



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the combined twentieth to twenty-second periodic reports of Tunisia*

General information

1. Please provide updated information on the ethnic composition of the State party's population, including the Amazigh, the black Tunisian population and non-citizens such as asylum seekers, refugees, stateless persons and migrants. Please specify which groups, if any, are officially recognized as national or ethnic minorities or indigenous peoples in the State party, taking into account the Committee's general recommendations No. 8 (1990), on the identification of national or ethnic groups, and No. 24 (1999), on the inclusion in State party reports of information on persons belonging to different races, national or ethnic groups or to indigenous peoples.
2. Please provide information on any recent significant developments in the national legal and institutional framework for the promotion and protection of human rights. Please also provide information on the status of the Convention in the domestic legal order and state whether it can be directly invoked in domestic courts. In addition, please provide information on measures taken to increase the visibility of the Convention among the population and to raise awareness of the rights and protection to which individuals are entitled under the Convention.
3. Please provide information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

Article 1

4. Please provide information on the measures that have been taken or are envisaged to ensure that article 21 of the Constitution covers racial discrimination and to adopt the implementing decrees for Organic Act No. 2018-50 of 23 October 2018 on the Elimination of All Forms of Racial Discrimination; if applicable, provide information on these texts. In the absence of implementing legislation, please state what measures or arrangements are in place to prevent racial discrimination and provide protection from it, and whether they are in line with article 1 of the Convention.
5. Please state whether indirect discrimination is covered by the definition of racial discrimination set out in Organic Act No. 2018-50 and in other legislative provisions on racial discrimination, to reflect the definition included in the Convention.
6. Please specify whether the State party's domestic law allows or provides for the adoption of special measures to secure the adequate advancement of individuals and groups protected by the Convention, including the Amazigh, the black Tunisian population and non-

* Adopted by the Committee at its 103rd session (19–30 April 2021).



citizens. If so, please describe such measures and provide information on the results obtained with regard to their implementation.

Article 2

7. Please provide information on the legal and institutional framework, policies adopted and other measures put in place to eliminate racial discrimination, including de facto discrimination by persons, groups or organizations, and to give effect to the provisions of article 2 of the Convention. In particular, please provide information on the measures taken for the practical application of Organic Act No. 2018-50, as well as on the establishment of the National Commission to Combat Racial Discrimination, its mandate and composition and the human and financial resources allocated for its effective functioning.

8. Please provide information on the implementation of Organic Act No. 2018-51 of 29 October 2018 on the Human Rights Commission, in particular on the Commission's mandate, independence and composition and the human and financial resources allocated for its effective functioning, as well as on the measures taken to ensure that the Commission is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please also provide information on measures taken to avoid jurisdictional overlap between the Commission and the National Commission to Combat Racial Discrimination.

Article 3

9. Please state what measures have been taken to prevent, prohibit and eradicate the segregation of individuals and groups protected by the Convention, including the black Tunisian population, ethnic minorities and non-citizens such as asylum seekers, refugees, stateless persons and migrants, in particular in the areas of education and housing.

Article 4

10. Taking into account the Committee's previous concluding observations,¹ please provide information on the legislative, judicial, administrative and other measures taken to bring the State party's legislation fully into line with article 4 of the Convention, in particular measures:

- (a) To criminalize all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination;
- (b) To declare a punishable offence all acts of violence or incitement to such acts against any group of persons because of their race, colour, descent or national or ethnic origin;
- (c) To criminalize the provision of any assistance to racist activities, including the financing thereof;
- (d) To declare punishable by law participation in organizations and organized propaganda activities, and any other propaganda activities, that promote racial discrimination;
- (e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination, directly or indirectly.

11. Please indicate whether racist motives constitute an aggravating circumstance under domestic criminal law and whether the police and judicial authorities refer to them during investigations and trials.

12. Please provide information on decisions taken by the national courts, and other institutions or agencies, in cases involving acts of racial discrimination, in particular those offences dealt with in article 4 of the Convention. Please also provide statistical data on complaints filed, prosecutions launched and sentences imposed for acts prohibited under

¹ CERD/C/TUN/CO/19.

article 4 of the Convention, as well as on the reparation provided to the victims of such acts. In addition, please provide information on administrative or other measures taken to facilitate access to justice for any victim, regardless of his or her residence status.

13. Please provide information on the prerogatives and activities of the Independent High Authority for Audiovisual Communication, established pursuant to Decree-Law No. 2011-116 of 2 November 2011, in particular with regard to combating racial hatred and racial discrimination. Please also provide information on the measures taken to prevent and combat racial discrimination in the media, including online. In this connection, please include information on the follow-up given to the allegations that racist remarks were disseminated in the media about a journalist and a member of the parliament from the black Tunisian community.

Article 5

14. Please provide information on the exercise of the rights set out in article 5 of the Convention, in particular economic, social and cultural rights, including access to employment, education, housing, health and social services, by persons belonging to ethnic groups, including the Amazigh population, by the black population and by non-citizens such as migrants, asylum seekers, refugees and stateless persons.

15. Regarding the Amazigh population, please provide information on:

(a) The possibility of entering Amazigh given names in civil registers and the practical implementation of the measures adopted in this regard by the Ministry of Local Affairs and Environment;

(b) The arrangements put in place to allow Amazigh associations to promote knowledge of Amazigh culture more easily and to take part in the discussion of issues that concern them;

(c) The measures taken to uphold the right of the Amazigh to speak their own language, as well as to ensure the teaching of the Amazigh language and to foster knowledge of Amazigh history and culture in schools at all levels, including the financial resources allocated for this purpose.

16. In relation to the black population living in Tunisia, please provide information on:

(a) The measures taken to investigate allegations of racist physical and verbal violence against this population, including in the media, in particular social media;

(b) The arrangements put in place to ensure equitable representation of persons belonging to this population in public affairs, including in elected bodies and public administration.

17. Regarding migrants, asylum seekers and refugees, including those of sub-Saharan origin, please provide information on:

(a) Migrant detention centres, measures taken to avoid the indefinite detention of migrants in an irregular situation, as well as to ensure that unaccompanied minors and families with children are not placed in detention, and also measures taken to decriminalize illegal entry;

(b) The measures taken to protect these persons against all forms of racial discrimination, xenophobia, hate speech and incitement to racist violence, including in the media, in particular social media;

(c) The adoption of the asylum bill and the establishment of a body to review asylum applications and determine refugee status;

(d) The measures taken to promote the prompt issuance of documents to migrants, asylum seekers and refugees;

(e) The measures taken to prevent and combat racial profiling of these groups, including in the context of the fight against terrorism;

(f) The measures taken to effectively address allegations of extreme exploitation leading to the deaths of migrant workers.

18. Please provide information on the extent of trafficking in persons, including data disaggregated by sex and age, in particular with regard to minorities and migrants. Please also provide information on:

(a) The practical application of Organic Act No. 2016-61 of 3 August 2016 on Preventing and Combating Trafficking in Persons and the measures taken to publicize the Act among law enforcement officials and the general population;

(b) The results of the National Strategy to Combat Trafficking in Persons for the period 2018–2023, and the human and financial resources allocated to the national authority responsible for combating trafficking in persons and to victim protection;

(c) Reported cases of trafficking in persons, complaints filed, investigations conducted, prosecutions launched, sentences imposed on perpetrators and reparation provided to victims;

(d) The protection measures available to victims, including accommodation in shelters, and the protection afforded them against reprisals.

19. Please provide information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including non-citizens. In particular, please provide information on the measures taken:

(a) To ensure their participation in the design and implementation of the response to the COVID-19 pandemic;

(b) To protect them against the effects of the COVID-19 pandemic;

(c) To protect them against discriminatory acts and to counter hate speech and stigmatization in connection with the COVID-19 pandemic;

(d) To mitigate the socioeconomic impact of the COVID-19 pandemic on such persons and groups;

(e) To ensure their access to immunization, taking into account their situation and needs.

Article 6

20. Please provide information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 6 of the Convention. In particular, please provide information on the practice and decisions of courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention. Please also provide information on the burden of proof in civil proceedings for cases involving racial discrimination. In addition, please provide information on measures taken to facilitate access to legal remedies for victims of racial discrimination, in particular victims belonging to vulnerable groups such as ethnic minorities, the black population, migrants, asylum seekers and refugees.

21. Please provide information, including examples, on the types of reparation and redress that are considered adequate in domestic law in cases of racial discrimination.

Article 7

22. Please provide information on measures taken to combat prejudices that lead to racial discrimination and the increasingly common use of discriminatory and pejorative terms; this should include general information on the education system. Please also provide information on human rights education in schools, including in relation to the principles underpinning the Convention, and on the implementation of the relevant articles of Organic Act No. 2018-50. In addition, please provide information on steps taken to include in textbooks, at all

appropriate levels, chapters about the history and culture of groups protected by the Convention and living in the State party's territory, including the Amazigh and the black Tunisian population.

23. Please describe the measures taken to provide intensive training to law enforcement officials to ensure that, in the performance of their duties, they respect and protect human dignity and maintain and uphold the fundamental rights of all persons, without discrimination based on race, colour, or national or ethnic origin. Please also describe measures taken to disseminate, among police and judicial authorities, information on current trends in racist crimes and trafficking in persons so that victims are identified in a timely manner and such crimes are effectively investigated, prosecuted and punished.

24. Please provide information on action taken to raise awareness among media professionals of their particular responsibility not to encourage racist prejudices, to avoid reporting incidents involving members of groups protected by the Convention in a way that blames such groups as a whole and to promote pluralism and the adoption of ethics and press codes that take into account the principles enshrined in the Convention.
