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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW¹

N°2008-37 OF 16 JUNE 2008

RELATING TO THE HIGHER COMMITTEE
FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
OF TUNISIA

¹ English version as available on the website of the Higher Committee for Human Rights and Fundamental Freedoms of Tunisia (see. <http://www.droitsdelhomme.org.tn/en/wp-content/pdfs/reperes-en.pdf>)

Law n° 2008-37 of 16 June 2008**relating to the Higher Committee for Human Rights and Fundamental Freedoms²**

In the name of the People,
Following its adoption by the Chamber of Deputies and the Chamber of Advisors,
The President of the Republic promulgates the following law:

Article 1 :

The Higher Committee for Human Rights and Fundamental Freedoms is a national legal entity with financial autonomy. It aims at promoting and protecting human rights, consolidating their values, spreading the human rights culture, and helping guarantee the exercise of human rights. The Committee's headquarters is in Tunis; it may set up branches within the territory of the Republic of Tunisia.

Article 2 :

The Higher Committee for Human Rights and Fundamental Freedoms works alongside the President of the Republic to consolidate human rights and fundamental freedoms; thus it

- gives an opinion on issues submitted to it by the President; and which it may concern itself with, on any issues relating to the consolidation and protection of human rights and fundamental freedoms, and draws attention to cases of human rights violations;

- submits to the President of the Republic those proposals likely to consolidate human rights and fundamental freedoms at national and international level, including those that allow laws and practices to comply with, and be compatible with, international and regional instruments related to human rights and to fundamental freedoms;

- carries out any assignment entrusted to it in this field by the President of the Republic; receives requests and complaints concerning human rights and fundamental freedom issues; examines them, proceeds, if necessary, to hearing persons who lodge such complaints, sends them on to a competent authority for submission in the courts, tells the lodgers of the requests and complaints how to have their rights recognized and makes reports on this for the President of the Republic.

Article 3 :

The Higher Committee for Human Rights and Fundamental Freedoms is also responsible for:

- carrying on research and studies in the field of human rights and fundamental freedoms;

- helping to prepare the draft reports to be presented by Tunisia to United Nations bodies and committees as well as to regional institutions and bodies, and offering an opinion thereon;

- following up the observations and recommendations made by the United Nations bodies and committees and regional institutions and bodies when discussing Tunisia's reports which have been handed to them, and suggesting proposals to draw helpful conclusions from this;

² Preparatory work :

Debated and passed by the Chamber of Deputies at its 3 June 2008 meeting.
Debated and passed by the Chamber of Advisors at its 12 June 2008 meeting.

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- helping spread human rights and fundamental freedoms culture, by organizing international, national and regional seminars, distributing publications and holding conferences on the issues human rights and fundamental freedoms issues,
- helping draft plans and programs on human rights education and helping implement national Plans related to this;
- consolidating and promoting Tunisia's achievements in the field of human rights and fundamental freedoms.

Article 4 :

The Higher Committee for Human Rights and Fundamental Freedoms is also responsible for:

- cooperating, within the limits of its remit with the relevant United Nations regional institutions and national institutions of human right and human rights in other countries;
- cooperating with the International Coordinating Committee of national institutions for the promotion and protection of human rights, effectively contributing to its work and cooperating with other regional groups of national human rights institutions;
- participating in meetings organized by national or international human rights institutions Higher Committee for Human Rights and Fundamental Freedoms.

Article 5 :

The Higher Committee chairman can, without prior notice, visit rehabilitation and penal establishments, detention centers, centers for housing and watching over children, and social institutions for persons with specific needs, to make sure that the national human rights and fundamental freedoms laws are being enforced.

The Higher Committee chairman may be assisted by two members of the aforesaid Committee in the course of his assignment, at each visit of inspection.

Article 6 :

The Higher Committee chairman carries out by special order of the President of the Republic, missions of inquiry and investigation into human rights and fundamental freedoms issues, and submits reports on this to the President of the Republic.

Article 7 :

The Higher Committee for Human Rights and Fundamental Freedoms is composed of a chairman and the following members:

- a/ fifteen (15) national figures known for their integrity and competence in the field of human rights and fundamental freedoms who represent different currents of thought, universities and expertise,
- b/ a representative from the Chamber of Deputies
- c/ a representative from the Chamber of Advisors
- d/ twelve (12) representatives from national human rights NGOs

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e/ a representative from each of the following Ministries: Justice and Human Rights, the Interior, Foreign Affairs, Education, Higher Education, Social Affairs, Health, Culture, Youth, Children, Women and Communications.

The representatives from the Ministries provide coordination between the Higher Committee and their respective Ministries as regards human rights and fundamental freedoms.

Article 8 :

The President of the Republic appoints, by decree, the chairman of the Higher Committee, as well as all its above - mentioned members for three years renewable.

Members belonging to categories "b", "c", "d", and "e" are appointed at the suggestion of each of the concerned parties.

Only the Higher Committee chairman and all the members mentioned in paragraphs "a", "b", "c", and "d," are entitled to vote.

The Higher Committee chairman runs the Committee and represents it when dealing with third parties. To this end he is invested with every power and can delegate the right to sign.

Article 9 :

The Higher Committee presents its opinions and suggestions after consensus has been reached; failing this, by a majority of its members.

Article 10 :

The Higher Committee lays down rules for how it is organized, operates, and runs and its internal regulations. These are approved by decree.

Article 11 :

The Higher Committee may establish relations with NGOs, and the associations and institutions active in the fields of protecting and consolidating human rights, social and economic development, the fight against all forms of discrimination, racial segregation, the protection of vulnerable groups and any other related field.

Article 12 :

The Higher Committee for Human Rights and Fundamental Freedoms makes an annual report which its chairman submits to the President of the Republic. It also makes an annual national report on the situation of human rights and fundamental freedoms which is relayed to the public.

The Higher Committee for Human Rights and Fundamental Freedoms can publish press releases concerning its activities.

Article 13 :

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Notwithstanding the legislation in force, notably the law about the organization of the national audit office, the accounts of the Higher Committee are subject to an annual audit carried out by an auditor appointed in accordance with the legislation in force.

The Higher Committee is subject to the tax system for public establishments of an administrative nature as well as to the provisions of Article 37 of the Public Accountancy Code.

The budget of the Higher Committee for Human Rights and Fundamental Freedoms is made up as follows:

- State subsidies,
- Donations made to the Committee in compliance with the laws and regulations in force,
- Other revenue acknowledged to the Committee by the law or a regulation.

This law shall be published in the Official Gazette of the Republic of Tunisia and shall be enforced as a State law.

Tunis, 16 June 2008
Zine ElAbidine BenAli