

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States Parties due in 1977

Addendum

TUNISIA

[30 March 1977]

The Permanent Mission of Tunisia has the honour to submit herewith a provisional report, pending communication as soon as possible of the detailed report by the Tunisian Government and any comments or reservations it may have to make in respect of the International Covenant on Civil and Political Rights.

Several months after acceding to independence Tunisia promulgated a body of texts known as the Code of Personal Status (Decree of 13 August 1956) and then, on 1 June 1959, the Constitution of the Republic of Tunisia which guarantee the basic rights of citizens.

Tunisian legislation thus includes a body of legal texts guaranteeing the civil and political rights of citizens and sanctioning failure to respect them (Constitution - codes - laws - decrees, etc.).

The law courts and an administrative court ensure respect of the rights set forth in the Constitution and in the laws and regulations of the Republic. These guaranteed rights fall into several categories:

I - Fundamental rights and freedoms

These are clearly set forth in the following articles of the Constitution; failure to respect them is punishable by law:

Article 5 : The Republic of Tunisia guarantees the dignity of the individual, freedom of conscience and the freedom of worship, provided it does not disturb law and order.

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- Article 6 : All citizens are equal with respect to their rights and duties and are equal before the law.
- Article 7 : Citizens shall exercise all their rights in the manner and under the conditions stipulated by the law. Exercise of these rights may be limited only by legislation enacted for the protection of the rights of others, for ensuring law and order, for national defence, for the development of the economy and for social betterment.
- Article 8 : Freedom of opinion, expression, the press, publication, assembly and association are guaranteed and enjoyed under the conditions determined by law. The right to form trade unions is guaranteed.
- Article 9 : Inviolability of the home and secrecy of correspondence are guaranteed, except in the exceptional cases provided by law.
- Article 10 : Every citizen has the right to move freely within the country, to leave the country, and to choose his domicile within the limits provided by law.
- Article 11 : No citizen may be expelled from or prevented from returning to his homeland.
- Article 12 : Anyone charged with an offence shall be presumed innocent until proven guilty at a trial at which he has had all the guarantees necessary for his defence.
- Article 13 : Penalties are personal and laws are not retroactive.
- Article 14 : The right to own property is guaranteed. It shall be enjoyed within the limits provided by law.
- Article 15 : Defence of the nation and its territorial integrity is a sacred duty for every citizen.
- Article 16 : Payment of taxes and contributions to public expenses, on an equitable basis, are a duty for each individual.
- Article 17 : Political refugees may not be extradited.
- Article 18 : The people shall exercise legislative power through the representative body known as the National Assembly.
- Article 19 : The National Assembly shall be elected by universal, free, direct suffrage using the secret ballot, in the manner provided by law.
- Article 20 : Every citizen who has been a Tunisian national for at least five years and has attained the age of twenty years shall be entitled to vote.
- Article 21 : Any voter born of a Tunisian father and having attained the age of thirty years may stand for election to the National Assembly.

II - Rights guaranteed under the Code of Personal Status

The Decree of 13 August 1956 promulgated a Code of Personal Status consolidating on an egalitarian basis for men and women the body of laws concerning marriage, divorce, filiation, inheritance and adoption.

Polygamy is prohibited. The marriage age has been raised (17 years for women and 18 years for men, article 5 of the Code of Personal Status); marriages must be performed before an official registrar. Specific provisions govern filiation, inheritance and adoption.

Equality between men and women is guaranteed with regard to divorce as a woman may take the initiative in divorce proceedings. Article 31, paragraph 3, of the Code of Personal Status provides: that divorce may be ordered "On the petition of either the husband or the wife; in such a case, the court shall determine the indemnity payable to the wife for the injury done to her or payable by the wife to the husband."

It should also be pointed out that in addition to the main provisions of the 1948 Universal Declaration of Human Rights, Tunisia has also implemented in its legislation the New York Convention of 1968. This Convention was ratified by Tunisia and has become an integral part of its internal law. It prohibits discrimination based on race, religion, nationality or colour in connexion with marriage. The same applies to the "International Covenant on Civil and Political Rights", whose various provisions have already been incorporated in the legislation of the Republic of Tunisia.

III- Economic and social rights guaranteed by the Constitution, the Labour Code, laws and regulations:

At the present time, political rights are far from guaranteeing the citizen a dignified existence, protected from need, sickness, accidents and ignorance. Consequently independent Tunisia has adopted for the benefit of its citizens constitutional, legislative and administrative provisions guaranteeing him education, work, the enjoyment of the fruits of his labour, security against sickness, accidents, old age, etc.

Article 14 of the Constitution guarantees for citizens the enjoyment of the fruits of their labour in that it affirms: "The right to own property is guaranteed. It shall be enjoyed within the limits provided by law".

Article 8 of the Constitution guarantees him freedom of association in order to defend his political or occupational interests by joining the trade union of his choice and availing himself of the right to strike if need be: "Freedom of assembly and association are guaranteed and shall be exercised in the manner defined by law. The right to form trade unions is guaranteed."

The Labour Code, promulgated in 1964, supplements and guarantees the other economic and social rights. All citizens enjoy the right to work under the rules in force. The State determines the number of working hours (eight hours per day), guarantees one day of rest per week, a paid vacation, a minimum wage, social security, retirement and other pensions, allowances and bonuses. Complete occupational equality between the sexes is guaranteed by equal pay for equal work, the same advancement and the same advantages, with, in addition, certain concessions for women dictated by their nature: paid maternity leave and authorized absences during working hours for nursing purposes.