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Draft report of the Working Group on the Universal Periodic Review*

Tunisia

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

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Introduction

1. 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

[To be completed by 19 May 2017]

- A. Presentation by the State under review
- B. Interactive dialogue and responses by the State under review

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

II. Conclusions and/or recommendations**

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

- 6.1. Ratify the Protocol to the African Charter of Human and Peoples Rights on the Rights of Women in Africa: the Maputo Protocol¹ (Peru);

** The conclusions and recommendations have not been edited.

- 6.2. Consider the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Georgia);
- 6.3. 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);
- 6.4. Ratify the Optional Protocol to the Convention on the Rights of the Child² (Sierra Leone);
- 6.5. Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Uganda);
- 6.6. 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);
- 6.7. 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);
- 6.8. Ratify the Protocol of the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Madagascar);
- 6.9. Pursue ongoing cooperation with human rights mechanisms (Saudi Arabia);
- 6.10. Adopt an open, merit-based selection process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);
- 6.11. Continue with the establishment of legal and independent bodies including the Constitutional Council (Sudan);
- 6.12. 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);
- 6.13. 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);
- 6.14. Accelerate the ongoing process to harmonize the present legislation with the Constitution (Angola);
- 6.15. Take all the necessary steps to resolve the divergences in the interpretation of the legal text with regards to the Supreme Judicial Council and

¹ 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);

² 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);

- ensure that such interpretation is in accordance with the provisions of the Constitution (Botswana);
- 6.16. Continue the harmonisation of legal frameworks in line with the Constitutional texts (Iraq);
- 6.17. Fully implement the ideals of the new Constitution, including the initiation of the Constitutional Court proceedings (Japan);
- 6.18. Create and ensure the functioning of Constitutional bodies such as institutions on human rights and good governance as well as a Constitutional Court (Portugal);
- 6.19. Continue efforts to bring national legislation relevant with human rights in line with the Tunisian constitution and its international human rights obligations (Qatar);
- 6.20. Continue the establishment of constitutional bodies by completing the legislative process and enacting adequate legislation in this regard (Romania);
- 6.21. Quickly establish the Constitutional Court and expedite the revision of laws that are incompatible with the Constitution and international human rights standards (Guatemala);
- 6.22. 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);
- 6.23. Continue to bring its legislation into compliance with the constitution as well as with ratified international instruments (Madagascar);
- 6.24. Continue to take effective measures to align its legal system with its new constitution and with the relevant international human rights instruments (Namibia);
- 6.25. 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);
- 6.26. Harmonize legislation that discriminated women with the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women (Kyrgyzstan);
- 6.27. 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);
- 6.28. 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);
- 6.29. 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);
- 6.30. Renovate the National Council for Social Dialogue (Cuba);
- 6.31. Ensure effective and independent functioning of the national preventive mechanism under the Optional Protocol to the Convention against Torture (Czechia);

- 6.32. 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);
- 6.33. Adopt human rights capacity-building and training programs for law enforcement officials (Chile);
- 6.34. Take into account the concerns of Tunisian civil society in the context of the future law on national reconciliation (Luxembourg);
- 6.35. Ensure the coherence with mandates of the National Preventive Mechanism in the establishment process of the new National Human Rights Institution (Ghana);
- 6.36. Finalize the establishment of a new national human rights institution in compliance with the Paris Principles (Kenya);
- 6.37. 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);
- 6.38. 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);
- 6.39. 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);
- 6.40. Criminalize racism, in line with international commitments (Kyrgyzstan);
- 6.41. Criminalize racism, in line with international commitments (Ukraine);
- 6.42. Accelerate the process of adoption of a relevant legislative and regulatory framework for combating racial discrimination (Congo);
- 6.43. Adopt a legislative framework ensuring protection against all forms of offences motivated on prejudices (Côte d'Ivoire);
- 6.44. Continue efforts to promote gender equality (Jordan);
- 6.45. 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);
- 6.46. Criminalize racial discrimination and enforce laws which protect the rights of the black population (Sierra Leone);
- 6.47. Adopt a law prohibiting racial discrimination, including criminalizing such behaviour (South Africa);
- 6.48. Immediately cease the practice of forced anal examinations of LGBTI persons, contrary to its obligations under the Convention Against torture (Ireland);
- 6.49. Continue its efforts in the less developed regions by encouraging development and investment (Libya);
- 6.50. Continue efforts to pursue legislative efforts for the sustainable development commission for future generations (Saudi Arabia);

- 6.51. Enhance State's efforts to fight terrorism and continue awareness raising to fight against extremism (Syrian Arab Republic);
- 6.52. Ensure security measures under state of emergency or counterterrorism laws maintain the human rights of suspects, detainees, and their families (United States of America);
- 6.53. 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);
- 6.54. Continue efforts to combat terrorism (Iraq);
- 6.55. Ensure the existence of scientific, intellectual, legal, social, economic programmes to raise awareness about the risk of terrorism on all levels (Iraq);
- 6.56. Continue efforts to implement the national strategy for combating terrorism and violent extremism (Libya);
- 6.57. Continue its efforts to implement its strategy to combat terrorism and violent extremism in conjunction of all relevant authorities (Oman);
- 6.58. 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);
- 6.59. Pass comprehensive and specific legislation on violence against women that contains both criminal and civil provisions (Zambia);
- 6.60. 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);
- 6.61. Pursue its reform of the security sector (Luxembourg);
- 6.62. Continue with security sector reform to ensure appropriate training and oversight mechanisms are in place (Australia);
- 6.63. 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);
- 6.64. Continue with dialogues at the national level, with a view to reach consensus to abolish the death penalty in the Constitution (Costa Rica);
- 6.65. Promote a national debate on the abolition of the death penalty (Italy);
- 6.66. Maintain its de facto moratorium on the use of the death penalty with a view towards its total abolition (Rwanda);
- 6.67. 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);
- 6.68. 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);
- 6.69. Take the necessary measures to more effectively fight torture (Togo);

- 6.70. Undertake measures aimed at eliminating torture and other forms of ill-treatment (Ukraine);
- 6.71. 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);
- 6.72. Adopt measures to secure independent and effective investigation of allegations of torture by the police in compliance with the Istanbul Protocol (Czechia);
- 6.73. Take all necessary measures to render effective the prosecution and sentencing of perpetrators of torture and ill-treatment (France);
- 6.74. 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);
- 6.75. Bring the definition of torture in accordance with the requirements of the UN Convention against Torture (Ghana);
- 6.76. Adopt the functioning decrees for the National Preventive Mechanism and ensure its financial and administrative independence (Ghana);
- 6.77. Allocate sufficient resources to ensure the effective implementation of the torture prevention mechanism (Madagascar);
- 6.78. Ensure accountability for all acts of torture that occur within the framework of the fight against terrorism (Netherlands);
- 6.79. Further its efforts to ban torture and other ill-treatment in conformity with international human rights standards, while combating terrorism (Norway);
- 6.80. Continue efforts to implement the comprehensive national strategy against human trafficking adopted by law 621 of 2016 (United Arab Emirates);
- 6.81. Expand efforts to combat human trafficking and ensure protection of victims (Jordan);
- 6.82. Continue to strengthen measures to combat human trafficking and child labour (Sri Lanka);
- 6.83. 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);
- 6.84. Continue its efforts in order to promote human rights and public liberties (Yemen);
- 6.85. Strengthen its democratic election processes thorough the effective implementation of the recommendations from the EU Election Observation Mission Final Report of 2014 (Czechia);
- 6.86. 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);
- 6.87. 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);

- 6.88. Strengthen the legislation on freedom of expression and conscience (Lebanon);
- 6.89. Continue enhancing freedom of information and the rights of journalists (Lebanon);
- 6.90. Align the legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards (Romania);
- 6.91. 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);
- 6.92. 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);
- 6.93. Ensure conducive environment for human rights defenders to carry out their legitimate activities without fear or undue hindrance (South Africa);
- 6.94. 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);
- 6.95. 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);
- 6.96. Take the necessary measures to accelerate the High Judicial Council in exercising its tasks (Syrian Arab Republic);
- 6.97. Continue its efforts to further advance its justice system (Azerbaijan);
- 6.98. Continuing the task of completing the special institutional framework in the areas of judiciary and independent bodies (Jordan);
- 6.99. 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);
- 6.100. Reinforce the implementation of alternative sentences for detention to reduce the overcrowding in prison for short and medium term detention (Angola);
- 6.101. 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);
- 6.102. Continue efforts to implement the plan of action for juridical reform and prison systems (Morocco);
- 6.103. Make further efforts to protect civil rights in judicial procedures including ensuring immediate access to an attorney upon arrest (Republic of Korea);
- 6.104. Continue its efforts to fight against unemployment and prioritize adequate housing and access to water (Sudan);
- 6.105. Promote social dialogue and ensure that the conclusions of the dialogue be implemented (Sudan);

- 6.106. Strengthen its efforts to reduce extreme poverty, exclusion and marginalisation (Zimbabwe);
- 6.107. Enforce the economic independence of women and vulnerable groups through adopting appropriate plans against poverty (Algeria);
- 6.108. Give priority to the elimination of poverty, to strive to reduce unemployment to improve people's living standard (China);
- 6.109. Diversify the interventions in order to decrease the incidence of poverty (Cuba);
- 6.110. Continue efforts to safeguard cultural, social and economic rights including in the least developed regions (Egypt);
- 6.111. Further intensify the government's activities to boost youth employment (Ethiopia);
- 6.112. Redouble its efforts in guaranteeing the right to work and equality of all workers in the public sector without discrimination (Indonesia);
- 6.113. 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);
- 6.114. Stress and promote access to health services including by training medical staff (Syrian Arab Republic);
- 6.115. Continue strengthening the healthcare infrastructure (Venezuela);
- 6.116. Continue to enhance the effectiveness of measures taken to improve access to health services in remote and rural areas (Libya);
- 6.117. Continue implementing the national strategy to enhance access to health services in rural areas (State of Palestine);
- 6.118. Accelerate the adoption of the draft law on narcotics, which exempts from criminal prosecution any consumer requiring medical follow-up (Gabon);
- 6.119. Ensure broad access to health services, including reproductive health services, especially to young people (Luxembourg);
- 6.120. 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);
- 6.121. Continue efforts to ensure universal access of Tunisian women to sexual and reproductive health-care services, especially during pregnancy (Slovenia);
- 6.122. Continue progress in the implementation of the mandatory and free-of-cost year of preliminary school (Bolivarian Republic of Venezuela);
- 6.123. Continue investments towards improving public education and public services facilities (Philippines);
- 6.124. Continue efforts to strengthen the education system in particular access to education in rural areas (South Sudan);
- 6.125. Consider including human rights education in its school programmes (Mauritius);
- 6.126. Develop a national plan to encourage girls to remain in school, especially in disadvantaged regions of the country (Maldives);

- 6.127. Energetically develop education, especially the basic education, and to provide greater support to schools in the rural areas (China);
- 6.128. Continue to give more attention to boys, girls and women in public policies, especially in the area of education (Senegal);
- 6.129. Continue to promote women's rights, especially in rural areas (Djibouti);
- 6.130. Focus in human rights in general and the rights of women in particular (Oman);
- 6.131. 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);
- 6.132. Adopt legislative and political measures to combat gender discrimination, against children, persons with disabilities³ (Chile);
- 6.133. 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);
- 6.134. 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);
- 6.135. Reinforce its national policy for gender equity and equality (Côte d'Ivoire);
- 6.136. 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);
- 6.137. Put in place programs to fight against poverty and job insecurity, through the strengthening of the economic empowerment of women (Central African Republic);
- 6.138. Eliminate all legislative provisions that perpetuate discrimination against women, adopting also a comprehensive law on violence against women (Spain);
- 6.139. 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);
- 6.140. 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);
- 6.141. Take further steps in order to encourage women's access to work and eliminate the gender pay gap (Poland);
- 6.142. 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);

³ 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);

- 6.143. 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);
- 6.144. Continue its efforts to fight discrimination and violence against women (Turkey);
- 6.145. Put in place a specific legislation to address violence against women which to date remains generally covered under the Penal Code (Uganda);
- 6.146. Expedite the adoption of the law to combat violence against women (Ukraine);
- 6.147. 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);
- 6.148. Strengthen existing legislation to effectively eliminate gender based violence including domestic violence with a view to better protecting victims and holding perpetrators accountable (Austria);
- 6.149. Continue to address violence against women including measures to ensure that domestic violence and rapes are duly reported (Bangladesh);
- 6.150. 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);
- 6.151. 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);
- 6.152. 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);
- 6.153. Repeal article 227 of the Tunisian Penal Code, which allows rape offenders to escape justice if they marry their victims (Canada);
- 6.154. 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);
- 6.155. Take the necessary measures to combat violence against women and discrimination in employment (France);
- 6.156. Intensify efforts to bring domestic legislation in line with international standards to combat all forms of violence and discrimination against women and girls (Georgia);
- 6.157. 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);
- 6.158. Adopt a comprehensive law on combating all forms of violence against women, including domestic violence and marital rape (Honduras);
- 6.159. Expedite the adoption of the law to combat violence against women (Kyrgyzstan);

- 6.160. 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);
- 6.161. 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);
- 6.162. Pursue the process of adoption of the basic law concerning the elimination of violence against women (Morocco);
- 6.163. Adopt laws that criminalize all forms of violence against women and girls and review criminal procedures to end impunity such violations (Portugal);
- 6.164. Ensure the swift implementation and enforcement of legislation criminalising all forms of violence against women, including domestic violence (Sierra Leone);
- 6.165. 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);
- 6.166. Adopt the comprehensive law on violence against women and girls (Central African Republic);
- 6.167. Introduce positive discrimination measures to encourage women's access to work (Ukraine);
- 6.168. Reinforce participation of women in decision-making circles and in leadership positions and to play their roles in all fields of development (Bahrain);
- 6.169. Continue reinforcing and promoting women's rights and women's participation in cultural, social and economic rights (Egypt);
- 6.170. Increase the participation of women in decision-making positions and in political public spheres (Indonesia);
- 6.171. 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);
- 6.172. Continue to implement their strategies and plans and to increase women's participation in the decision making positions in public sectors (State of Palestine);
- 6.173. 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);
- 6.174. Continue to reform her laws to ensure that no one especially children will be left stateless (Kenya);
- 6.175. Pursue measures adopted to establish a plan of action against child labour, in cooperation with ILO (Djibouti);
- 6.176. Enhancing its efforts to promote the human rights of persons with disabilities in all fields (Algeria);
- 6.177. Continue reinforcing the enjoyment by people with disabilities of all their political, social and economic rights (Bahrain);

- 6.178. Step up protection for persons with disabilities with a rights-based approach in order to ensure their full integration into society (Spain);
- 6.179. Protect economic, social and cultural rights of Amazigh minorities (Peru);
- 6.180. Strengthen the national legislation regarding the rights of domestic workers⁴ (Uruguay);
- 6.181. Expedite the government's responsibility in combating terrorism and violent extremism (Ethiopia);
- 6.182. Give greater consideration to the protection of human rights during judicial process related to terrorism (Japan);

7. 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:

- 7.1. Analyse the ratification of the Convention 189 of the ILO on workers and domestic workers⁵ (Uruguay);
- 7.2. Expedite the adoption of the asylum bill which is pending before the National Assembly (Uganda);
- 7.3. Repeal the provisions of the Personal Status Code which prohibits children of remarried women to live with them (Canada);
- 7.4. Strengthen mechanisms for the detention, identification and assistance of vulnerable migrants at borders in full compliance with international law (Guatemala);
- 7.5. 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);
- 7.6. 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);
- 7.7. Adopt measures to promote and protect rights of migrants and ensure that unaccompanied minors and families with children were not detained (Nigeria);
- 7.8. Ratify the Kampala amendments to the Rome Statute expeditiously (Liechtenstein);
- 7.9. Ensure the protection of LGBTQI persons from all forms of stigmatization, discrimination and violence and abstain from unlawful examinations (Luxembourg);
- 7.10. Develop public awareness programmes to address stigmatisation of LGBTI persons (Ireland);

⁴ 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)

⁵ 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);

7.11. Establish an interreligious council to facilitate interreligious dialogue and harmony (Sierra Leone);

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

- 8.1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families⁶ (Sierra Leone);
- 8.2. Ratify International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey);
- 8.3. Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Honduras);
- 8.4. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan);
- 8.5. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Niger);
- 8.6. Ratify promptly the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Guatemala);
- 8.7. Adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Congo);
- 8.8. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bangladesh);
- 8.9. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Senegal);
- 8.10. Consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Indonesia);
- 8.11. 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);
- 8.12. Ratify International Convention on the Rights of Migrant Workers Members of their Families and ILO Convention 189 (Philippines);
- 8.13. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Montenegro);
- 8.14. Ratification of Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);
- 8.15. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Togo);
- 8.16. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);

⁶ 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);

- 8.17. 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);
- 8.18. Consider withdrawing general declaration to the Convention on the Elimination of All Forms of Discrimination against Women⁷ (Peru);
- 8.19. 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);
- 8.20. Adopt appropriate measures to abolish the death penalty (Togo);
- 8.21. Consider abolishing the death penalty (Mozambique);
- 8.22. Continue to take practical steps to expedite the abolition of the death penalty (Namibia);
- 8.23. Formally abolish the death penalty, with a view to ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);
- 8.24. 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);
- 8.25. Abolish the death penalty and ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights (Spain);
- 8.26. 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);
- 8.27. Abolish the capital punishment and ratify the Second Optional Protocol International Covenant on Civil and Political Rights (Portugal);
- 8.28. Abolish the death penalty in conformity with the Second Optional Protocol of the International Covenant on Civil and Political Rights (Iceland);
- 8.29. Abolish the death penalty in its Constitution. Despite a de facto moratorium, people continue to be sentenced to death (Luxembourg);
- 8.30. 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);
- 8.31. Decriminalize same-sex relations of consenting adults by repealing Article 230 of the Penal Code (Denmark);
- 8.32. Amend or repeal Article 230 of the Penal Code to end criminalization of same-sex sexual relations (Sweden);
- 8.33. Amend Article 230 of the Penal Code to end criminalization of same sex sexual relations (United States of America);

⁷ 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);

- 8.34. Repeal article 230 of the Penal Code criminalizing same sex sexual relation (Belgium);
- 8.35. Abolish article 230 of the penal code that criminalizes homosexuality (Netherlands);
- 8.36. 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);
- 8.37. Modify or repeal Article 230 of the Penal Code in order to decriminalize same-sex relations of consenting adults (Germany);
- 8.38. 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);
- 8.39. Derogate article 230 of the Penal Code (Costa Rica);
- 8.40. Repeal article 230 of the Criminal Code (Ireland);
- 8.41. 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);
- 8.42. Additional measures aiming at eliminating discrimination and violence based on sexual orientation (Brazil);
- 8.43. Eliminate all legislation that penalises and criminalises same sex relationships as well as all discriminatory legislation as a result of sexual orientation (Spain);
- 8.44. Repeal legislation criminalising consensual sexual conduct between same-sex adults (Iceland);
- 8.45. Take steps to prevent harassment or discrimination of LGBT persons, and prosecute those that do (Iceland);
- 8.46. Take all necessary measures to prevent, investigate and prosecute violence against LGBTI persons (Ireland);
- 8.47. 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);
- 8.48. Introduce legislation to protect against discrimination based on sexual orientation, gender identity and intersex status (Australia);
- 8.49. Adopt legislative and political measures to combat discrimination based on sexual orientation and gender identity ⁸(Chile);
- 8.50. 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 abolishing provisions

⁸ 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);

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

8.51. 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);

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

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

8.54. 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);

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

9. 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. Houssemeddine 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;