



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report**

**(Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies
and UN Special Procedures mandate holders)**

- Universal Periodic Review:

TUNISIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and the Human Rights Council's Special Procedure Reports, relating to issues of interest and persons of concern to UNHCR with regards to Tunisia.

1. Treaty Body Reports

CEDAW/C/TUN/CO/6

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN, 47th session**

5 November 2010

Disadvantaged groups of women

56. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women, migrant women, refugee women and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, protection from violence and access to justice.

57. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of disadvantaged groups of women and girls in all areas covered by the Convention and information on specific programmes and achievements.

Nationality

58. The Committee notes with interest the information provided by the delegation about the draft law amending article 6 of the Nationality Code. It remains concerned, however, that the Nationality Code does not provide women with the same rights as men to acquire or transmit their Tunisian nationality. In particular, the Committee is concerned that children born in Tunisia automatically acquire Tunisian nationality through male ascendants, but not through female ascendants. It is further concerned that Tunisian women cannot pass their nationality on to their foreign husbands, unlike Tunisian men who have such right by marriage, and that the children of Tunisian women married to foreigners are still encountering obstacles in acquiring Tunisian nationality.

59. **The Committee requests the State party to expedite the adoption of the draft bill amending article 6 of the Nationality Code and to continue harmonizing its Nationality Code with article 9 of the Convention. It also recommends that the State party withdraw its reservation concerning article 9, paragraph 2.**

CRC/C/TUN/CO/3

COMMITTEE ON THE RIGHTS OF THE CHILD, 54th session

16 June 2010

Sale, trafficking and abduction

63. While noting with appreciation that the State party recently adhered to several international instruments on the matter, the Committee remains concerned that its law does not specifically prohibit human trafficking and that the report of the State party lacks information about the sale, trafficking, including in body organs, and abduction of children in the country.

64. **The Committee recommends that the State party bring domestic law into full compliance with the Convention, its optional protocol on the sale of children, child prostitution and child pornography and other relevant international instruments and adopt further measures to combat the trafficking of children for sexual and other exploitative purposes. It further recommends that a national coordination mechanism and a comprehensive data collection system be established in order to ensure that data on sale, trafficking, including in body organs, and abduction are systematically collected and analysed, and disaggregated by, inter alia, age and sex, and that they provide the tools necessary for the formulation and evaluation of policies. The Committee also recommends that the State party carry out awareness-raising activities on trafficking, including through media campaigns, and that it establish a toll-free child helpline to report cases and support victims of trafficking.**

CERD/C/TUN/CO/19

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, 74th session

23 March 2009

15. The Committee is concerned about the absence of specific legislation on refugees and at the steps reportedly taken to remove refugees. It also notes the information concerning delays in the issuance and renewal of refugees' residence permits.

The Committee invites the State party to elaborate a legislative framework for the protection of refugees in accordance with international standards, to pursue its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and to protect persons who have sought refuge in Tunisia. The Committee also recommends, in accordance with article 5 (b) of the Convention, that the State party should ensure that no person will be forcibly returned to a country where there are substantial grounds for believing that their life or physical integrity may be put at risk. The Committee invites the State party to ensure that, for all refugees, whatever their nationality, residence permits are issued and renewed with no delays and with no requirement to present a valid passport.

16. While taking note of the information provided by the State party, the Committee remains concerned at reports of administrative practices whereby Amazigh given names may not be entered in the civil register.

The Committee recommends that the State party should take all appropriate measures to do away with this practice throughout its territory.

2. Reports by Special Procedures mandate holders

A/HRC/16/51/Add.2

HUMAN RIGHTS COUNCIL, 16th session

Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin

28 December 2010

Refoulement in Tunisian law

44. Under article 59 of Law 2003-75, terrorism is not considered a political offence, and a perpetrator may not, therefore, benefit from the right of asylum. Article 60 governs some technicalities concerning extradition. Domestic legislation does not include a counterpart to the strict non-refoulement clause of article 3 of the Convention against Torture, by which Tunisia is bound.

45. The Special Rapporteur is further concerned about the impact that articles 59 and 60 may have on the asylum procedures, in particular in view of the fact that, although the Tunisian Constitution (1959) prohibits the extradition of political refugees, no national refugee law has been enacted, no specific administrative measures have been established to govern asylum and refugees matters, and no national asylum system has been put in place.

64. In a spirit of cooperation, the Special Rapporteur wishes to make the following recommendations to the Government of Tunisia:

...(g) Scrupulously respect the principle of non-refoulement;

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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