



Human Rights Council
Working Group on the Universal Periodic Review
Forty-first session
7–18 November 2022**Tunisia****Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights****I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The United Nations country team and the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted the ratification of the following international human rights instruments: the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;² the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data³ and the Additional Protocol thereto, regarding supervisory authorities and transborder data flows;⁴ the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;⁵ and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.⁶

3. The country team recommended that Tunisia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;⁷ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;⁸ the Labour Inspection (Agriculture) Convention, 1969 (No. 129), of the International Labour Organization (ILO);⁹ the ILO Violence and Harassment Convention, 2019 (No. 190);¹⁰ the ILO Protocol of 2014 to the Forced Labour Convention, 1930;¹¹ and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.¹²

4. The Committee on the Rights of the Child recommended that Tunisia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹³

5. The Human Rights Committee and OHCHR recommended that Tunisia ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.¹⁴



6. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, recommended that Tunisia consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.¹⁵

7. OHCHR noted that Tunisia had received visits from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2017); the Independent Expert on foreign debt (2017); the Special Rapporteur on freedom of religion or belief (2018); the Special Rapporteur on the rights to freedom of peaceful assembly and freedom of association (2018); the Special Rapporteur on the right to education (2019); and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2021).¹⁶ The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment visited Tunisia in 2022.¹⁷

8. The country team and OHCHR noted that the visit to Tunisia by the United Nations High Commissioner for Human Rights in June 2019 had provided an opportunity to reaffirm the United Nations system's commitment to human rights, maintain strategic dialogue with the authorities and provide enhanced support to civil society.¹⁸

III. National human rights framework

1. Constitutional and legislative framework

9. OHCHR noted that Decree No. 2021-117 of 22 September 2021 on exceptional measures provided for the President's monopolization of the legislative and executive branches, the abrogation of most of the Constitution, the prohibition of any form of appeal against his actions, the dissolution of the constitutional review body and the creation of a commission to assist him in developing his political reform plans. In December 2021, the President announced a road map that included national consultations, the outcome of which would be used to draft a new Constitution to be put to a referendum in July 2022 and followed by parliamentary elections in December 2022.¹⁹

10. While commending the efforts made from 2017 to 2021 to implement the Constitution, OHCHR recommended that Tunisia promptly establish the Constitutional Court.²⁰ A similar recommendation was made by the Special Rapporteur on peaceful assembly and of association,²¹ the Independent Expert on foreign debt²² and the Human Rights Committee. The Human Rights Committee recommended that Tunisia make the necessary amendments to Organic Act No. 2015-50 of 3 December 2015 on the Constitutional Court.²³

11. The Committee recommended that Tunisia envisage ending the continuous extension of the state of emergency and accelerate the process of adopting a law that was in conformity with the provisions of article 4 of the Covenant and the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency.²⁴ A similar recommendation was made by the Special Rapporteur on terrorism.²⁵

2. Institutional infrastructure and policy measures

12. OHCHR noted that the only functioning constitutional body was the Independent High Electoral Commission; the others – the Human Rights Commission, the Commission on Good Governance and the Fight against Corruption, the Commission for Sustainable Development and the Rights of Future Generations, and the Independent High Authority for Audiovisual Communications – either had not been established or were not yet the subject of any specific law.²⁶ OHCHR recommended that Tunisia promptly establish independent bodies with balanced representation, in particular the Human Rights Commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).²⁷ Similar recommendations were made by the Human Rights Committee,²⁸ the Committee on the Rights of the Child,²⁹ the Independent Expert on foreign debt³⁰ and the Independent Expert on sexual orientation and gender identity.³¹

13. The Human Rights Committee recommended that Tunisia ensure the effective and independent functioning of the Independent High Electoral Commission.³²

14. The Subcommittee on Prevention of Torture, the Committee on the Rights of the Child and the Special Rapporteur on terrorism welcomed the establishment of the National Authority for the Prevention of Torture³³ and, like OHCHR,³⁴ recommended that Tunisia provide it with sufficient resources.³⁵ The Subcommittee and the Special Rapporteur recommended that Tunisia ensure the independence of that mechanism.³⁶

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. The United Nations High Commissioner for Refugees (UNHCR) welcomed the adoption of Organic Law 2018-50 regarding the elimination of all forms of discrimination on 9 October 2018.³⁷ The Human Rights Committee and the country team recommended that Tunisia establish a national commission to combat racial discrimination and provide it with the human, technical and financial resources necessary for its effective functioning.³⁸

2. Right to life, liberty and security of person, and freedom from torture

16. The Human Rights Committee and OHCHR noted the de facto moratorium on the death penalty and recommended that Tunisia abolish the death penalty through public awareness-raising measures.³⁹

17. OHCHR noted serious concerns about restrictions on freedoms, including house arrest without formal notification or explanation, and arbitrary arrest and detention. It noted that the practice of torture continued to be observed in places of deprivation of liberty.⁴⁰

18. The Human Rights Committee noted that the definition of torture was still not in conformity with article 7 of the Covenant. It noted with concern that torture continued to be practised in the security sector, particularly during police custody, that the number of convictions for cases of torture and ill-treatment remained very low and that sentences handed down remained particularly lenient and reparations to victims insufficient. The Committee recommended that Tunisia take the necessary steps to amend article 101 bis of the Criminal Code on the definition of torture, in order to bring it into line with the internationally accepted definition, and to ensure that complaints of torture or ill-treatment were investigated promptly, impartially and with due diligence by judicial officials, that persons suspected of such acts were duly tried and, if found guilty, were punished in a manner commensurate with the gravity of their acts, and that victims were granted adequate reparation.⁴¹ OHCHR made similar observations and recommendations⁴² and recommended that Tunisia develop a strategic plan for reform of the internal security sector to bring its legislation, procedures, and practices into line with international human rights standards while building the human rights capacity of the Internal Security Forces and equipping interrogation rooms with cameras.⁴³

3. Human rights and counter-terrorism

19. OHCHR noted the publication of the National Strategy to Combat Extremism and Terrorism in 2019 and the development of sectoral counter-terrorism action plans, the overall assessment of which underpins the new draft strategy (2022–2026). It also noted that the National Counter-Terrorism Commission was more open to civil society and the media and that a research fund on violent extremism had been established.⁴⁴ According to OHCHR, the recommendations of the Independent Expert on foreign debt⁴⁵ have been partially implemented.⁴⁶ OHCHR also noted the adoption of Organic Act No. 2019-9 of 23 January 2019 on the fight against terrorism and the suppression of money-laundering; the introduction of a national register of companies allowing for the traceability of beneficiaries of companies' financial transactions and the inclusion of associations and liberal professions; and the

increased freezing of assets and accounts related to money-laundering and the financing of terrorism.⁴⁷ OHCHR recommended that Tunisia expedite the adoption of a new national strategy to combat extremism and terrorism based on human rights; strengthen asset recovery mechanisms; and continue efforts to prevent violent extremism, especially among young people.⁴⁸

20. The Special Rapporteur on terrorism recommended urgently reviewing the definition of terrorism in the 2015 counter-terrorism law and bringing it into line with the relevant provisions of Security Council and Human Rights Council resolutions.⁴⁹ The Human Rights Committee recommended that Tunisia reduce the length of police custody without judicial supervision to a maximum of 48 hours, including for terrorism-related cases; ensure that persons in police custody were afforded fundamental legal safeguards, including access to a lawyer from the outset of the preliminary investigation, irrespective of the reason for the custody, and sanctioning any failure to do so; and ensure that any restrictions on the rights of persons suspected or accused of terrorism were not arbitrary, that they were lawful, necessary and proportionate, that they were effectively monitored by the judicial authorities, and that any allegations of ill-treatment were promptly, thoroughly and impartially investigated.⁵⁰

21. With regard to the return of foreign terrorist fighters and their families, the Special Rapporteur recalled that collective expulsions were strictly prohibited by international law and that the non-refoulement principle under customary law must not be violated. He recommended that Tunisia take appropriate measures to protect the rights of the children and families of foreign terrorist fighters returning to Tunisia in accordance with its obligations under international law.⁵¹

4. Administration of justice, including impunity, and the rule of law

22. OHCHR noted that a number of issues continued to hamper the functioning of the justice system, including an overly bureaucratic legal aid system that was unfamiliar to litigants; slow proceedings; the application of laws that sometimes infringed on freedoms and/or led to judgments that severely restricted freedoms; the excessive use of pretrial detention; the overcrowding of detention facilities; the improper referral of civilians to military tribunals; a lack of resources; deficiencies in disciplinary proceedings; and interference by the executive branch in the functioning of the justice system (including the dissolution of the High Council of the Judiciary in February 2022). OHCHR recommended that Tunisia promptly finalize amendments to the Criminal Code and the Code of Criminal Procedure; amend legislation to prohibit the prosecution of civilians before military courts; ensure the effective independence of the judiciary, including through the adoption of a specific status for judges and the reform of the general inspectorate of judicial affairs; provide ethics capacity-building for judges and lawyers with a view to ensuring their independence, impartiality and integrity; reduce the use of pretrial detention; effectively implement legislation on alternatives to detention to reduce prison overcrowding; develop and implement an action plan for prison reform; strengthen the capacity of prison officers to uphold prisoners' human rights; and promote access to justice by making legal aid more accessible, in particular for the most vulnerable.⁵²

23. Following its visit to Tunisia in April 2022, the Subcommittee on Prevention of Torture expressed concern about prison overcrowding.⁵³ The Human Rights Committee recommended that Tunisia significantly reduce overcrowding in prisons by making more use of alternatives to incarceration and of alternatives to pretrial detention.⁵⁴ It also recommended that Tunisia take measures to strengthen the protection of judges and prosecutors against any form of political pressure, intimidation and harassment in order to guarantee their full autonomy, independence and impartiality, and to adopt the draft law on the revision of the status of judges and the code of ethics for judges.⁵⁵

24. The Committee recommended that Tunisia ensure that complaints of serious human rights violations submitted to the Truth and Dignity Commission were addressed, that the perpetrators of such violations were prosecuted and, if found guilty, were sentenced to punishments commensurate with the gravity of their acts; that it take measures against any attempt to hinder the work of the specialized criminal chambers; and that it ensure that victims received reparation and compensation.⁵⁶ OHCHR recommended that Tunisia develop, based on an inclusive approach, a government action plan and that it provide

sufficient resources for the coordinated and priority-based implementation of the recommendations made by the Truth and Dignity Commission; take the necessary measures to strengthen the legal framework and ensure the effective and secure operational functioning of the specialized chambers and their judges; carry out the comprehensive programme for the reparation of victims; and preserve the memory of the past.⁵⁷ In addition, OHCHR noted that Decree-Law No. 2022-13 of 20 March 2022, on criminal reconciliation and the allocation of related resources, violated the transitional justice process.⁵⁸

25. The Human Rights Committee recommended that Tunisia intensify its efforts to combat corruption, adopt the draft laws to operationalize the Authority for Good Governance and Combating Corruption, revise and supplement the legal framework to better protect whistle-blowers, and strengthen good governance practices by renewing and monitoring the implementation of the anti-corruption strategy. The Committee recommended that Tunisia strengthen the capacity of the prosecution service and law enforcement agencies to combat corruption.⁵⁹

5. Fundamental freedoms and the right to participate in public and political life

26. OHCHR noted that, in the context of restrictions related to the coronavirus disease (COVID-19) pandemic and social movements, and after 25 July 2021, police violence, arrests and abusive prosecutions continued to target journalists, activists and ordinary citizens who exercised their freedom of expression, but that no serious investigations had been carried out and those responsible had not been prosecuted.⁶⁰

27. The Human Rights Committee recommended that Tunisia refrain from intimidating, harassing, arresting, detaining and prosecuting journalists and human rights defenders on the basis of loosely defined offences for exercising their right to freedom of expression. It also recommended that Tunisia expedite the process of revising the Criminal Code, the Code of Military Justice and the Telecommunications Code to bring them into line with articles 18 and 19 of the Covenant.⁶¹

28. The Committee recommended that Tunisia ensure that all allegations of excessive use of force and extrajudicial killings by State agents during demonstrations were investigated promptly, thoroughly and impartially, that those responsible were prosecuted and, if found guilty, were punished, and that the victims obtained redress.⁶² The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Tunisia prevent police violence against protesters in order to protect the freedom of expression and of the press.⁶³ The Special Rapporteur on freedom of peaceful assembly and of association recommended that Tunisia train law enforcement officials in good practices for managing demonstrations in accordance with the relevant international instruments.⁶⁴

29. The Special Rapporteur recommended that Tunisia take legislative measures to remove associations from the scope of Act No. 2018-52 of 29 October 2018 on the national register of companies.⁶⁵

6. Right to privacy

30. OHCHR recommended that Tunisia adopt a code of personal data with a definition that includes sexual data; amend the Code of Criminal Procedure to prohibit any illegal use of personal data and invalidate related procedures; and provide adequate resources to the National Authority for Access to Information and the National Authority for Personal Data Protection.⁶⁶

7. Right to marriage and family life

31. The Human Rights Committee recommended that Tunisia amend the discriminatory provisions of the Personal Status Code, particularly those concerning marriage, inheritance and child custody, with the aim of giving full effect to the principle of gender equality enshrined in the Constitution and the Covenant.⁶⁷ The country team made similar recommendations.⁶⁸

8. Prohibition of all forms of slavery, including trafficking in persons

32. UNHCR welcomed significant advances made towards the enhanced protection afforded to refugees and asylum-seekers against the scourge of trafficking in persons. In December 2021, the national authority against trafficking in persons and the Council of Europe launched the National Referral Mechanism, the first framework of its kind in the Middle East and North Africa for identifying and referring potential victims of trafficking in persons.⁶⁹

33. The Human Rights Committee and the country team recommended that Tunisia allocate sufficient human and technical resources to the National Anti-Trafficking Authority and eliminate forced labour and all forms of exploitation of child labour, by strengthening the role of labour inspectors.⁷⁰ The Committee on the Rights of the Child recommended that Tunisia ensure the effective implementation of the national action plan to combat child labour.⁷¹

9. Right to work and to just and favourable conditions of work

34. The United Nations country team commended Tunisia for the legislative measures taken to reduce unemployment and improve women's working conditions and considered Act No. 2021-37 of 16 July 2021 on the regulation of domestic work to be a major step towards the establishment of decent work. While noting the adoption of a national action plan to promote women's entrepreneurship and a plan on child labour, the United Nations country team acknowledged that the COVID-19 pandemic had led to an increase in unemployment and had weakened the tourism sector and made small and medium-sized enterprises more vulnerable. The United Nations country team found that the State had not committed sufficient resources to implement the legislative reforms adopted.⁷² UNHCR recommended issuing work permits to all recognized refugees, including those who were not in possession of identity documents or passports.⁷³

10. Right to social security

35. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights,⁷⁴ and the country team⁷⁵ recommended establishing a social insurance system against unemployment. The United Nations country team recommended that Tunisia continue efforts to extend social protection to the various socioprofessional categories, especially the most vulnerable, and to strengthen the role of the National Council for Social Dialogue.⁷⁶ UNHCR recommended that Tunisia consider expanding access to national social security to all recognized refugees, regardless of their activity and employment status.⁷⁷

11. Right to an adequate standard of living

36. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, requested that urgent measures be taken to curb the rapid increase in the cost of living, which was particularly affecting poor and unemployed persons.⁷⁸ The United Nations country team recommended that Tunisia promote access to decent and affordable housing for vulnerable groups.⁷⁹

12. Right to health

37. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, recommended increasing public resources for the public health sector with a view to restoring and improving the quality, accessibility and affordability of public health services, including free access to services and medicines for all persons without sufficient means in conformity with the Constitution and international human rights law.⁸⁰ The United Nations country team recommended that Tunisia amend Act No. 92-83 of 3 August 1992 on mental health; introduce a sexual and reproductive health education policy, train staff in the prevention of sexism and gynaecological and obstetric violence; collect data; and facilitate the filing of complaints by victims.⁸¹

13. Right to education

38. The Special Rapporteur on education was of the view that Tunisia had succeeded in establishing a very extensive educational infrastructure network and was an example in that regard for other African and Arab countries. She noted the country's challenges in seeking to improve the quality of and access to basic education. She invited the Tunisian Government to establish forums for dialogue with all stakeholders with a view to proposing a bill on the reform of the education system, based on the previously published white paper on the reform. She encouraged the Government to put in place, where necessary, specific measures, including in relation to the causes of school dropout, to ensure that girls were treated equally with boys in terms of access to education. She recommended that Tunisia place greater priority on technical education and vocational training and devote a larger share of the budget to improving the quality of education, by modernizing infrastructure, updating teaching materials and supporting the continuous learning of teachers.⁸² The Human Rights Committee recommended that Tunisia urgently take measures to provide free and compulsory primary education to all children and improve access to, and retention in, secondary education, paying particular attention to children living in poverty, children in rural areas and children with disabilities.⁸³ Similar recommendations were made by the United Nations country team⁸⁴ and UNESCO.⁸⁵

14. Cultural rights

39. The United Nations country team recommended that Tunisia adopt the draft law on the status of artists and artistic professions and a national strategy for the preservation of sites and heritage; allocate the necessary funds to maintain and protect cultural sites, include access to culture in local development plans; and ensure effective access to culture for people with disabilities and empower artists with disabilities.⁸⁶

15. Development, the environment, and business and human rights

40. The United Nations country team noted that the socioeconomic situation in Tunisia had been considerably affected by the crisis related to the COVID-19 pandemic, which in turn had had an impact on efforts made to achieve the Sustainable Development Goals and to "leave no one behind".⁸⁷ The United Nations country team also noted that, despite some progress, there were numerous environmental problems relating to, inter alia, waste management, landfills and drinking water supply, and those problems had given rise to social protests. According to the United Nations country team, Tunisia had not yet adopted legislation or established institutional mechanisms to comply with the Guiding Principles on Business and Human Rights.⁸⁸ The United Nations country team recommended that Tunisia speed up the adoption of the draft water code and environmental code, while ensuring respect for human rights and gender issues; adopt measures on corporate social responsibility and respect for human rights; and further integrate sustainable development objectives into public policies and human rights in the country's development plan.⁸⁹

B. Rights of specific persons or groups

1. Women

41. The United Nations country team recommended that Tunisia continue reforms to promote gender equality by strengthening the legal framework and means of implementation set out in Organic Act No. 2017-58 of 11 August 2017 on the elimination of violence against women, including for the care of women victims of violence, by amending discriminatory provisions of the Nationality Code; upholding the sexual and reproductive rights of all women and girls, including those with disabilities, regardless of their migration status, free of charge and with dignity; providing the National Observatory to Eliminate Violence against Women with sufficient resources; and facilitating women's access to agricultural property.⁹⁰ The Human Rights Committee recommended that Tunisia should continue its efforts to improve, in practice, the representation of women in political and public life, including through the adoption of temporary special measures.⁹¹

2. Children

42. The Committee on the Rights of the Child recommended that Tunisia amend its legislation to remove all exceptions that allow for the marriage of those under 18 years of age; develop a comprehensive strategy for preventing and combating all forms of violence against children; raise the legal age of criminal responsibility to at least 14 years of age; strengthen efforts to systematically promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service; and repatriate children born to Tunisian foreign terrorist fighters in armed conflicts abroad, with a view to ensuring their protection, recovery and reintegration.⁹²

3. Persons with disabilities

43. The United Nations country team recommended that Tunisia harmonize Act No. 2005-83 of 15 August 2005 with the Convention on the Rights of Persons with Disabilities to ensure equality for persons with disabilities, to provide for barrier-free access to public buildings and infrastructure without delay and to collect disaggregated data to ensure that the needs of persons with disabilities are effectively taken into account in public policies and in the funding of such policies.⁹³ A similar recommendation was made by the Special Rapporteur on education.⁹⁴

4. Indigenous peoples and minorities

44. The Special Rapporteur on freedom of religion recommended that Tunisia ensure that the Baha'i community was able to secure legal personality to enable members to manifest their faith in accordance with article 18 of the International Covenant on Civil and Political Rights. He stated that efforts must be made to address intolerant societal attitudes that ostracize converts and recommended that Tunisia promote policies of inclusion of all religious and belief groups by fostering interfaith communication, increasing the participation of all in public life, and eliminating indirect and overt forms of discrimination based on religion or belief.⁹⁵

45. The Committee on the Rights of the Child recommended that Tunisia ensure the right of Amazigh children to intercultural and bilingual education that respected their culture and traditions, including by integrating Amazigh as a second language in schools.⁹⁶

5. Lesbian, gay, bisexual, transgender and intersex persons

46. The Independent Expert on sexual orientation and gender identity recommended that Tunisia legally recognize the gender identity of trans persons; ensure the successful execution of the specific actions identified by the National Authority for the Prevention of Torture to strengthen the capacity of staff in detention centres and shelters, in order to prevent torture and ill-treatment; promote, in addition to their political recognition, the recognition of lesbian, gay, bisexual, and transgender persons through the adoption, in all government institutions, of initiatives aimed at documenting the issues faced by these persons; and systematically follow up on allegations of hate crimes against lesbian, gay, bisexual, and transgender persons and consider adopting differentiated approaches to ensure that such allegations were properly investigated.⁹⁷

47. The Independent Expert on sexual orientation and gender identity and the Human Rights Committee recommended that Tunisia repeal article 230 of the Criminal Code, provide law enforcement officials with training on respect for diverse sexual orientations and gender identities, recognize associations for the protection of the rights of lesbian, gay, bisexual, transgender, and intersex persons, and prohibit intrusive medical examinations that have no medical justification.⁹⁸ The United Nations country team made similar recommendations.⁹⁹

6. Migrants, refugees and asylum-seekers

48. UNHCR recommended that Tunisia finalize, without delay, the adoption of a national law on asylum, establishing a strong legislative framework for the protection of the rights of asylum-seekers and refugees. It also recommended issuing temporary residency permits to

recognized refugees, in order to ensure that they can enjoy all of the associated rights and benefits, pending the adoption of a national law on asylum. UNHCR further recommended that Tunisia enhance reception capacity upon disembarkation for those rescued at sea, including by providing appropriate temporary shelters for asylum-seekers, with due regard to the specific needs of minors, unaccompanied or separated children, victims of trafficking and victims of gender-based violence, and taking into account any other vulnerability. It also recommended establishing a national coordination mechanism with a multisectoral and a human rights-based approach for the timely assistance and protection of refugees and asylum-seekers rescued or intercepted at sea.¹⁰⁰ The Committee on the Rights of the Child made a similar recommendation.¹⁰¹ The United Nations country team recommended that Tunisia decriminalize irregular border crossings, stop deporting migrants to countries where they are at risk of serious human rights violations, and prevent and stop attacks on all migrants, particularly those from sub-Saharan Africa, and punish those responsible.¹⁰²

7. Stateless persons

49. UNHCR recommended that Tunisia adopt a national action plan for the prevention and reduction of statelessness, including with the view to establishing a national statelessness determination procedure. It also recommended conducting training for members of the judiciary who might have to decide on the birth registration of refugee and migrant children. UNCHR further recommended establishing a simplified birth registration procedure, taking into account specific challenges faced by refugees, asylum-seekers and other persons who might lack legal documentation.¹⁰³

Notes

- 1 [A/HRC/36/5](#), [A/HRC/36/5/Add.1](#) and [A/HRC/36/2](#).
- 2 United Nations country team submission for the universal periodic review of Tunisia, para. 34; and the Office of the United Nations High Commissioner for Human Rights (OHCHR) submission for the universal periodic review of Tunisia, para. 1, endnote 4. See also [CRC/C/TUN/CO/4-6](#), para. 3.
- 3 Country team submission, para. 1, endnote 5; and OHCHR submission, para. 1, endnote 4. See also [CCPR/C/TUN/CO/6](#), para. 4 (f).
- 4 Country team submission, para. 1, endnote 5; and OHCHR submission para. 1, endnote 4.
- 5 Country team submission, para. 34; OHCHR submission, annex 6; and [CRC/C/TUN/CO/4-6](#), para. 3.
- 6 Country team submission, para. 34.
- 7 *Ibid.*, para. 41.
- 8 *Ibid.*, para. 5.
- 9 *Ibid.*, para. 15.
- 10 *Ibid.*, para. 26.
- 11 *Ibid.*, annex 2, para. 27.
- 12 *Ibid.*, para. 26.
- 13 [CRC/C/TUN/CO/4-6](#), para. 49.
- 14 [CCPR/C/TUN/CO/6](#), para. 28 (d); and OHCHR submission, para. 12.
- 15 [A/HRC/37/54/Add.1](#), para. 86 (i).
- 16 OHCHR submission, annex 4.
- 17 See <https://www.ohchr.org/en/press-releases/2022/04/tunisia-progress-made-concerns-remain-says-un-torture-prevention-body>.
- 18 Country team submission, para. 1; and OHCHR submission, para. 1.
- 19 OHCHR submission, endnote 17.
- 20 *Ibid.*, para. 4.
- 21 [A/HRC/41/41/Add.3](#), para. 99.
- 22 [A/HRC/37/54/Add.1](#), para. 86 (f).
- 23 [CCPR/C/TUN/CO/6](#), para. 8.
- 24 *Ibid.*, para. 30 (a)–(b).
- 25 [A/HRC/40/52/Add.1](#).
- 26 OHCHR submission, para. 5 and endnote 14.
- 27 *Ibid.*, para. 6.
- 28 [CCPR/C/TUN/CO/6](#), para. 10.
- 29 [CRC/C/TUN/CO/4-6](#), para. 11.
- 30 [A/HRC/37/54/Add.1](#), paras. 17 and 86 (g).
- 31 [A/HRC/50/27/Add.1](#), para. 87.

- ³² CCPR/C/TUN/CO/6, para. 52.
- ³³ CAT/OP/TUN/2, para. 8; CRC/C/TUN/CO/4-6, para. 22; and A/HRC/40/52/Add.1, para. 56.
- ³⁴ OHCHR submission, para. 14.
- ³⁵ CAT/OP/TUN/2, paras. 21 and 24; CRC/C/TUN/CO/4-6, para. 22 (c); and A/HRC/40/52/Add.1, para. 59 (e).
- ³⁶ CAT/OP/TUN/2, para. 10 (c), A/HRC/40/52/Add.1, para. 59 (f).
- ³⁷ UNHCR submission for the universal periodic review of Tunisia, p. 2.
- ³⁸ CCPR/C/TUN/CO/6, para. 18 (b); and the country team submission, para. 28.
- ³⁹ CCPR/C/TUN/CO/6, paras. 27 and 28 (c); and the OHCHR submission, paras. 11 and 12.
- ⁴⁰ OHCHR submission, paras. 9 and 13.
- ⁴¹ CCPR/C/TUN/CO/6, paras. 33–36.
- ⁴² OHCHR submission, paras. 13–14 and 23.
- ⁴³ Ibid., para. 23.
- ⁴⁴ Ibid., para. 32.
- ⁴⁵ A/HRC/37/54/Add.1, paras. 86 (a)–(c) and 87 (c).
- ⁴⁶ OHCHR submission, para. 32, endnote 92.
- ⁴⁷ Ibid., para. 32.
- ⁴⁸ Ibid., para. 34.
- ⁴⁹ A/HRC/40/52/Add.1, para. 58 (a).
- ⁵⁰ CCPR/C/TUN/CO/6, para. 32.
- ⁵¹ A/HRC/40/52/Add.1, paras. 52–53.
- ⁵² OHCHR submission, paras. 25–26. See also <https://www.ohchr.org/en/press-releases/2022/02/dissolution-tunisi-as-high-judicial-council-seriously-undermines-rule-law>.
- ⁵³ See <https://www.ohchr.org/en/press-releases/2022/04/tunisia-progress-made-concerns-remain-says-un-torture-prevention-body>.
- ⁵⁴ CCPR/C/TUN/CO/6, para. 38 (a).
- ⁵⁵ Ibid., para. 44.
- ⁵⁶ Ibid., para. 12.
- ⁵⁷ OHCHR submission, para. 28.
- ⁵⁸ Ibid., para. 30.
- ⁵⁹ CCPR/C/TUN/CO/6, para. 14 (a)–(b).
- ⁶⁰ OHCHR submission, para. 18.
- ⁶¹ CCPR/C/TUN/CO/6, para. 46 (a)–(b). See also OHCHR submission, paras. 16–17.
- ⁶² CCPR/C/TUN/CO/6, para. 48 (b). See also OHCHR submission, paras. 18–19.
- ⁶³ UNESCO submission for the universal periodic review of Tunisia, p. 8.
- ⁶⁴ A/HRC/41/41/Add.3, para. 102. See also OHCHR submission, para. 19.
- ⁶⁵ A/HRC/41/41/Add.3, para. 108. See also OHCHR submission, para. 19.
- ⁶⁶ OHCHR submission, para. 21.
- ⁶⁷ CCPR/C/TUN/CO/6, para. 22.
- ⁶⁸ Country team submission, para. 26.
- ⁶⁹ UNHCR submission, p. 2.
- ⁷⁰ CCPR/C/TUN/CO/6, para. 40 (a) and (e); and country team submission, para. 18.
- ⁷¹ CRC/C/TUN/CO/4-6, para. 43 (c).
- ⁷² Country team submission, paras. 13–14.
- ⁷³ UNHCR submission, p. 5.
- ⁷⁴ A/HRC/37/54/Add.1, para. 85 (h).
- ⁷⁵ Country team submission, para. 15.
- ⁷⁶ Ibid., para. 15.
- ⁷⁷ UNHCR submission, p. 5.
- ⁷⁸ A/HRC/37/54/Add.1, para. 84.
- ⁷⁹ Country team submission, para. 23.
- ⁸⁰ A/HRC/37/54/Add.1, para. 85 (k).
- ⁸¹ Country team submission, para. 9.
- ⁸² A/HRC/44/39/Add.2, paras. 14, 93, 95, 100 and 112.
- ⁸³ CRC/C/TUN/CO/4-6, para. 37 (a).
- ⁸⁴ Country team submission, para. 12.
- ⁸⁵ UNESCO submission, p. 7.
- ⁸⁶ Country team submission, para. 20.
- ⁸⁷ Ibid., para. 2.
- ⁸⁸ Ibid., para. 22.
- ⁸⁹ Ibid., para. 23.
- ⁹⁰ Ibid., para. 26.
- ⁹¹ CCPR/C/TUN/CO/6, para. 22.

- ⁹² [CRC/C/TUN/CO/4-6](#), paras. 13, 25 (a), 46 (a) and (f) and 48 (a).
⁹³ Country team submission, para. 33.
⁹⁴ [A/HRC/44/39/Add.2](#), para. 99.
⁹⁵ [A/HRC/40/58/Add.1](#), paras. 85 and 89 (e) and (h).
⁹⁶ [CRC/C/TUN/CO/4-6](#), para. 42 (a).
⁹⁷ [A/HRC/50/27/Add.1](#), paras. 84–90.
⁹⁸ Ibid. See also [CCPR/C/TUN/CO/6](#), para. 20.
⁹⁹ Country team submission, para. 31.
¹⁰⁰ UNHCR submission, pp. 3–4.
¹⁰¹ [CRC/C/TUN/CO/4-6](#), para. 41.
¹⁰² Country team submission, para. 41.
¹⁰³ UNHCR submission, p. 4.
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