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**Working Group on the Universal Periodic Review**  
**Twenty-seventh session**  
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### **Draft report of the Working Group on the Universal Periodic Review\***

#### **Tunisia**

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\* The annex to the present report is circulated as received.

## Contents

|   | <i>Page</i> |
|---|-------------|
| Introduction .....  | 3           |
| I Summary of the proceedings of the review process .....              | 3           |
| A. Presentation by the State under review .....                       | 3           |
| B. Interactive dialogue and responses by the State under review ..... | 3           |
| II. Conclusions and/or recommendations.....                           | 12          |
| Annex   |             |
| Composition of the delegation .....                                   | 28          |

## Introduction

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-seventh session from 1 to 12 May 2017. The review of Tunisia was held at the 3rd meeting on 2 May 2017. The delegation of Tunisia was headed by the Ministre chargé de la relation avec les Instances Constitutionnelles et la Société Civile et des Droits de l'Homme, M. Mehdi Ben Gharbia. At its 10th meeting held on 5 May 2017, the Working Group adopted the report on Tunisia.

2. On 13 February 2017, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Tunisia: Netherlands, Qatar and Rwanda.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Tunisia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/27/TUN/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/27/TUN/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/TUN/3).

4. A list of questions prepared in advance by Belgium, Czechia, Germany, Mexico, Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland was transmitted to Tunisia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The head of the delegation of Tunisia stated that the Government is determined to bring profound changes in the human rights situation of the country through reforms and new laws: a new Constitution was adopted in 2014 confirming fundamental freedoms and other essential economic, social and cultural rights. There are remarkable efforts underway to revise the Tunisian legislation to bring it in line with the Constitution and international obligations and several mechanisms on good governance, on fighting corruption, trafficking in persons have been created. The cooperation with the OHCHR is positive and 15 special procedures mandate holders have visited Tunisia since 2011. The civil society is an important partner of the Government in all human rights activities. Tunisia is not sheltered from terrorism but human rights are always respected: security and armed forces systematically receive human rights training and impunity is constantly monitored and pursued.

### B. Interactive dialogue and responses by the State under review

6. During the interactive dialogue, 98 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

7. Sudan noted efforts in facing the challenges of the democratic transition, in combating terrorism and reforming the judiciary and social dialogue.
8. Sweden noted that despite marked strides in the field of gender equality, reports of sexual harassment and sexual violence persist.
9. Switzerland welcomed the prohibition of torture in the new Constitution but remained concerned about persisting reports of torture and ill-treatment.
10. Syrian Arab Republic welcomed progress made in integrating human rights in the state authorities, and the role of the national media to achieve this goal.
11. Togo praised the adoption of the 2012-2016 Strategic Plan that includes strengthening the independence of the judiciary.
12. Turkey inquired about measures to increase the number of vocational training centres and whether a partnership with the private sector was envisaged.
13. Uganda praised the establishment of several independent Constitutional bodies and referred to the situation of vulnerable migrants.
14. Ukraine encouraged harmonizing the legislative framework, improving conditions for persons with disabilities and reforming the social security system.
15. United Arabs of Emirates commended the establishment of the National Authority to combat trafficking in persons, and efforts to punish and prosecute perpetrators.
16. United Kingdom of Great Britain and Northern Ireland encouraged the operationalisation of the Constitutional Court without delay.
17. The United States of America was concerned by the lack of transparency in investigating recent reports of security forces abuses.
18. Uruguay raised concern with the situation of women and gender equality.
19. Argentina raised the issue of discrimination against LGBTI persons. It mentioned the creation of the Commission for Truth and Dignity.
20. Yemen commended efforts in establishing the national preventive mechanism on torture and the adoption of a plan to reform the judiciary.
21. Zambia noted the lack of steps to address domestic violence, violence against women, marital rape and discrimination against women.
22. Zimbabwe praised Tunisia's national report and mid-term report as well as the open invitation to Special Procedures mandate holders.
23. Algeria welcomed the 2014 Constitution and the establishment of new human rights institutions and strategies.
24. Angola praised the ratification of most of human rights instruments and the lifting of its reservations on ICESCR.
25. Venezuela (Bolivarian Republic of) welcomed the creation of the Council of Observation for Equal Opportunities.
26. Australia referred to the new Constitution as a milestone. It welcomed the creation of the High Authority for the Prevention of Torture.
27. Austria noted with appreciation that the Tunisian League for Human Rights was part of the quartet of the 2015 Nobel Prize.
28. Azerbaijan inquired about the interlinkage between the State bodies and the independent constitutional bodies.

29. Bahrain commended the positive cooperation with the Council Mechanisms as signalled by accepting most UPR recommendations.
30. Bangladesh lauded the establishment of a National Commission, attached to the Prime Minister's Office for follow up on human rights recommendations.
31. Belgium praised Tunisia's cooperation and engagement with the international human rights mechanisms including Special Procedures.
32. Botswana highlighted the importance of the independence of the judiciary to protect democracy and good governance.
33. Brazil commended the country's openness to dialogue with civil society and the holding of democratic elections in 2014.
34. Burkina Faso praised the progress achieved in the democratic transition as an exemplary cooperation with human rights mechanisms.
35. Burundi congratulated Tunisia for the establishment of a National Coordination Commission for reporting and following up on human rights recommendations.
36. Canada welcomed the democratic progress achieved including the incorporation of human rights guarantees and protections in the 2014 Constitution.
37. On questions by Sweden and other countries regarding the alignment of the Constitution with international obligations, Tunisia stated that there is a strategy to establish a steering committee to make sure that all national laws are in line with the international conventions, and to guarantee sustainability of revision and alignment, whether in total or partial reform. Most ministries are effectively working at these tasks. Multidisciplinary committees formed by judges, academicians, lawyers and civil servants have been established to provide proposals on the revision of laws for alignment with the Constitution. The revision of the Code of Criminal Procedure with the Constitution included: revising criminal law on the pre-detention trial and the rights of detainees before trial; the provisions of rehabilitation services afterwards; the revision of code of civil and commercial procedure. The revision of the Code of the Rights of the Child to align it with article 47 of the Constitution included rights of children to be treated without any discrimination, friendly treatment during judicial procedures as well as rehabilitation and integration for the children who are victims of offences; treatment of detained children and administration of detention places.
38. The law on criminal military courts has been revised before the adoption of decree number 69 of 2011 on the organisation of military judiciary. A committee was established under the Ministry of National Defence with the task of aligning the national laws regarding the organisation of the military courts and the statute of the military judges with the new Constitution.
39. The Ministry of Interior prepared a draft law to promote human rights within the security setting. A draft project was initiated to revise the basic law on the national security forces to regulate their work, respect the rule of law and give supremacy to human rights. This project carried out a comprehensive revision to reach the best standards of democratic systems, including the creation of a commission, which will supervise places of detention and national security agencies. Moreover, after the revolution, the Government wished to quickly revise Law 4 of 1969 which regulates demonstrations and public assemblies, because some of its norms were in contradiction with international norms. The revision is ongoing under the government authority.
40. On asylum, the 2014 Constitution guarantees in its article 26 the right to political asylum within the preview of the law. Tunisia ratified the Convention of 1951 relating to the status of refugees and the African Union Convention Governing Specific Aspects of

refugee's problems in Africa. There is a draft law on asylum in which a body would monitor the conditions of refugees. In the meantime, the High Commissioner for Refugees is addressing the issue of the definition of refugee and the allocation of the status of refugee in Tunisia.

41. On a question by Norway on asylum and migration, Tunisia stated that a national strategy on migration was prepared through a participatory effort with the civil society. It is based on five points: Strengthen governance in migration management; guarantee the rights and interests of Tunisian migrants and strengthen the links between them and with the motherland; strengthen the contribution of migration to socio-economic development at the local, regional and national level; promote regular migration of Tunisians and prevent irregular migration; protect the rights of foreign migrants and asylum seekers.

42. A National Council of Tunisians abroad has been established under Law No. 68 of 2016 of 3 August 2016 with the task of taking care of the rights and interest of Tunisians abroad and encouraging them to invest in Tunisia. A National Observatory for Migration was also established to monitor fluxes of migration and carries out research in this field. Regarding the rights of migrants, the project "Rationalizing labor migration governance and protecting the rights of workers" is implemented with the support of the Swiss Federation. The possibility of Tunisia's ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is also subject of consultation.

43. Regarding the right of assembly, the Government set a priority in preparing a law on the organisation of associations, in a manner compatible with international norms and standards. This would also increase transparency in the financing of civil society organisations.

44. The Government drafted a text on the accession to the third Optional Protocol to the Convention on the Rights of the Child, and on the accession to the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Regarding the reservations on the Convention on the Elimination of Discrimination against Women, Tunisia had signed the Convention in 1985. Tunisia had presented a declaration and several reservations, which have been lifted after the revolution by the Government.

45. About violence against women, Article 46 of the Constitution stipulates that the state must take all measures necessary to combat violence against women. In implementation of this, the Government has proposed a draft law to the People's Assembly in this regard since July 2016. This project is comprehensive in terms of addressing the issue of violence against women from a human rights-based approach that guarantees the right to dignity and the inviolability of the body of women. It is also a comprehensive approach to the elimination of gender-based violence through exposure to prevention, protection, commitment and coordination. This initiative has been studied by the Committee of Rights and Fundamental Freedoms in the Assembly. In anticipation of this and the implementation of the national strategy to eliminate violence against women throughout its entire life cycle, which was re-launched in 2012 five protocols have been signed to protect women victims of violence in December 2016. In a case of divorce and to prevent violence against women, there have been shelters set up since 2015. Tunisia will also be implementing a direct hotline for women to gain information on access to assistance.

46. Chad welcomed numerous legislative and institutional measures to promote and protect human rights and the participatory approach adopted by the National Coordinating Commission.

47. Chile welcomed changes for gender equality and expressed concern about the levels of discrimination and violence against women and information on torture during detention.

48. China commended efforts regarding the development of the least developed regions and improve living standards and reduce the gap between the rural and urban population.
49. Congo encouraged Tunisia to redouble its efforts to harmonize its legislation and regulation with the New Constitution and the international legal instruments.
50. Costa Rica welcomed measures against torture and expressed concern about death penalty not being eliminated in the Constitution and the criminalization of sexual relations between same-sex persons.
51. Côte d'Ivoire welcomed the national mechanism to follow-up United Nations recommendations and encouraged the government to strengthen provisions to fight the exploitation of vulnerable people and migrants.
52. Cuba highlighted legislative measures on the penitentiary, the creation of the national body to prevent torture and measures to fight racial discrimination.
53. Czechia welcomed the adoption of the 2014 constitution providing a robust human rights protection framework.
54. Denmark noted with concern discrimination and violence against LGBTI people highlighting that Article 230 of the Penal Code was a key obstacle to equal treatment irrespective of sexual orientation.
55. Djibouti praised the adoption of the law against trafficking in persons which also fight against all forms of exploitation of women and children.
56. Egypt highlighted the 2014 Constitution as well as legislative and institutional measures adopted, and the implementation of the national strategy on the judiciary.
57. Ethiopia commended the judicial system reform and Act on the fight against human trafficking and encouraged Tunisia to further strengthen its efforts to combat terrorism.
58. Finland welcomed improvements regarding Tunisia's democratic transition and highlighted the importance of allocating necessary resources to the national human rights institutions.
59. France encouraged Tunisia to take all appropriate measures to implement the new Constitution and to align the laws and the judicial system and effectively implement constitutional justice.
60. Gabon welcomed measures to implement a legislative and institutional framework which fosters the upholding of human rights.
61. Georgia highlighted the adoption of the Constitution and encouraged the Government to further mainstream human rights issues at all levels.
62. Germany expressed concern about the implementation of the constitutional safeguards for all.
63. Ghana commended the open invitation to special procedures mandate holders issued by Tunisia.
64. Greece encouraged Tunisia to continue its measures to ensure access to labour market reduce unemployment, eliminate social disparities to improve the living conditions of Tunisians.
65. Guatemala stated the need to harmonize the legislative framework with the Constitution and international norms and provide sufficient resources to the Constitutional Tribunal.

66. Honduras highlighted the establishment of a Ministry of Human Rights and Transitional Justice and of the National Mechanism to prevent Torture.
67. Iceland noted with regret that anal testing is used as the main evidence to convict men for homosexuality, and asked Tunisia how such a practice could be deemed in line with international human rights standards.
68. Indonesia welcomed the establishment of the National Counter-Terrorism Commission and the National Financial Analysis Commission.
69. Iraq commended the Constitution, the open invitation to special procedures mandate holders and Tunisia's ratification of human rights instruments.
70. Spain commended Tunisia for its progress made in the protection of human rights as a result of the adoption of the 2014 constitution.
71. Italy welcomed the efforts undertaken since the previous review. It noted the adoption of the new Constitution and the organic law on human trafficking, amongst others.
72. Japan noted the current state of emergency and the strengthened counter-terrorism measures. It was concerned by the measures in the legal framework that were prejudicial to women.
73. Jordan appreciated the willingness to develop a national strategy to combat violence against women and to promote the rights of persons with disabilities, and the steps taken to combat trafficking in persons.
74. Kenya commended Tunisia for efforts to implement past recommendations.
75. Kuwait commended Tunisia for efforts to promote political and democratic freedom. Kuwait appealed to the international community to assist Tunisia with its economic and social challenges to continue the success of the democratic transition.
76. Kyrgyzstan was pleased to note that the 2014 Constitution contained human rights norms. Kyrgyzstan welcomed the strengthening of the legislative and institutional framework.
77. Lebanon welcomed the adoption of the new Constitution, which established a democratic system. It applauded the pioneering role of women, protected by legislation.
78. Libya noted progress in the implementation of recommendations from the previous review, and the adoption of the Constitution which enshrined the country's attachment to human rights, dignity and constitutional justice.
79. Tunisia stated that it signed the Optional Protocol against Torture, set up a body for the prevention of torture and investigates gross human rights violations. There is a decline in the numbers of complaints: in 2013, there were around 492 cases. In 2016, the number declined to 200 complaints. Approximately 53 of them were referred to the courts.
80. In implementing the previous cycle recommendations, the Ministry of Human Rights organised a national meeting on the repeal of the death penalty, which ended up adopting the article 22 of the Constitution. The number of death definitive verdict sentences are 26 now and 35 are still in the process of appeal, yet Tunisia has not enforced any death penalty verdict since 1991 and has also adopted the General Assembly resolution on the repeal of the death penalty in 2012.
81. Article 23 of the Constitution stipulates that the state protects human life and is against material and moral torture; the same article stipulates the impossibility of arresting persons and holding them in custody, unless the act falls under a legal law or code. The Constitution also enshrines the law of limitation status with regards to crimes related to torture. To ensure the implementation of these provisions the Minister of Justice issued a



guide against torture by the end of 2014 with cooperation of a Danish anti torture centre. The Optional Protocol against Torture is also used for human rights training in prisons. Civil society actors through an authorization from the Ministry of Justice can visit prisons and prisoners: in this light Tunisia signed a memorandum of understanding with the Tunisian League on Human Rights in July 2015. Tunisia also established an agreement allowing the Ministry of Affairs of Women and Childhood to visit sentenced children and is also reviewing the Penal Code to be in line with international standards, particularly about finding a definition of torture and to further bolster guarantees in the period of custody and arrest.

82. The Ministry of Interior passed a law abolishing the central unit for detention at the same ministry, to put an end to all sorts of secret detention and all types of torture and mistreatment. The regional Red Cross Committee in Tunisia, the High Commissioner's office and the Fundamental Freedoms Committee, whenever they are notified and without a prior permission, can visit detention centres and meet those who are detained. They benefit in this regard from the legal regulations governing the detentions. From 2011 up until 2017, over 70 visits have been registered.

83. The Minister of Interior is implementing a project regarding the improvement of the treatment of prisoners during detention, in cooperation with the International Committee of the Red Cross in Tunisia. There are 16 principles that are being followed to train the relevant authorities in the proper treatment of prisoners and the improvement of infrastructure of detention. There is also a guide that has been prepared on the rules or model laws on the treatment of prisoners, known as the Nelson Mandela rules.

84. Regarding the overcrowding in prisons, Tunisia have 21.466 prisoners in 28 prisons and 5 prisons for juvenile delinquency. The space has increased from 1.22 square meters to 1.86 in December 2016. The infrastructure has been developed through the modernization and rehabilitation of several prisons. Alternative punishments, like the electronic bracelet, will be available. The penal system is being revised to reduce crimes punished by prison, such as the sentence for the crime for the misuse of drugs. 14323 prisoners have benefited from rehabilitation.

85. A law on the combating of terrorism and money laundering was adopted in 2015, there is a national Committee to combat terrorism, a national committee to combat money laundering, and the judicial pole against terrorism. In 2016, a national strategy for combating terrorism and violent extremism has been adopted by the President of Republic. New judges have been appointed in judicial pole against terrorism, trained in the field of human rights, and in respecting human rights while combatting terrorism.

86. All units who investigate crimes of terrorism are bound by the general oversight of the judiciary and other apparatus. On the field, the Minister of Interior adopted several measures to combat the phenomenon of volunteering, and there is an effort to raise awareness amongst the youth on any activity that may lead to terrorism. The law to combat terrorism did not include the national army. However, in military areas and in closed military areas, the national army participates in combating terrorism and crime. The planning for combating terrorism is based on international law and on the basis of defence needs, taking into consideration all the guarantees provided by international conventions and human rights law.

87. Liechtenstein welcomed steps to ensure accountability for past human rights violations, and efforts to combat violence against women. Liechtenstein was concerned by attacks on human rights defenders and harassment of journalists and artists.

88. Luxembourg congratulated Tunisia for the follow-up of recommendations from the previous review, and for the human rights guarantees in the 2014 Constitution. It welcomed the creation of the institutional framework for the protection of human rights.

89. Madagascar was pleased by the establishment of a ministry for human rights and transitional justice as well as the national human rights body.
90. The Maldives commended Tunisia's commitments towards improving its judicial system and its efforts towards combatting torture, terrorism and human trafficking.
91. Mauritania highlighted the encouraging progress within the standard setting and institutional framework with the adoption of legislative and institutional measures undertaken by Tunisia since its last UPR cycle.
92. Mauritius commended Tunisia for enshrining in its Constitution civil, political, economic, social and cultural rights, and the rights of women, children and persons with disabilities.
93. Mexico praised Tunisia's efforts to preserve the respect for institutions as well as their efforts to consolidate democratic life in their country.
94. Montenegro welcomed the ratification of the Optional Protocol to the Convention against Torture and the establishment of the National Preventive Mechanism.
95. Morocco payed tribute to the strengthening of the national system through the adoption of a new constitution and the establishment of many independent human rights bodies since the last UPR cycle.
96. Mozambique commended Tunisia for having ratified 15 out of 18 international human rights instruments and for welcoming 10 special procedures visits during the past four years.
97. Namibia congratulated Tunisia for adopting a new constitution in 2014 and also for putting in place various measures aimed at the reform of the judicial system.
98. The Netherlands expressed concern with the absence of a law criminalizing all forms of discrimination, incitement to hatred and violence based on sexual orientation and gender identity.
99. Niger welcomed that the new constitution of Tunisia enshrines a republican and democratic system based on the rights of people, public liberties and the rule of law.
100. Nigeria commended the implementation of the national integrated education strategy, and welcomed the establishment of National Commission to Combat Racial Discrimination.
101. Norway welcomed the moratorium on the death penalty, and commended the new constitution of 2014.
102. Oman welcomed the establishment of a culture of human rights, and the consolidation of the rule of law.
103. Pakistan commended the establishment of institutions necessary for the promotion, protection and implementation of human rights.
104. Peru welcomed the achievements concerning to the promotion and protection of human rights, and the promulgation of the new Constitution.
105. Philippines commended the establishment of an independent Human Rights Commission and other bodies, concerning prevention of torture, access to information and human trafficking.
106. Poland commended efforts to promote human rights, particularly discrimination, equal opportunities, violence against and representation in public life of women.
107. Portugal was concerned about the discrimination and violence that women face.

108. Qatar welcomed measures for promoting human rights mechanisms and commended the adoption of the Constitution in 2014.
109. The Republic of Korea commended the 2014 Constitution, steps for an independent judiciary and the establishment of a National Human Rights Commission.
110. Romania commended Tunisia for the broad range of measures on human rights, which have been adopted since the second UPR cycle.
111. Rwanda commended Tunisia for the notable progress it has registered in improving the social and economic status of its citizens.
112. Saudi Arabia commended the ongoing efforts made by Tunisia to implement the recommendations that it received during the second UPR cycle and the human rights measures taken.
113. Senegal noted with satisfaction the adoption of the constitution 2014 and that Tunisia has built the foundation of a democratic state that promotes human rights and public freedoms.
114. Sierra Leone urged Tunisia to expedite the establishment of the Constitutional Court that would safeguard the rights embedded in the new Constitution of 2014.
115. Slovenia encouraged Tunisia to keep the de facto moratorium on the death penalty in place and continue efforts to its complete abolition.
116. South Africa welcomed the devotion of a special chapter of the new 2014 Constitution to independent constitutional bodies seeking to support democracy.
117. South Sudan noted with appreciation the adoption of the Tunisian Constitution of 2014 and the steps made by the government to strengthen and reinforce institution-building.
118. Ireland remained concerned that the death penalty remains lawful and urged it to lift its declaration on the Convention on the Elimination of Discrimination against Women.
119. Sri Lanka commended Tunisia's remarkable efforts on legislative and institutional changes, including the adoption of a new constitution in 2014.
120. The State of Palestine noted Tunisia's efforts to further women's rights through programmes and legislations and commended Tunisia's efforts to provide health services.
121. Central African Republic encouraged Tunisia in its resolute cooperation with international human rights mechanisms illustrated by the standing invitation to special procedures mandate holders.
122. Concerning discrimination on the grounds of sexual orientation, Tunisia stated that all forms of discrimination, hatred and incitement to hatred are anti-Constitutional. Any person of any sexual orientation enjoys full rights and has access to education and all other rights. All aggression against any citizen based on his or her sexual orientation is criminalized and prosecuted. The President of the Republic called for drafting a new law concerning individual rights; the discussion of this law will be the opportunity to open a dialogue on Article 230. Medical examinations are contingent on the consent of the person concerned in the presence of a medical expert.
123. As per the comments by Switzerland on the measures taken by Tunisia to prevent irregularities in migration, an agreement has been signed with the International Organisation for Migration regarding migrants who wish to return voluntarily to their country of origin under which the latter sends to the Tunisian Authorities a list of migrants wishing to return voluntarily to their countries of origin. In turn, the Tunisian Authorities grant them the exemption of payment of the penalties so that they can return to their country. Furthermore, Tunisia is putting in place a national strategy on migration through

an open and consultative process, which will then be extended to bilateral and multilateral partners.

124. The 2014 Constitution has stated that all are equal before the law and has adopted rights and fundamental freedoms, in line with Tunisia obligations and international human rights standards. Some of the articles of the Constitution are being updated, as they were drawn up by the former regime, to bring them in line with international obligations and standards, and with the recommendations of the special procedures rapporteurs. Tunisia is also trying to foster the independence of the judiciary and Constitutional Court to repeal or amend some of those articles that are contrary to international standards. However, these efforts cannot be achieved without a dialogue with all stakeholders. Tunisia thanked all for the recommendations made, stating that it will positively interact with these recommendations.

## **II. Conclusions and/or recommendations\*\***

**125. The recommendations formulated during the interactive dialogue/listed below have been examined by Tunisia and enjoy the support of Tunisia:**

**125.1. Ratify the Protocol to the African Charter of Human and Peoples Rights on the Rights of Women in Africa: the Maputo Protocol<sup>1</sup> (Peru);**

**125.2. Consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Georgia);**

**125.3. Envisage to complete the process of adhesion to the Third Optional Protocol to the Convention on the Rights of the Child to implement an individual complaint in case of violations the rights of children, and to the European Council of the Convention of Children against children sexual exploitation and abuse (Burkina Faso);**

**125.4. Ratify the Optional Protocol to the Convention on the Rights of the Child<sup>2</sup> (Sierra Leone);**

**125.5. Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Uganda);**

**125.6. Align the legislative amendments to the Constitution with Convention for the Elimination of All Forms of Discrimination Against Women, reforming the laws that are discriminatory to women (Uruguay);**

**125.7. Accelerate the alignment of national legislation with a bearing on human rights to the new Constitution which was adopted in 2014, including that relating to the prevention and criminalisation of violence against women and children (Zimbabwe);**

**125.8. Ratify the Protocol of the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Madagascar);**

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\*\* The conclusions and recommendations have not been edited.

<sup>1</sup> During the interactive dialogue, the recommendation was read as follows: Consider withdrawing general declaration to the Convention on the Elimination of All Forms of Discrimination against Women and ratification of the Protocol to the African Charter of Human and Peoples Rights on the Rights of Women in Africa: the Maputo Protocol (Peru);

<sup>2</sup> During the interactive dialogue, the recommendation was read as follows: Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, as well as the Optional Protocol to the Convention on the Rights of the Child (Sierra Leone);

- 125.9. Pursue ongoing cooperation with human rights mechanisms (Saudi Arabia);
- 125.10. Adopt an open, merit-based selection process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);
- 125.11. Continue with the establishment of legal and independent bodies including the Constitutional Council (Sudan);
- 125.12. Without further delay, take steps to adopt the laws called for in its Constitution to safeguard the unique status of independent agencies in Tunisia (Sweden);
- 125.13. Ensure the compliance of its legislation, especially the Code of Personal Status and the Penal Code, with Articles 21 and 46 of its Constitution and international human rights obligations (Switzerland);
- 125.14. Accelerate the ongoing process to harmonize the present legislation with the Constitution (Angola);
- 125.15. Take all the necessary steps to resolve the divergences in the interpretation of the legal text with regards to the Supreme Judicial Council and ensure that such interpretation is in accordance with the provisions of the Constitution (Botswana);
- 125.16. Continue the harmonisation of legal frameworks in line with the Constitutional texts (Iraq);
- 125.17. Fully implement the ideals of the new Constitution, including the initiation of the Constitutional Court proceedings (Japan);
- 125.18. Create and ensure the functioning of Constitutional bodies such as institutions on human rights and good governance as well as a Constitutional Court (Portugal);
- 125.19. Continue efforts to bring national legislation relevant with human rights in line with the Tunisian constitution and its international human rights obligations (Qatar);
- 125.20. Continue the establishment of constitutional bodies by completing the legislative process and enacting adequate legislation in this regard (Romania);
- 125.21. Quickly establish the Constitutional Court and expedite the revision of laws that are incompatible with the Constitution and international human rights standards (Guatemala);
- 125.22. Continue the process of harmonizing national legislation, including the penal code and penal procedure code with the Constitution and international human rights instruments ratified by Tunisia (Italy);
- 125.23. Continue to bring its legislation into compliance with the constitution as well as with ratified international instruments (Madagascar);
- 125.24. Continue to take effective measures to align its legal system with its new constitution and with the relevant international human rights instruments (Namibia);
- 125.25. Revise comprehensively its national legislation in order to place it in line with its Constitution and with the Convention for the Elimination of All forms of Discrimination Against Women (Honduras);

- 125.26. Harmonize legislation that discriminated women with the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women (Kyrgyzstan);
- 125.27. Continue to finalize the establishment of the Constitutional Court and to expedite the overhaul of the laws that are inconsistent with the Constitution and international human rights standards so as to expand on the environment that is conducive for further implementation of recommendations of the UPR (Kenya);
- 125.28. Continue to work towards modernizing legislation in line with the new Tunisian Constitution and to complete the implementation of the recommendations of the first session of the UPR (Kuwait);
- 125.29. Accelerate the creation of the Constitutional Court and the Constitutional bodies, ensuring that they and other institutions, including the National Authority for the Prevention of Torture, are independent, adequately resourced, and swiftly operational (United Kingdom of Great Britain and Northern Ireland);
- 125.30. Renovate the National Council for Social Dialogue (Cuba);
- 125.31. Ensure effective and independent functioning of the national preventive mechanism under the Optional Protocol to the Convention against Torture (Czechia);
- 125.32. Continue its efforts to strengthen its democratic institutions and values, and develop its comprehensive national human rights policies to embrace all sectors of economic and social domains, such as education, health, the environment, and poverty eradication programs; and to support their implementation (Pakistan);
- 125.33. Adopt human rights capacity-building and training programs for law enforcement officials (Chile);
- 125.34. Take into account the concerns of Tunisian civil society in the context of the future law on national reconciliation (Luxembourg);
- 125.35. Ensure the coherence with mandates of the National Preventive Mechanism in the establishment process of the new National Human Rights Institution (Ghana);
- 125.36. Finalize the establishment of a new national human rights institution in compliance with the Paris Principles (Kenya);
- 125.37. Step up efforts towards the completion of institutional framework for the promotion and protection of human rights, including the formulation of a national human rights action plan (Philippines);
- 125.38. Continue work on raising awareness and enhancing training and capacity building in the field of human rights for government institutions, particularly internal security members and military forces in accordance with international standards (Qatar);
- 125.39. Continue to strengthen human rights training of police and local government officials, especially on interrogation and investigation methods. Developments in the legal framework take much training and effort to translate to actual practices (Republic of Korea);

- 125.40. Criminalize racism, in line with international commitments (Kyrgyzstan);
- 125.41. Criminalize racism, in line with international commitments (Ukraine);
- 125.42. Accelerate the process of adoption of a relevant legislative and regulatory framework for combating racial discrimination (Congo);
- 125.43. Adopt a legislative framework ensuring protection against all forms of offences motivated on prejudices (Côte d'Ivoire);
- 125.44. Continue efforts to promote gender equality (Jordan);
- 125.45. Continue with its efforts to improve the conditions of persons with disabilities and in particular through the support for reasonable accommodation in the workplace as well as access to education countrywide (Mexico);
- 125.46. Criminalize racial discrimination and enforce laws which protect the rights of the black population (Sierra Leone);
- 125.47. Adopt a law prohibiting racial discrimination, including criminalizing such behaviour (South Africa);
- 125.48. Immediately cease the practice of forced anal examinations of LGBTI persons, contrary to its obligations under the Convention Against torture (Ireland);
- 125.49. Continue its efforts in the less developed regions by encouraging development and investment (Libya);
- 125.50. Continue efforts to pursue legislative efforts for the sustainable development commission for future generations (Saudi Arabia);
- 125.51. Enhance State's efforts to fight terrorism and continue awareness raising to fight against extremism (Syrian Arab Republic);
- 125.52. Ensure security measures under state of emergency or counterterrorism laws maintain the human rights of suspects, detainees, and their families (United States of America);
- 125.53. Create a law or guidelines to end the use of excessive force against individuals suspected of involvement in terrorist activities, improving pre-trial detention conditions, installing video cameras in places of detention and ensuring access to lawyer services without delay (Canada);
- 125.54. Continue efforts to combat terrorism (Iraq);
- 125.55. Ensure the existence of scientific, intellectual, legal, social, economic programmes to raise awareness about the risk of terrorism on all levels (Iraq);
- 125.56. Continue efforts to implement the national strategy for combating terrorism and violent extremism (Libya);
- 125.57. Continue its efforts to implement its strategy to combat terrorism and violent extremism in conjunction of all relevant authorities (Oman);
- 125.58. Ensure respect of human rights while combating terrorism by means among others ensuring the right to fair trial and due process and freedom of expression (Peru);

- 125.59. Pass comprehensive and specific legislation on violence against women that contains both criminal and civil provisions (Zambia);
- 125.60. Establish within the new law civil remedies including comprehensive protection orders that are part of the civil procedure code instead of integrated into the Penal Code (Zambia);
- 125.61. Pursue its reform of the security sector (Luxembourg);
- 125.62. Continue with security sector reform to ensure appropriate training and oversight mechanisms are in place (Australia);
- 125.63. Ensure all allegations of excessive use of force or other security force abuses are investigated in a prompt, effective and independent manner (United States of America);
- 125.64. Continue with dialogues at the national level, with a view to reach consensus to abolish the death penalty in the Constitution (Costa Rica);
- 125.65. Promote a national debate on the abolition of the death penalty (Italy);
- 125.66. Maintain its de facto moratorium on the use of the death penalty with a view towards its total abolition (Rwanda);
- 125.67. Facilitate a public debate on death penalty, with input from the Human Rights Commission, other relevant constitutional bodies and civil society, with a view to ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ireland);
- 125.68. Step up its efforts to prevent torture and ill treatment by ensuring that allegations of torture and ill treatment are systematically investigated and the perpetrators are prosecuted and punished and victims are compensated in an adequate and equitable manner (Switzerland);
- 125.69. Take the necessary measures to more effectively fight torture (Togo);
- 125.70. Undertake measures aimed at eliminating torture and other forms of ill-treatment (Ukraine);
- 125.71. Bring the definition of torture in Tunisian law in line with the Convention against Torture and focus on best practice, human rights training for police and security personnel (Austria);
- 125.72. Adopt measures to secure independent and effective investigation of allegations of torture by the police in compliance with the Istanbul Protocol (Czechia);
- 125.73. Take all necessary measures to render effective the prosecution and sentencing of perpetrators of torture and ill-treatment (France);
- 125.74. Strengthen the independence of the national mechanism for the prevention of torture and other forms of ill-treatment including by the provision of a separate and adequate budget (Germany);
- 125.75. Bring the definition of torture in accordance with the requirements of the UN Convention against Torture (Ghana);
- 125.76. Adopt the functioning decrees for the National Preventive Mechanism and ensure its financial and administrative independence (Ghana);



- 125.77. **Allocate sufficient resources to ensure the effective implementation of the torture prevention mechanism (Madagascar);**
- 125.78. **Ensure accountability for all acts of torture that occur within the framework of the fight against terrorism (Netherlands);**
- 125.79. **Further its efforts to ban torture and other ill-treatment in conformity with international human rights standards, while combating terrorism (Norway);**
- 125.80. **Continue efforts to implement the comprehensive national strategy against human trafficking adopted by law 621 of 2016 (United Arab Emirates);**
- 125.81. **Expand efforts to combat human trafficking and ensure protection of victims (Jordan);**
- 125.82. **Continue to strengthen measures to combat human trafficking and child labour (Sri Lanka);**
- 125.83. **Continue a dialog with all States on the basis of mutual respect, equal sovereignty and the rights of people to choose their political, economic and social system (Syrian Arab Republic);**
- 125.84. **Continue its efforts in order to promote human rights and public liberties (Yemen);**
- 125.85. **Strengthen its democratic election processes thorough the effective implementation of the recommendations from the EU Election Observation Mission Final Report of 2014 (Czechia);**
- 125.86. **Strengthen implementation of the legislation in the areas of freedom of expression, access to information and non-discrimination and ensure all relevant laws are fully in line with the Constitution (Czechia);**
- 125.87. **Replace the decrees number 115 and 116 from 2011 on press and audio-visual communication with legislation in line with the Constitution's article 65 relating to information, press and publishing and the Constitution's article 127 (Denmark);**
- 125.88. **Strengthen the legislation on freedom of expression and conscience (Lebanon);**
- 125.89. **Continue enhancing freedom of information and the rights of journalists (Lebanon);**
- 125.90. **Align the legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards (Romania);**
- 125.91. **Adopt measures to ensure the protection of free speech and freedom of the press, ensuring that human rights defenders also can undertake their legitimate activities (Spain);**
- 125.92. **Accelerate the implementation of the laws on the freedom of expression, assembly and association and to ensure alignment with international standards also under possible emergency measures (Finland);**
- 125.93. **Ensure conducive environment for human rights defenders to carry out their legitimate activities without fear or undue hindrance (South Africa);**
- 125.94. **Carry out prompt investigations of all threats and attacks targeting human rights defenders and by guaranteeing that those responsible for them**

are brought to justice and punished in a manner commensurate with the gravity of their acts (Liechtenstein);

125.95. Bring all legislation concerning communication surveillance in line with international human rights standards and especially recommends that all communications surveillance requires a test of necessity and proportionality (Liechtenstein);

125.96. Take the necessary measures to accelerate the High Judicial Council in exercising its tasks (Syrian Arab Republic);

125.97. Continue its efforts to further advance its justice system (Azerbaijan);

125.98. Continuing the task of completing the special institutional framework in the areas of judiciary and independent bodies (Jordan);

125.99. Deepen the process of effective reparation for the wounded and the families of those killed during the revolution with adequate medical support and rehabilitation (Argentina);

125.100. Reinforce the implementation of alternative sentences for detention to reduce the overcrowding in prison for short and medium term detention (Angola);

125.101. Enhance the rights of prisoners by adopting measures that include reducing the crowding in prison facilities, adopting alternative measures to pre-trial detention and ensure fair treatment during judicial processed at all stages, in line with international treaties (Kenya);

125.102. Continue efforts to implement the plan of action for juridical reform and prison systems (Morocco);

125.103. Make further efforts to protect civil rights in judicial procedures including ensuring immediate access to an attorney upon arrest (Republic of Korea);

125.104. Continue its efforts to fight against unemployment and prioritize adequate housing and access to water (Sudan);

125.105. Promote social dialogue and ensure that the conclusions of the dialogue be implemented (Sudan);

125.106. Strengthen its efforts to reduce extreme poverty, exclusion and marginalisation (Zimbabwe);

125.107. Enforce the economic independence of women and vulnerable groups through adopting appropriate plans against poverty (Algeria);

125.108. Give priority to the elimination of poverty, to strive to reduce unemployment to improve people's living standard (China);

125.109. Diversify the interventions in order to decrease the incidence of poverty (Cuba);

125.110. Continue efforts to safeguard cultural, social and economic rights including in the least developed regions (Egypt);

125.111. Further intensify the government's activities to boost youth employment (Ethiopia);

- 125.112. **Redouble its efforts in guaranteeing the right to work and equality of all workers in the public sector without discrimination (Indonesia);**
- 125.113. **Guarantee the right to work and equality of all public sector workers and ensure their human dignity is respected without gender-based discrimination (Central African Republic);**
- 125.114. **Stress and promote access to health services including by training medical staff (Syrian Arab Republic);**
- 125.115. **Continue strengthening the healthcare infrastructure (Venezuela);**
- 125.116. **Continue to enhance the effectiveness of measures taken to improve access to health services in remote and rural areas (Libya);**
- 125.117. **Continue implementing the national strategy to enhance access to health services in rural areas (State of Palestine);**
- 125.118. **Accelerate the adoption of the draft law on narcotics, which exempts from criminal prosecution any consumer requiring medical follow-up (Gabon);**
- 125.119. **Ensure broad access to health services, including reproductive health services, especially to young people (Luxembourg);**
- 125.120. **Intensify the offer to provide services for family planning in view of reducing significantly maternal mortality that remains high especially in rural areas (Burkina Faso);**
- 125.121. **Continue efforts to ensure universal access of Tunisian women to sexual and reproductive health-care services, especially during pregnancy (Slovenia);**
- 125.122. **Continue progress in the implementation of the mandatory and free-of-cost year of preliminary school (Bolivarian Republic of Venezuela);**
- 125.123. **Continue investments towards improving public education and public services facilities (Philippines);**
- 125.124. **Continue efforts to strengthen the education system in particular access to education in rural areas (South Sudan);**
- 125.125. **Consider including human rights education in its school programmes (Mauritius);**
- 125.126. **Develop a national plan to encourage girls to remain in school, especially in disadvantaged regions of the country (Maldives);**
- 125.127. **Energetically develop education, especially the basic education, and to provide greater support to schools in the rural areas (China);**
- 125.128. **Continue to give more attention to boys, girls and women in public policies, especially in the area of education (Senegal);**
- 125.129. **Continue to promote women's rights, especially in rural areas (Djibouti);**
- 125.130. **Focus in human rights in general and the rights of women in particular (Oman);**
- 125.131. **Further intensify its efforts in the implementation of laws and policies aimed at promoting and protecting the rights of women, children and other vulnerable groups (Pakistan);**

- 125.132. **Adopt legislative and political measures to combat gender discrimination, against children, persons with disabilities<sup>3</sup> (Chile);**
- 125.133. **Provide material and moral support for the Centre for Research, Studies, Documentation and Information on Women in order to preserve and promote the rights of women in Tunisia (United Arab Emirates);**
- 125.134. **Continue consolidating the National Preventing Strategy to sanction all forms of exploitation especially against women, to protect victims and bring them assistance (Bolivarian Republic of Venezuela);**
- 125.135. **Reinforce its national policy for gender equity and equality (Côte d'Ivoire);**
- 125.136. **Align national legislation with international instruments on the protection of the rights of women and in favour of the principle of gender equality, in particular stimulating access for women to jobs, increasing their participation in political and economic life and ensuring wage equality between men and women (Mexico);**
- 125.137. **Put in place programs to fight against poverty and job insecurity, through the strengthening of the economic empowerment of women (Central African Republic);**
- 125.138. **Eliminate all legislative provisions that perpetuate discrimination against women, adopting also a comprehensive law on violence against women (Spain);**
- 125.139. **Promote legislation that is in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women, including for preventing violence against women (Japan);**
- 125.140. **Work toward eliminating any loopholes in national legislation that might undermine the protection of women's rights and the principle of gender equality, including on domestic violence and marital rape (Rwanda);**
- 125.141. **Take further steps in order to encourage women's access to work and eliminate the gender pay gap (Poland);**
- 125.142. **Adopt a comprehensive law on violence against women and girls that addresses the importance of consent and provides adequate protection for victims and appropriate penalties for perpetrators (Sweden);**
- 125.143. **Amend or repeal Articles 227 and 239 of the Penal Code to explicitly criminalize marital rape and redefine rape in line with international standards (Sweden);**
- 125.144. **Continue its efforts to fight discrimination and violence against women (Turkey);**
- 125.145. **Put in place a specific legislation to address violence against women which to date remains generally covered under the Penal Code (Uganda);**
- 125.146. **Expedite the adoption of the law to combat violence against women (Ukraine);**

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<sup>3</sup> During the interactive dialogue, the recommendation was read as follows: Adopt legislative and political measures to combat gender discrimination, against children, persons with disabilities and discrimination based on sexual orientation and gender identity (Chile);

- 125.147. Amend the Penal Code to abolish provisions allowing a perpetrator of sexual violence to escape prosecution for marrying the victim, allowing the prosecution trial or execution of the sentence when the victims retracts the complaint and explicitly criminalize marital rape (Zambia);
- 125.148. Strengthen existing legislation to effectively eliminate gender based violence including domestic violence with a view to better protecting victims and holding perpetrators accountable (Austria);
- 125.149. Continue to address violence against women including measures to ensure that domestic violence and rapes are duly reported (Bangladesh);
- 125.150. Accelerate the adoption of a general law on violence against women and girls criminalising all forms of violence, including domestic violence and marital rape guaranteeing access to justice (Belgium);
- 125.151. Repeal articles 227 bis and 239 of the Penal Code to prevent perpetrators of rape and abduction to skip prosecution by marrying their adolescent victims (Belgium);
- 125.152. Adopt specific legislation aiming at the elimination of violence against women, in line with international standards, which adequately address the dimensions of prevention, protection and assistance (Brazil);
- 125.153. Repeal article 227 of the Tunisian Penal Code, which allows rape offenders to escape justice if they marry their victims (Canada);
- 125.154. Adopt a legal framework to fight violence against women which establishes sanctions for these acts, ensures access to justice for victims and establishes a system for protection, compensation and rehabilitation (Chile);
- 125.155. Take the necessary measures to combat violence against women and discrimination in employment (France);
- 125.156. Intensify efforts to bring domestic legislation in line with international standards to combat all forms of violence and discrimination against women and girls (Georgia);
- 125.157. Amend the penal code to explicitly criminalize marital rape, to abolish provisions allowing a perpetrator of sexual violence to escape prosecution by marrying the victim (Penal Code Article 227bis) (Germany);
- 125.158. Adopt a comprehensive law on combating all forms of violence against women, including domestic violence and marital rape (Honduras);
- 125.159. Expedite the adoption of the law to combat violence against women (Kyrgyzstan);
- 125.160. Expedite the adoption of the law to combat violence against women and ensure that it makes all forms of violence against women a criminal offence, including domestic violence and marital rape, and amend the provisions of the Criminal Code in order to eliminate any possibility of impunity for the perpetrators of violence against women (Liechtenstein);
- 125.161. Train members of the judiciary and law enforcement officials, make them aware of all types of violence against women and strengthen public awareness campaigns (Liechtenstein);
- 125.162. Pursue the process of adoption of the basic law concerning the elimination of violence against women (Morocco);

- 125.163. **Adopt laws that criminalize all forms of violence against women and girls and review criminal procedures to end impunity such violations (Portugal);**
- 125.164. **Ensure the swift implementation and enforcement of legislation criminalising all forms of violence against women, including domestic violence (Sierra Leone);**
- 125.165. **Adopt a comprehensive national policy on the protection of women against all forms of violence and the creation of a supportive environment for women victims of violence by reviewing and strengthening the legal framework (South Africa);**
- 125.166. **Adopt the comprehensive law on violence against women and girls (Central African Republic);**
- 125.167. **Introduce positive discrimination measures to encourage women's access to work (Ukraine);**
- 125.168. **Reinforce participation of women in decision-making circles and in leadership positions and to play their roles in all fields of development (Bahrain);**
- 125.169. **Continue reinforcing and promoting women's rights and women's participation in cultural, social and economic rights (Egypt);**
- 125.170. **Increase the participation of women in decision-making positions and in political public spheres (Indonesia);**
- 125.171. **Continue efforts to improve the status of women and promote gender equality at all levels, thereby enhancing their contribution to the development process (Sri Lanka);**
- 125.172. **Continue to implement their strategies and plans and to increase women's participation in the decision making positions in public sectors (State of Palestine);**
- 125.173. **Continue its efforts towards child protection and implement an independent mechanism to monitor children's rights so as to prevent violations of existing regulations and legislation (Maldives);**
- 125.174. **Continue to reform her laws to ensure that no one especially children will be left stateless (Kenya);**
- 125.175. **Pursue measures adopted to establish a plan of action against child labour, in cooperation with ILO (Djibouti);**
- 125.176. **Enhancing its efforts to promote the human rights of persons with disabilities in all fields (Algeria);**
- 125.177. **Continue reinforcing the enjoyment by people with disabilities of all their political, social and economic rights (Bahrain);**
- 125.178. **Step up protection for persons with disabilities with a rights-based approach in order to ensure their full integration into society (Spain);**
- 125.179. **Protect economic, social and cultural rights of Amazigh minorities (Peru);**

- 125.180. **Strengthen the national legislation regarding the rights of domestic workers<sup>4</sup> (Uruguay);**
- 125.181. **Expedite the government's responsibility in combating terrorism and violent extremism (Ethiopia);**
- 125.182. **Give greater consideration to the protection of human rights during judicial process related to terrorism (Japan);**
126. **The following recommendations will be examined by Tunisia which will provide responses in due time, but no later than the thirty-sixth session of the Human Rights Council in September 2017:**
- 126.1. **Analyse the ratification of the Convention 189 of the ILO on workers and domestic workers<sup>5</sup> (Uruguay);**
- 126.2. **Expedite the adoption of the asylum bill which is pending before the National Assembly (Uganda);**
- 126.3. **Repeal the provisions of the Personal Status Code which prohibits children of remarried women to live with them (Canada);**
- 126.4. **Strengthen mechanisms for the detention, identification and assistance of vulnerable migrants at borders in full compliance with international law (Guatemala);**
- 126.5. **Decriminalize the regular crossing of borders and strengthen mechanisms for detecting, identifying and assisting vulnerable migrants on the borders, including minors, possible asylum seekers and victims of human trafficking (Mexico);**
- 126.6. **Take measures in order to strengthen the mechanisms to detect, identify and assist vulnerable migrants at the border, including minors, potential asylum seekers and victims of trafficking (Nigeria);**
- 126.7. **Adopt measures to promote and protect rights of migrants and ensure that unaccompanied minors and families with children were not detained (Nigeria);**
- 126.8. **Ratify the Kampala amendments to the Rome Statute expeditiously (Liechtenstein);**
- 126.9. **Ensure the protection of LGBTQI persons from all forms of stigmatization, discrimination and violence and abstain from unlawful examinations (Luxembourg);**
- 126.10. **Develop public awareness programmes to address stigmatisation of LGBTI persons (Ireland);**
- 126.11. **Establish an interreligious council to facilitate interreligious dialogue and harmony (Sierra Leone);**

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<sup>4</sup> During the interactive dialogue, the recommendation was read as follows: Analyse the ratification of the Convention 189 of the ILO on workers and domestic workers and strengthen the national legislation regarding the rights of domestic workers (Uruguay)

<sup>5</sup> During the interactive dialogue, the recommendation was read as follows: Analyse the ratification of the Convention 189 of the ILO on workers and domestic workers and strengthen the national legislation regarding the rights of domestic workers (Uruguay);

127. The recommendations formulated during the interactive dialogue/listed below have been examined by Tunisia and have been noted by Tunisia:

- 127.1. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families<sup>6</sup> (Sierra Leone);**
- 127.2. **Ratify International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey);**
- 127.3. **Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Honduras);**
- 127.4. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan);**
- 127.5. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Niger);**
- 127.6. **Ratify promptly the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Guatemala);**
- 127.7. **Adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Congo);**
- 127.8. **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bangladesh);**
- 127.9. **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Senegal);**
- 127.10. **Consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Indonesia);**
- 127.11. **Continue the process of ratification of international conventions to which it is not yet a party, in particular the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Gabon);**
- 127.12. **Ratify International Convention on the Rights of Migrant Workers Members of their Families and ILO Convention 189 (Philippines);**
- 127.13. **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Montenegro);**
- 127.14. **Ratification of Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**
- 127.15. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Togo);**
- 127.16. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

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<sup>6</sup> During the interactive dialogue, the recommendation was read as follows: Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, as well as the Optional Protocol to the Convention on the Rights of the Child (Sierra Leone);



- 127.17. **Re-consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Slovenia);**
- 127.18. **Consider withdrawing general declaration to the Convention on the Elimination of All Forms of Discrimination against Women<sup>7</sup> (Peru);**
- 127.19. **Continue to develop a national strategy through the National Authority for the fight against human trafficking, and, as part of this, to ratify the 2014 ILO Protocol to the Forced Labour Convention (United Kingdom of Great Britain and Northern Ireland);**
- 127.20. **Adopt appropriate measures to abolish the death penalty (Togo);**
- 127.21. **Consider abolishing the death penalty (Mozambique);**
- 127.22. **Continue to take practical steps to expedite the abolition of the death penalty (Namibia);**
- 127.23. **Formally abolish the death penalty, with a view to ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**
- 127.24. **Abolish the death penalty and consider withdrawing Tunisia's reservations on the Second Optional Protocol to the International Covenant on Civil and Political Rights as announced by the Government (Austria);**
- 127.25. **Abolish the death penalty and ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights (Spain);**
- 127.26. **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (France);**
- 127.27. **Abolish the capital punishment and ratify the Second Optional Protocol International Covenant on Civil and Political Rights (Portugal);**
- 127.28. **Abolish the death penalty in conformity with the Second Optional Protocol of the International Covenant on Civil and Political Rights (Iceland);**
- 127.29. **Abolish the death penalty in its Constitution. Despite a de facto moratorium, people continue to be sentenced to death (Luxembourg);**
- 127.30. **Review its anti-terrorism law and Penal Code to definitively abolish the death penalty, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Norway);**
- 127.31. **Decriminalize same-sex relations of consenting adults by repealing Article 230 of the Penal Code (Denmark);**
- 127.32. **Amend or repeal Article 230 of the Penal Code to end criminalization of same-sex sexual relations (Sweden);**
- 127.33. **Amend Article 230 of the Penal Code to end criminalization of same sex sexual relations (United States of America);**

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<sup>7</sup> During the interactive dialogue, the recommendation was read as follows: Consider withdrawing general declaration to the Convention on the Elimination of All Forms of Discrimination against Women and ratification of the Protocol to the African Charter of Human and Peoples Rights on the Rights of Women in Africa: the Maputo Protocol (Peru);

- 127.34. **Repeal article 230 of the Penal Code criminalizing same sex sexual relation (Belgium);**
- 127.35. **Abolish article 230 of the penal code that criminalizes homosexuality (Netherlands);**
- 127.36. **Repeal article 230 of the Tunisian Penal Code and eliminate discriminatory practices based on sexual orientation and gender identity such as for example anal inspections (Canada);**
- 127.37. **Modify or repeal Article 230 of the Penal Code in order to decriminalize same-sex relations of consenting adults (Germany);**
- 127.38. **Repeal Articles 236 and 230 of the Penal Code to put an end to the criminalization of adultery and same-sex relationships, as well as to methods of collecting evidence that constitute a violation of the dignity and physical integrity of persons (France);**
- 127.39. **Derogate article 230 of the Penal Code (Costa Rica);**
- 127.40. **Repeal article 230 of the Criminal Code (Ireland);**
- 127.41. **Repeal Article 230 of the Penal Code, which criminalizes same-sex relations of consenting adults, and to discontinue the practice of forced anal exams to prove homosexual behaviour (Norway);**
- 127.42. **Additional measures aiming at eliminating discrimination and violence based on sexual orientation (Brazil);**
- 127.43. **Eliminate all legislation that penalises and criminalises same sex relationships as well as all discriminatory legislation as a result of sexual orientation (Spain);**
- 127.44. **Repeal legislation criminalising consensual sexual conduct between same-sex adults (Iceland);**
- 127.45. **Take steps to prevent harassment or discrimination of LGBT persons, and prosecute those that do (Iceland);**
- 127.46. **Take all necessary measures to prevent, investigate and prosecute violence against LGBTI persons (Ireland);**
- 127.47. **Take immediate measures to derogate from norms that criminalize and stigmatize (LGBTI) and investigate and sanction the perpetrators of acts of discrimination and violence against them (Argentina);**
- 127.48. **Introduce legislation to protect against discrimination based on sexual orientation, gender identity and intersex status (Australia);**
- 127.49. **Adopt legislative and political measures to combat discrimination based on sexual orientation and gender identity <sup>8</sup>(Chile);**
- 127.50. **Address all sexual and gender based violence and discrimination, especially against women, by reforming its Penal Code and Personals Status Code to be in line with the Convention on the Elimination of All Forms of Discrimination Against Women, including by criminalizing marital rape and**

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<sup>8</sup> During the interactive dialogue, the recommendation was read as follows: Adopt legislative and political measures to combat gender discrimination, against children, persons with disabilities and discrimination based on sexual orientation and gender identity (Chile);

**abolishing provisions allowing a perpetrator of sexual violence to escape prosecution by marrying the victim (Finland);**

**127.51. Eliminate all forms of discrimination against women, including by reforming the personal status code to grant equal rights to inheritance to women and by repealing the circular from 1973 to allow women to marry non-Muslim spouses (Germany);**

**127.52. Fully eliminate discrimination between women and men in the inheritance rights (Poland);**

**127.53. Improve gender equality both in legislation and practice including by granting men and women equal property and family rights (Republic of Korea);**

**127.54. Ensure that the legislation governing the military court system is explicit in ensuring that it only has jurisdiction to try military personnel who have committed military offences especially when such offences do not amount to human rights violations, and that no civilian cases are tried by the military court system (Botswana);**

**127.55. Adhere and adapt its national legislation to the Arms Trade Treaty (Guatemala).**

**128. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of Tunisia was headed by S.E M. Mehdi BEN GHARBIA, Ministre chargé de la relation avec les Instances Constitutionnelles et la Société Civile et des Droits de l'Homme, and composed of the following members:

- S.E. M. Walid DOUDECH, Ambassadeur Représentant Permanent de Tunisie auprès de l'Office des Nations Unies a Genève et des Organisations Internationales en Suisse;
- M. Hatem LANDOULSI, Directeur des Droits de l'Homme au Ministère des Affaires Étrangères;
- Mme. Intissar BEN ATTITALLAH, Ministre plénipotentiaire, auprès Mission Permanente de la Tunisie a Genève;
- Mme. Sana BOUZAOUACHE, représentante du Ministère charge de la Relation avec les Instances Constitutionnelles, la Société civile et des Droits de l'Homme, et rapporteuse de la Commission nationale de Coordination, Élaboration et Présentation des rapports dans le domaine des droits de l'homme;
- Mme. Faten SEBEI, Magistrat, Chef de Groupe au Centre d'études juridiques et judiciaires, Ministère de la Justice;
- M. Housseem eddine El Triki, représentant du Ministère de la Justice;
- M. Adel Boudabouss, représentant du Ministère de la Défense Nationale;
- M. Meher Guadour, représentant du Ministère de l'Intérieur;
- M. Hamdi KHALFA, représentant du Ministère des Affaires Sociales;

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