

TUNISIA

Special Decisions or Action Taken Re: Reporting, Including Urgent Action Procedure

CERD A/8418 (1971)

Annex III

Text of communication sent to ... Tunisia ... adopted by the Committee at its third session, on 23 April 1971

The Committee on the Elimination of Racial Discrimination invites the attention of the Government of [Tunisia] to article 9, paragraph 1 (a), of the International Convention on the Elimination of All Forms of Racial Discrimination. Under that article, States Parties undertake, *inter alia*, to submit a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of the Convention "within one year after the entry into force of the Convention for the State concerned".

The Committee notes with regret that, despite its communication of 18 September 1970, transmitted to the Government of [Tunisia] by the Secretary-General in his note SO 237/2 (2) of 5 October 1970, the report of [Tunisia] under article 9, paragraph 1, of the Convention, which was due on 5 January 1970, has not yet been received.

In its earlier communication of 28 January 1970 (CERD/C/R.12, contained in document A/8027, annex III A), and transmitted to all States Parties by the Secretary-General in a note verbale dated 27 February 1970, the Committee stated:

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention."

The Committee therefore decided at its third session to address this communication to the Government of [Tunisia], through the Secretary-General, and to request it to submit its report by 30 June 1971. The Committee wishes to refer once again to the provisions of rule 66 of its provisional rules of procedure adopted at its second session, which states:

"1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

"2. If even after the reminder, referred to in paragraph 1 of this Rule, the State Party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly."

The Committee expresses the hope that the report will be prepared on the lines suggested by the Committee in its earlier communication of 28 January 1970 (A/8027, annex III A), a copy of which is enclosed herewith.

CERD A/57/18 (2002)

Chapter VII. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION

...

C. Action taken by the Committee to ensure submission of reports by States parties

497. At its sixtieth and sixty-first sessions, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

498. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were excessively overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were excessively overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue. The question of the extent to which conclusions communicated to the State party under the review procedure could be based upon that material remains a matter of ongoing discussion (CERD/C/SR.1463).

499. Following its fifty-ninth session, the Committee decided to schedule at its sixtieth session a review of the implementation of the provisions of the Convention in the following States parties whose periodic reports were seriously overdue: ... Tunisia ... In the cases of Botswana, Albania and Tunisia, the reviews were postponed at the request of the States parties which indicated their intention to submit the requested reports shortly. Reports were subsequently submitted by Botswana and Tunisia.

...

501. The Committee again requested the Secretary-General to continue sending reminders automatically to those States parties whose reports were overdue.