

Rights of Togo noting that: the Commission was entrusted with protecting citizens from abuse by government agencies and bodies of the state; it had carried out regular but unannounced visits to police stations and places of detention, leading in some cases to the release of persons arbitrarily detained and to improvements in prison conditions; discussions had been held with officials of Benin to consider conditions of Togolese citizens in exile in that country; and, the National Commission had participated in and encouraged regional meetings of national human rights bodies.

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## TUNISIA

**Date of admission to UN:** 12 November 1956.

### TREATIES AND REPORTS TO TREATY BODIES

**Land and People:** Tunisia has submitted a core document (HRI/CORE/1/Add.46) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on overall political development, the constitutional and legal framework and the general legal framework for the protection of human rights.

The Constitution establishes fundamental rights and freedoms and a number of laws have been amended or enacted to give effect to specific rights, *inter alia*, the Press Code, a law on reform of the education system, the Personal Status Code, the Nationality Code, the Labour Code, and the Criminal Code. A number of political and administrative bodies have been established to ensure the protection of human rights. These include the Principal Advisor on Human Rights to the Head of State, human rights units in the Ministries of Foreign Affairs, the Interior, Justice and Social Affairs, and the Economic and Social Council. In addition to these bodies and the courts, other institutions have been set up to monitor respect for human rights and include the Higher Committee on Human Rights and Fundamental Freedoms, a consultative body under the aegis of the President which, in addition to advising the President may also receive complaints from individuals, and the office of the Ombudsman. International human rights treaties to which Tunisia is a party are more binding than internal legislation.

#### Economic, Social and Cultural Rights

Signed: 30 April 1968; ratified: 18 March 1969.  
Tunisia's second periodic report (E/1990/6/Add.14) has been submitted and is scheduled for consideration by the Committee at its November/December 1998 session; the third periodic report is due 30 June 2000.

#### Civil and Political Rights

Signed: 30 April 1968; ratified: 18 March 1969.  
Tunisia's fifth periodic report was due 4 February 1998.  
*Reservations and Declarations:* Declaration under article 41.

#### Racial Discrimination

Signed: 12 April 1966; ratified: 13 January 1967.  
Tunisia's 13<sup>th</sup> and 14<sup>th</sup> periodic reports were due 4 January 1994 and 1996 respectively.

#### Discrimination against Women

Signed: 24 July 1980; ratified: 20 September 1985.

Tunisia's third periodic report was due 20 October 1994.  
*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 was due 22 October 1993.  
*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.

### THEMATIC REPORTS

#### *Mechanisms of the Commission on Human Rights*

**Arbitrary detention, Working Group on:** (E/CN.4/1997/4, paras. 4, 7, 13, 17, 21; E/CN.4/1997/4/Add.1, Decision 5)

The main report notes that one case and four urgent appeals were sent and that the government replied to the appeals, stating that the four persons concerned had been released. No details of the cases or the government's responses were provided.

Decision 5 (1996) related to four persons: a primary school teacher who was reported to have been taken into custody, questioned for the whole day and then released in the evening, with the process repeated for several consecutive days; a woman who had been tried on charges of having helped her husband to flee from Tunisia and of belonging to al-Nahda, in contravention of the Organization of Associations Act of 7 November 1959; an anaesthetist who was arrested at his home by four inspectors and questioned about two journeys he made, one to Mecca and the other to France, and who was detained without charge or trial; and, a lawyer known for his human rights activities, who was arrested in June 1994 and held in custody since that time. The government responded to the cases, stating that the four had each been formally arrested, prosecuted and sentenced for offences under the Tunisian Penal Code. As regards to the first two cases, the individuals had been charged with membership in an unrecognized extremist movement called "Ennahda", which promotes hatred and racial and religious fanaticism, and for the assistance they gave to that movement, either by collecting money on its behalf or by helping a member of the movement to escape. The government further stated that: all four had, throughout the judicial proceedings, enjoyed full guarantees of a fair trial and of the observance of the rights to defence; they were allowed visits from their families during custody; and, were able to appeal against their convictions in first instance.

On the basis of the information received and the response of the government, the Working Group (WG) noted that the four had been prosecuted and sentenced under provisions of Tunisian criminal law and that the offences of which they were accused, such as membership in an illegal or unauthorized movement, were not in themselves incompatible with the relevant international human rights instruments. The WG also noted that the defendants had had access to remedies which