circumstance in crimes; and whether it was true that incitement of racial hatred was considered a terrorist offence within the meaning of the new counter-terrorism law of 2019. She would appreciate the delegation's comments on reports of racial segregation on school buses in some parts of Tunisia, with black children having to take separate buses to white children. Details of the actions being taken to combat discrimination on the basis of disability would likewise be appreciated.

20. Reports of persecution, threats and even physical assaults against members of the lesbian, gay, bisexual and transgender community, based solely on their sexual orientation or gender identity, were a source of great concern, particularly given that, with homosexuality still illegal, it was difficult, if not impossible, for victims to report such offences, and equally difficult for members of the lesbian, gay, bisexual and transgender community to form associations to defend their rights. She invited the delegation to provide an update on progress towards the repeal of articles 226 and 230 of the Criminal Code, noting that, according to reports, more than 150 persons had been convicted under those articles in 2019, often as a result of invasive surveillance of electronic communications that violated their right to privacy. She would also like an update on progress towards banning the anal examinations used to obtain evidence of homosexual relations, and details of measures being used to combat violence against lesbian, gay, bisexual and transgender persons more generally.

21. She would like to receive an update on progress towards the repeal of all provisions of the Personal Status Code that perpetuated stereotypes about the respective roles of men and women. She would likewise appreciate any data or other information that would shed light on the prevalence of customary marriage, which, although theoretically unlawful, was sometimes used as a means to circumvent the ban of polygamy. The delegation might also comment on reports that child marriages could be authorized subject to the consent of the child's guardian and that marriages between a Muslim woman and non-Muslim man were sometimes refused, although permitted by law.

22. **Mr. Zyberi** said that he would like to receive detailed information about the financial resources allocated to programmes and policies deriving from the new law on eliminating violence against women and about the concrete results achieved as a result of the new law and the related national strategy to combat violence against women. It would be interesting to know what preliminary results the 2018 national plan on indicators of violence against women had yielded and what effect the plan had had on the registration and compilation of statistics on cases of domestic and gender-based violence. He had been concerned to note that, according to paragraph 111 of the report, in 2018 less than 2 per cent of the nearly 36,000 registered cases of violence against women and girls had resulted in an arrest. Those figures should be seen as a call for concrete action to prevent and punish such behaviour. In that context he would appreciate annual data, from 2011, on the number of complaints of different forms of violence against women, the number of prosecutions brought and convictions obtained, the number of protection measures granted and the compensation, if any, awarded to victims.

23. He wondered how effective the provisions of the new law on the elimination of violence of women could be when they were not properly reflected in the current version of the Criminal Code. To avoid ambiguity for judges and prosecutors, it might be better to incorporate the provisions directly into the Code: otherwise, appropriate training would be required. In that connection, he would like to know when the training manual for judges would be ready for use; whether training courses for trainers, as mentioned in the report, were now under way; and whether any other capacity-building programmes were either in progress or in the pipeline.

24. He would also like to know when the review of the Criminal Code mentioned in the report would be completed and when the necessary changes would be adopted into law. Detailed figures for the number of acts of torture and ill-treatment that had been reported, investigated, prosecuted and punished would be helpful, as well as information about the measures adopted to ensure protection against torture for all persons, including in prison settings and in the context of the fight against terrorism and the current state of emergency. It would also be useful to receive data on the number of deaths resulting from use of force by the police and security forces and the number of deaths in police custody. He would like to know the proportion of law enforcement officers that had received regular and comprehensive training on those matters and the extent to which the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was used in training programmes.

25. **Mr. Koita** said that, while the State party had made considerable progress in tackling terrorism, notably by adopting a new counter-terrorism law in 2015 and a national strategy for combating terrorism and extremist violence in 2016, its specialized counter-terrorism institutions lacked resources and were struggling to cope with an increasing workload. As a result, a number of suspects had been deprived of their liberty for an excessively long period. He wondered whether an increase in the budgets of those institutions, notably the National Counter-Terrorism Commission and the Counter-Terrorism Judicial Authority, was envisaged.

26. While Organic Act No. 9 of 23 January 2019 included some important amendments to better define and punish terrorism offences, those amendments did not address the duration of police custody, which might still be extended to 15 days in certain circumstances. Nor did they touch upon the provision that allowed detainees suspected of terrorism to be denied access to a lawyer during the first 48 hours of detention. For that reason, he wished to know what legal and procedural measures the State party might take to ensure that detainees had access to a lawyer immediately after arrest and during investigations. Moreover, given the large number of investigations and prosecutions of individuals accused of terrorism, and the fact that less than 10 per cent of them had

apparently been convicted while the others remained in detention without trial for lengthy periods, he asked what steps had been taken to ensure that judgments were handed down within a reasonable period.

27. In the context of the state of emergency declared and extended on several occasions in accordance with Decree No. 50 of 1978, he noted that some 149 people considered to present a high security risk had been placed under house arrest without a court warrant between November 2015 and January 2016. He would be grateful for clarification of the legal basis of those house arrests and their compatibility with the Covenant. Likewise, he was interested to know what progress had been made in the formulation of the draft Organic Act regulating the state of emergency, and whether the Government planned to repeal and replace Decree No. 50 – which seemed to have allowed the authorities to abuse the powers conferred upon them by the state of emergency. Did the Government envisage any measures to uphold the law during states of emergency and to protect individuals' full enjoyment of their non-derogable rights, including due process rights? Would it implement the recommendations of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, contained in the report on his visit to Tunisia in 2017 ([A/HRC/40/52/Add.1](#))?

28. The most recent counter-terrorism legislation – Organic Act No. 2019-9 – continued to provide for the death penalty for certain crimes related to terrorism, following the introduction of such a provision in 2015. Tunisia had not carried out the death penalty since 1991, although the courts continued to hand down death sentences and about 140 individuals were currently awaiting execution. In view of that situation, he asked whether the Government planned to formalize the moratorium on the use of the death penalty, or whether it planned to ensure that the death penalty was not applied except for the most serious crimes, in accordance with the Covenant and the Committee's general comment No. 36 (2018) on article 6 of the Covenant, on the right to life. Did the Government envisage any reduction in the number of crimes liable to incur the death penalty? Had any process been initiated with a view to the ratification by Tunisia of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty? Lastly, recalling that in January 2012, the President of Tunisia had granted 121 prisoners an amnesty that commuted their sentences to life imprisonment, he asked whether the authorities planned to take a similar approach in the future.

*The meeting was suspended at 4.20 p.m. and resumed at 4.55 p.m.*

29. **Ms. Kalai** (Tunisia) said that the National Committee for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights had been established by a government decree of 2015. Given that Tunisia was a State party to most United Nations human rights treaties and optional protocols, as well as certain conventions of the Council of Europe and the African Union, the establishment of the National Committee reflected the country's strong commitment to fulfilling its international obligations. Previously, the functions of the National Committee had been performed by specialized or ad hoc bodies under various ministries; as a result, there had been few opportunities for collective gathering of data or coordination of actions. With the establishment of the National Committee – and the 2016 reform of its membership to give greater weight to the ministries with responsibility for defence, foreign affairs, the interior and justice – it was now possible to obtain an accurate overview of the human rights situation in the country, through the joint actions of the different ministries.

30. Since 2016, the National Committee had drafted and submitted reports to the Committee on Enforced Disappearances, the Committee against Torture, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities. It was currently preparing the periodic reports of Tunisia under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Convention on the Elimination of All Forms of Discrimination against Women. It was also working to improve the implementation of treaty bodies' recommendations, including by developing follow-up and action plans, in cooperation with the Office of the United Nations High Commissioner for Human Rights and civil society organizations. In 2017, Tunisia had participated in the universal periodic review procedure under the auspices of the Human Rights Council, and the National Committee was now preparing the third cycle mid-term report in that framework. The National Committee also received complaints from the

special procedures of the Human Rights Council and acted transparently to address them. Its main challenges were securing sufficient resources to carry out training and capacity-building, strengthening human rights indicators and developing a road map for the coordination of all human rights organizations in Tunisia.

31. **Mr. Boudabouss** (Tunisia) said that the adoption of the new Constitution in 2014 had been followed by the introduction of a new legal system which differed significantly from its predecessor. In that regard, the Government had issued many decrees to promote and protect human rights, including the right of peaceful assembly, the right to establish political parties and the right to freedom of the press. The Constitution enshrined a series of rights and freedoms that would subsequently be given effect through national legislation; that was a complex process requiring reforms and amendments at many levels. Accordingly, several national committees had been set up to review laws such as the Criminal Code, the Code of Criminal Procedure and the Child Protection Code and harmonize them with the Constitution. Furthermore, a national committee for the harmonization of human rights laws with the Constitution and with international conventions, established pursuant to Government Decree No. 2019-1196, had now commenced its work. The process had been slowed by the Government's decision to conduct national and regional consultations with all components of civil society, as well as by the presidential elections in 2019. For that reason, the drafting of a comprehensive legislative package was expected to take some time, although the Government hoped that the new laws would be enacted during the current parliamentary session.

32. **Mr. El Khaldi** (Tunisia) said that, in the sphere of security, the Ministry of the Interior had partnered with the United Nations Development Programme and other specialized agencies to carry out reforms in areas such as community policing and the fight against corruption. In 2017, the Ministry of the Interior had established a human rights directorate, which provided a complaints mechanism for persons who had suffered harm as a result of potentially unlawful or unjust decisions taken in the name of national security.

33. The draft Organic Act regulating the state of emergency was still under consideration. The Government had received a delegation from the Assembly of People's Representatives twice in 2019, and as part of that process had been able to identify many gaps and weaknesses in the draft Act. Consequently, it had introduced a number of substantive amendments which aimed to diminish the impact of the state of emergency so that any limitations of freedoms would be governed by article 49 of the Constitution and would not compromise the essence of a democratic State. Nevertheless, the security agencies would be able to adopt some preventive measures – not necessarily subject to judicial orders – such as tightening border security, requiring certain persons to obtain authorization to enter or leave the country, or imposing house arrest. It should be recalled that Article 49 of the Constitution provided for limitations on the exercise of rights and freedoms that might be put in place for various reasons. Decree No. 50 of 1978 was under review, as it was one of the laws deemed contrary to the 2014 Constitution.

34. Bill No. 25/2015 on the prevention of attacks against the armed forces raised a number of complex issues, notably the criminal liability of State officials in the exercise of their duties. That bill was still under consideration, and the Government was holding consultations with professional associations so that the rights of law enforcement officers and citizens alike would be protected. Regarding police officers' cooperation with transitional justice mechanisms, judicial police officers had been ordered to comply with the relevant provisions of the Code of Criminal Procedure; those who did not fulfil their duty, and professional associations that instructed their members not to participate in transitional justice proceedings or to cooperate with investigations, would be sanctioned.

35. Since 2015, the Ministry of the Interior had worked to improve conditions of detention. Any person who had been subjected to negligence, violations or abuse by a law enforcement officer was now able to complain to the human rights directorate. Moreover, a central detention facility had been built in Tunis, which met all relevant standards and which had designated cells for juvenile, female and elderly detainees. Law enforcement agencies maintained positive relations with civil society and the National Authority for the Prevention of Torture was able to make unannounced visits to detention facilities.

36. **Ms. Sabai** (Tunisia) said that training sessions on the Universal Declaration of Human Rights and the Covenant had been organized for judicial officials. Judges were

required to undertake training on human rights and related issues. Specialized ad hoc judges were being trained to hear cases of torture, human trafficking, violence against women and other human-rights-related issues. Trainer training had also been organized to help judicial officials to educate their peers. All such training was coordinated by the Supreme Judicial Council and the Ministry of Justice in cooperation with specialized national committees and international organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Council of Europe.

37. **Mr. Ghazala** (Tunisia) said that racial discrimination was not an aggravating circumstance under the Criminal Code. It had been made a separate offence pursuant to Organic Act No. 50 of 2018 on the Elimination of All Forms of Racial Discrimination and its definition was based on international standards. The penalty for racial discrimination was imprisonment of between 1 month and 1 year and a fine of 500,000 dinars. That penalty could be increased to between 1 and 3 years' imprisonment if the racially discriminatory acts in question took the form of incitement to hatred or racial segregation. Pursuant to Organic Act No. 50, an order to finalize the process of establishing the National Commission to Combat Racial Discrimination was currently being prepared and would soon be submitted for signature by the Prime Minister. Public officials had conducted an investigation into the reports of racial segregation on public transport in parts of southern Tunisia. When interviewed, citizens from the area where the segregation had supposedly occurred had affirmed that there was no racial discrimination in their region and had asked the officials about economic issues that they were facing.

38. **Mr. Tazarki** (Tunisia) said that the question of sexual orientation and gender identity raised complex cross-cutting issues that required profound debate and discussion. Tunisian society needed time to reflect on the topic and to come up with legal, cultural and educational solutions. Nevertheless, the Government was committed to reform and was of course open to facilitating a process of reflection. Calls for the abrogation of article 230 of the Criminal Code could be submitted to the new Constitutional Court, once it had been established. The Court of Cassation was undertaking a change in judicial doctrine, pursuant to which anal examinations would no longer be practised.

39. **Ms. Ayari** (Tunisia) said that abortion was generally prohibited under article 214 of the Criminal Code, except in the first three months of pregnancy, when an abortion could legally be sought with the authorization of a specialized medical doctor. The husband's approval was not required. Unmarried women had access to reproductive health services, including abortion services, free of charge. Such services were provided with full respect for the woman's privacy in order to prevent stigmatization. Pregnancy out of wedlock was not criminalized under Tunisian law. The Ministry of Health continued its efforts to raise awareness of contraceptive methods among young people. The rate of health coverage among women in rural areas had increased owing to the establishment of local medical centres and mobile clinics. The practice of child marriage was mostly confined to rural areas. All of the cases identified involved marriage requests submitted by legal guardians pursuant to article 227 bis of the previous version of the Criminal Code, which had been amended by Organic Act No. 58 of 2017 on Eliminating Violence Against Women, or the application of article 5 of the Personal Status Code, which allowed judges to authorize marriage between a female minor and her guardian.

40. **Ms. Sabai** (Tunisia) said that Organic Act No. 58 did not specify the budget that should be allocated for its implementation. In practice, resources were provided for the application of the Act through sectoral budgets. The State had concluded an agreement with the European Union to secure funding for a programme to combat violence against women, under which shelters for victims of domestic violence had been opened. Work was under way to update the national strategy to combat violence against women by bringing it into line with Organic Act No. 58, the final paragraph of article 46 of the Constitution and international standards. Marital rape was covered by article 3 of Organic Act No. 58 and punishable under article 227 of the amended Criminal Code. Judges had received training to raise their awareness of the new provisions. A number of judgments had been issued in relation to marital rape; the State party could provide the Committee with statistical data in writing. Various ministries were collaborating on a project to train statisticians with a view to compiling statistical data and indicators relating to violence against women at the national level and across all sectors. Since 2019, over 400 judges had received training on violence against women, on the basis of a recently prepared training manual, which was



currently pending publication. A trainer training manual had also been produced. A number of trainer training courses for justice officials in the area of violence against women had been scheduled for 2020.

41. **Ms. Tigroudja** said that she would appreciate further information on the State party's policy on the detention of transgender persons, in the light of reports that transgender detainees were assigned to male or female areas within places of detention on the basis of the biological sex assigned to them at birth. With regard to racial discrimination, she wished to know whether the State party had plans to make racial motivation an aggravating circumstance. Anal examinations, whose practice the State party had committed to reviewing in 2017, were a form of torture. Moreover, the Committee had received reports that other forms of non-consensual examinations, such as virginity tests on alleged sex workers, continued to be practised. Given that such practices were contrary to article 7 of the Covenant, she did not believe that more time for reflection by the State party was warranted.

42. **Mr. Santos Pais** said that it was important for the State party to review the compliance of its legislation with its international commitments in order to prevent the excessive use of firearms and to eliminate impunity for law enforcement officers who used force excessively. The courts should have the power to decide whether the amount of force used in a particular situation was excessive. Moreover, firearms should be used only to protect the right to life, not to protect private property.

43. **Mr. Zimmermann** said he understood that unmarried women seeking an abortion in public hospitals were required to receive counselling from social services with regard to the circumstances of their pregnancy. Such an obligation could contribute to stigmatization.

44. **Mr. Koita** asked for further information on the amendment of Decree No. 50 of 1978. What measures was the State party taking to ensure that the amended Decree did not allow for exceptionally prolonged states of emergency or grant excessive powers to law enforcement bodies?

45. **Mr. Muhumuza** said that it would be interesting to explore the fact that the residents of the part of southern Tunisia visited by public officials as part of their investigation into racial segregation had enquired into economic programmes.

46. **Mr. Zyberi** said that he would appreciate additional information on any further measures that the State party planned to take in order to combat violence against women effectively. He would also be grateful if the State party could provide a time frame for its planned amendment of the definition of torture set out in its domestic legislation.

47. *The delegation of Tunisia withdrew.*

#### **Election of the Chair and other officers of the Committee**

48. **The Chair** said that Ms. Brands Kehris had resigned from the Committee following her appointment as Assistant Secretary-General for Human Rights and Head of the Office of the United Nations High Commissioner for Human Rights in New York. The Committee would therefore elect a new Rapporteur to serve for the remainder of her unexpired term, in accordance with rule 22 of the Committee's rules of procedure.

49. **Mr. Koita** nominated Mr. Heyns as Rapporteur, in view of his extensive experience as a professor of human rights law and as a member of the Committee since 2017.

50. **Mr. Shany** seconded the nomination, observing that it was in keeping with the Committee's established practice to elect Bureau members who had already served on the Committee for at least two years.

51. *Mr. Heyns was elected Rapporteur by acclamation.*

*The meeting rose at 6 p.m.*