

Discrimination against Women

Signed: 24 July 1980; ratified: 20 September 1985. Tunisia's third and fourth periodic reports were due 20 October 1994 and 1998 respectively.

Reservations and Declarations: Paragraph 2 of article 9; paragraphs (c), (d), (f), (g) and (h) of article 16; paragraph 2 of article 29; paragraph 4 of article 15.

Torture

Signed: 26 August 1987; ratified: 23 September 1988. Tunisia's second periodic report (CAT/C/20/Add.7) was considered at the Committee's November 1998 session; the third periodic report was due 22 October 1997. *Reservations and Declarations:* Declaration under articles 21 and 22.

Rights of the Child

Signed: 26 February 1990; ratified: 30 January 1992. Tunisia's second periodic report is due 28 February 1999.

Reservations and Declarations: Preamble; article 6; article 2; paragraph 2 (b) (v) of article 40; article 7.

REPORTS TO TREATY BODIES

Committee against Torture

Tunisia's 2nd periodic report (CAT/C/20/Add.7, November 1997) was considered by the Committee at its November 1998 session. The report prepared by the government covers the period 1990 to 1993 and contains information on, *inter alia*: the Higher Committee on Human Rights and Fundamental Freedoms, established in 1991; the establishment, in 1992, of human rights units within the Ministries of Justice, of the Interior and of Foreign Affairs; reform of the Code of Criminal Procedure; introduction of human rights training and teaching for the internal security forces and law enforcement officers; provisions in the Criminal Code; establishment of the independent Commission of Investigation to look into allegations of abuses by law enforcement officials against detainees following government actions against the illegal "Ennahdha" movement; extradition and political refugees; legal provisions related to abuse of authority by public officials; relevant provisions in the Penal Code; jurisdiction in cases of torture or ill treatment; human rights training for law enforcement officials, the internal security forces and persons working in the judicial system; provisions related to custody and detention and the protection of the rights of persons held; the juvenile justice system; complaint, remedy and compensation; evidentiary value of confessions; the National Agreement of 1988; the non-governmental Tunisian League for Human Rights (LTDH), created in May 1977; the principle of two hearings, intended to strengthen the guarantees afforded to the litigant; capital and corporal punishment; and incommunicado detention.

The Committee's concluding observations and comments (CAT/C/TUN) welcomed, *inter alia*: the establishment of a number of human rights posts, offices and units within

the executive branch and within the civil society; the efforts made to raise the level of awareness of the principles of human rights in the society; publication of a code of conduct for law enforcement officials; establishment of human rights departments in universities and establishment of human rights units in some key Ministries; the establishment, for the first time, of an independent commission of investigation to examine the allegation of abuses; and the constitutional provision stipulating that ratified treaties have a higher authority than laws.

Subjects of concern identified by the Committee included, *inter alia*: that the definition of torture under law does not conform with article 1 of the Convention; the wide gap that exists between law and practice with regard to the protection of human rights; the reported widespread practice of torture and other cruel and degrading treatment perpetrated by security forces and the police, that in certain cases resulted in death in custody; the pressure and intimidation used by officials to prevent the victims from lodging complaints; that many of the regulations existing for arrested persons are not adhered to in practice (e.g., pre-trial detention, notification of family, medical examinations with regard to allegations of torture, autopsies in all cases of deaths in custody); that arrests are very often made by plain clothes agents who refuse to show any identification or warrant; the abuses directed against women members of the families of detainees and exiled persons; and that the government does not accede to requests of extradition of political refugees but does not apply this practice to other kinds of cases.

The Committee recommended that the government, *inter alia*:

- ♦ ensure strict enforcement of the provisions of law and procedures of arrest and police custody;
- ♦ strictly enforce the procedures of registration including notification of families of persons taken into custody;
- ♦ ensure the right of victims of torture to lodge a complaint without the fear of being subjected to any kind of reprisal, harassment, harsh treatment or prosecution — even if the outcome of the investigation into the claim does not prove the allegation — and to seek and obtain redress if the allegations are proven correct;
- ♦ ensure that medical examinations are automatically provided following allegations of abuse and an autopsy is performed following any death in custody;
- ♦ ensure that the findings of all investigations concerning cases of torture are made public, and that this information include details of any offenses committed, the names of the offenders, the dates, places and circumstances of the incidents and the punishment received by those who were found guilty;
- ♦ reduce the police custody period to a maximum of 48 hours;